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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0355; Airspace Docket No. 17–AGL–12]

Amendment of Class D and E Airspace; Mosinee, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** of August 3, 2017 that modifies Class D and E airspace at Central Wisconsin Airport, Mosinee, WI, to accommodate new standard instrument approach procedures for instrument flight rules (IFR) operations at the airport. The FAA identified that, in the Class E airspace area extending upward from 700 feet above the surface, the Wausau VORTAC was not removed as a result of the decommissioning of the Mosinee outer marker (OM) and DANCI locator outer marker (LOM) and cancellation of the associated approaches.

DATES: Effective 0901 UTC, August 24, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Walter Tweedy, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX, 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (82 FR 36078, August 3, 2017) Docket No. FAA–2017–0355, modifying Class D airspace and Class E airspace at Central Wisconsin Airport, Mosinee, WI.

Subsequent to publication, The FAA found that the Wausau VORTAC was inadvertently left in the airspace description in Class E airspace extending upward from 700 feet above the surface. The segment that contained the Mosinee outer marker and DANCI locator outer marker, associated with the VORTAC, has been removed due to the decommissioning of these navigation aids and, therefore, removes the need for the Wausau VORTAC. This action makes the correction.

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

Availability and Summary of Documents for Incorporation by Reference

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

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of August 3, 2017 (82 FR 36078) FR Doc. 2017–16284, Amendment of Class D and E Airspace; Mosinee, WI, is corrected as follows:

§ 71.1 [Amended]

AGL WI E5 Mosinee, WI [Corrected]

On page 36080, column 1, on lines 36 and 37, remove the following text:

Wausau VORTAC
(Lat. 44°50′49″ N., long. 89°35′12″ W.)

Issued in Fort Worth, Texas, on August 15, 2017.

Walter Tweedy,

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

[FR Doc. 2017–17751 Filed 8–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0798; Amendment No. 71–49]

Airspace Designations; Incorporation by Reference

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 relating to airspace designations to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.11B, Airspace Designations and Reporting Points. This action also explains the procedures the FAA will use to amend the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points incorporated by reference.

DATES: These regulations are effective September 15, 2017, through September 15, 2018. The incorporation by reference of FAA Order 7400.11B is approved by the Director of the Federal Register as of September 15, 2017, through September 15, 2018.

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

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

FOR FURTHER INFORMATION CONTACT: Sarah A. Combs, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800

Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

FAA Order 7400.11A, Airspace Designations and Reporting Points, effective September 15, 2016, listed Class A, B, C, D and E airspace areas; air traffic service routes; and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in the Federal Aviation Regulations section 71.1, effective September 15, 2016, through September 15, 2017. During the incorporation by reference period, the FAA processed all proposed changes of the airspace listings in FAA Order 7400.11A in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings were published in full text as final rules in the **Federal Register**. This rule reflects the periodic integration of these final rule amendments into a revised edition of Order 7400.11B, Airspace Designations and Reporting Points. The Director of the Federal Register has approved the incorporation by reference of FAA Order 7400.11B in section 71.1, as of September 15, 2017, through September 15, 2018. This rule also explains the procedures the FAA will use to amend the airspace designations incorporated by reference in part 71. Sections 71.5, 71.15, 71.31, 71.33, 71.41, 71.51, 71.61, 71.71, and 71.901 are also updated to reflect the incorporation by reference of FAA Order 7400.11B.

Availability and Summary of Documents for Incorporation by Reference

This document incorporates by reference FAA Order 7400.11B, airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, in section 71.1. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 to reflect the approval by the Director of the Federal Register of the incorporation by reference of FAA Order 7400.11B, effective September 15, 2017, through September 15, 2018. During the incorporation by reference period, the FAA will continue to process all proposed changes of the airspace listings in FAA Order 7400.11B in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of the Order, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in section 71.1.

Regulatory Notices and Analyses

The FAA has determined that this action: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. This action neither places any new restrictions or requirements on the public, nor changes the dimensions or operation requirements of the airspace listings incorporated by reference in part 71.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

■ 2. Section 71.1 is revised to read as follows:

§ 71.1 Applicability.

A listing for Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points can be found in FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552 (a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.11B is effective September 15, 2017, through September 15, 2018. During the incorporation by reference period, proposed changes to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of Class A, B, C, D, and E airspace areas; air traffic service routes; and reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the Order and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.11B may be obtained from Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, (202) 267–8783. An electronic version of the Order is available on the FAA Web site at *http://www.faa.gov/air_traffic/publications.* Copies of FAA Order 7400.11B may be inspected in Docket No. FAA–2017–0798 Amendment No. 71–49 on *http://www.regulations.gov.* A copy of FAA Order 7400.11B may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

§ 71.5 [Amended]

■ 3. Section 71.5 is amended by removing the words ''FAA Order 7400.11A'' and adding, in their place, the words ''FAA Order 7400.11B.''

§ 71.15 [Amended]

■ 4. Section 71.15 is amended by removing the words ''FAA Order 7400.11A'' and adding, in their place, the words ''FAA Order 7400.11B.''

§ 71.31 [Amended]

■ 5. Section 71.31 is amended by removing the words ''FAA Order 7400.11A'' and adding, in their place, the words ''FAA Order 7400.11B.''

§ 71.33 [Amended]

■ 6. Paragraph (c) of section 71.33 is amended by removing the words ''FAA Order 7400.11A'' and adding, in their place, the words ''FAA Order 7400.11B.''

§ 71.41 [Amended]

■ 7. Section 71.41 is amended by removing the words ''FAA Order 7400.11A'' and adding, in their place, the words ''FAA Order 7400.11B.''

§ 71.51 [Amended]

■ 8. Section 71.51 is amended by removing the words ''FAA Order

7400.11A'' and adding, in their place, the words ''FAA Order 7400.11B.''

§ 71.61 [Amended]

■ 9. Section 71.61 is amended by removing the words ''FAA Order 7400.11A'' and adding, in their place, the words ''FAA Order 7400.11B.''

§ 71.71 [Amended]

■ 10. Paragraphs (b), (c), (d), (e), and (f) of section 71.71 are amended by removing the words ''FAA Order 7400.11A'' and adding, in their place, the words ''FAA Order 7400.11B.''

§ 71.901 [Amended]

■ 11. Paragraph (a) of section 71.901 is amended by removing the words ''FAA Order 7400.11A'' and adding, in their place, the words ''FAA Order 7400.11B.''

Issued in Washington, DC, on August 17, 2017.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2017–17750 Filed 8–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2017–0760]

Special Local Regulations; Marine Events Within the Seventh Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for the Ironman Triathlon in Augusta, Georgia on 24 September 2017, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Seventh Coast Guard District identifies the regulated area for this event in Augusta, GA. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.701, Table to § 100.701(f), Line No. 3, will be enforced on September 24, 2017 from 6 a.m. until 12 p.m.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email MST2 Adam White, Marine Safety Unit Savannah Office of Waterways Management, U.S. Coast Guard; telephone 912–652–4353, extension 233, or email *Adam.C.White@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.701, Table to § 100.701(f), COTP Zone Savannah; Special Local Regulations, Line no. 3, from 6 a.m. to 12 p.m. on September 24, 2017 for the Ironman Triathlon. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Seventh Coast Guard District, § 100.701, specifies the location of the regulated area for the Ironman Triathlon which encompasses portions of the Savannah River and its branches. During the enforcement periods, as reflected in § 100.100(c), if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

This notice of enforcement is issued under authority of 33 CFR 100.701 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, Broadcast Notice to Mariners, Marine Safety Security Bulletins, and on-scene designated representatives.

Dated: August 18, 2017.

N.C. Witt,

Commander, U.S. Coast Guard, Captain of the Port Savannah.

[FR Doc. 2017–17962 Filed 8–23–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2017–0763]

Special Local Regulation; Southern California Annual Marine Events for the San Diego Captain of the Port Zone—San Diego Bayfair

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement regulation.

SUMMARY: The Coast Guard will enforce the San Diego Bayfair special local regulations on the waters of Mission Bay, California from 7 a.m. to 6 p.m. from September 15, 2017, to September 17, 2017. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 100.1101, Table 1, Item 12, will be enforced from 7 a.m. September 15, 2017, through 6 p.m. September 17, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions about this publication of enforcement, call or email Lieutenant Junior Grade Briana Biagas, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations for the San Diego Bayfair race event in Mission Bay, CA in 33 CFR 100.1101, Table 1, Item 12, of that section from 7 a.m. on September 15, 2017 until 6 p.m. September 17, 2017. This action is being taken to provide for the safety of life on navigable waterways during the race. The Coast Guard's regulation for recurring marine events in the San Diego Captain of the Port Zone identifies the regulated area for this event. Under the provisions of 33 CFR 100.1101, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This document is issued under authority of 5 U.S.C. 552 (a) and 33 CFR 100.1101. In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, Broadcast Notice to Mariners, and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: August 9, 2017.

J.R. Buzzella,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2017–17959 Filed 8–23–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0718]

RIN 1625–AA00

Safety Zone; Village of Sodus Point Fireworks; Lake Ontario, Sodus Point, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Ontario, Sodus Point, NY. This safety zone is intended to restrict vessels from portions of Lake Ontario during the Village of Sodus Point Fireworks display on September 2, 2017. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo.

DATES: This rule is effective from 9:45 p.m. to 11 p.m. on September 2, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0718 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are impracticable, unnecessary, or contrary to the public interest. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard's ability to protect spectators and vessels from the hazards associated with a fireworks display.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register** because doing so would be impracticable and contrary to the public interest. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in the vicinity of the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Buffalo (COTP) has determined that a fireworks display presents significant risks to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display takes place.

IV. Discussion of the Rule

This rule establishes a safety zone on September 2, 2017 from 9:45 p.m. to 11:00 p.m. The safety zone will encompass all waters of Lake Ontario; Sodus Point, NY contained within 560-foot radius of: 43°16′33″ N., 076°58′27″ W. (NAD 83).

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs''), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

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

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

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced only during the fireworks display. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within the particular areas are expected to be minimal. Under certain conditions, moreover, vessels

may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that it is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a temporary safety zone. It is categorically excluded under section 2.B.2, figure 2–1, paragraph 34(g) of the Instruction, which pertains to establishment of safety zones. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0718 to read as follows:

§ 165.T09–0718 Safety Zone; Village of Sodus Point Fireworks; Lake Ontario, Sodus Point, NY.

(a) *Location.* The safety zone will encompass all waters of Lake Ontario; Sodus Point, NY contained within a 560-foot radius of: 43°16′33″ N., 076°58′27″ W. (NAD 83).

(b) *Enforcement period.* This regulation will be enforced on September 2, 2017 from 9:45 p.m. until 11:00 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all

directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: August 17, 2017.

Joseph S. Dufresne,

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

[FR Doc. 2017–17933 Filed 8–23–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0371; FRL–9966–47–Region 4]

Air Plan Approval; Alabama: PSD Replacement Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a portion of Alabama's State Implementation Plan (SIP) revision submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM), on May 7, 2012. The portion of the revision that EPA is approving relates to the State's Prevention of Significant Deterioration (PSD) permitting regulations. In particular, the revision adds a definition of ''replacement unit'' and provides that a replacement unit is a type of existing emissions unit under the definition of ''emissions unit.'' This action is being taken pursuant to the Clean Air Act (CAA or Act).

DATES: This direct final rule is effective October 23, 2017 without further notice, unless EPA receives adverse comment by September 25, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No EPA–R04–OAR–2017–0371 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Andres Febres of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Febres can be reached by telephone at (404) 562–8966 or via electronic mail at *febres-martinez.andres@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is the Agency taking?

On May 7, 2012, ADEM submitted a SIP revision for EPA's approval that includes, among other things, changes to Alabama's PSD permitting regulations as part of the State's New Source Review (NSR) permitting program.[1] The NSR program, established in parts C and D of title I of the CAA and EPA's implementing regulations at 40 CFR 51.165, 40 CFR 51.166, and 40 CFR 52.21, is a preconstruction review and permitting program applicable to new major stationary sources of regulated NSR pollutants and major modifications at existing major stationary sources. A major modification is defined as any physical change in or change in the method of operation of a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source. *See* 40 CFR 51.165(a)(1), 51.166(b)(2)(i), and 52.21(b)(2)(i).

In this document, EPA is taking direct final action to approve the portions of this submittal that make changes to ADEM Administrative Code Rule 335–3–14–.04—''Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)].'' Alabama's May 7, 2012, SIP submittal changes the PSD regulations at Rule 335–3–14–.04 by adding a definition of ''replacement unit'' and by modifying the definition of ''emissions unit'' to expressly include replacement units as existing emissions units. As revised in the May 5, 2017, withdrawal letter discussed in Section III, below, these changes are similar to those made to the Federal PSD regulations at 40 CFR 52.21(b)(7) and (33) in the rule titled ''Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration'' *See* 68 FR 63021 (November 7, 2003) (hereinafter referred to as the NSR Reform Reconsideration Rule).

EPA is not taking action on the portions of Alabama's May 7, 2012, submittal regarding ADEM Administrative Code Chapter 335–3–10—''Standards of Performance for New Stationary Sources,'' and Chapter 335–3–11—''National Emission Standards for Hazardous Air Pollutants.'' In the submittal, Alabama acknowledges that these regulations are not part of Alabama's SIP and states that the ''revisions to these [regulations] are not proposed to be incorporated into Alabama's SIP.''

II. Background

A. NSR Reform

On December 31, 2002, EPA published final rule revisions to the CAA's PSD and Nonattainment New Source Review (NNSR) programs. *See* 67 FR 80186 (hereinafter referred to as the 2002 NSR Rule). The revisions included several major changes to the NSR program, including the addition of an actual-to-projected-actual emissions test for determining NSR applicability for existing emissions units.

Following publication, EPA received numerous petitions requesting reconsideration of several aspects of the final rule. On July 30, 2003 (68 FR 44624), EPA granted reconsideration on six issues, including whether replacement units should be allowed to use the actual-to-projected-actual applicability test to determine whether installing a replacement unit results in a significant emissions increase. On November 7, 2003, EPA published the NSR Reform Reconsideration Rule. *See* 68 FR 63021. In the reconsideration

[1] EPA's regulations governing the implementation of NSR permitting programs are contained in 40 CFR 51.160—51.166; 52.21, 52.24; and part 51, appendix S. The CAA NSR program is composed of three separate programs: PSD, NNSR, and Minor NSR. PSD is established in part C of title I of the CAA and applies in areas that meet the NAAQS—''attainment areas''—as well as areas where there is insufficient information to determine if the area meets the NAAQS—''unclassifiable areas.'' The NNSR program is established in part D of title I of the CAA and applies in areas that are not in attainment of the NAAQS—''nonattainment areas.'' The Minor NSR program addresses construction or modification activities that do not qualify as ''major'' and applies regardless of the designation of the area in which a source is located. Together, these programs are referred to as the NSR programs.

rule, EPA continued to allow the owner or operator of a major stationary source to use the actual-to-projected-actual applicability test to determine whether installing a replacement unit results in a significant emissions increase. EPA also modified the rules by: (1) Adding a definition of ''replacement unit,'' and (2) revising the definition of ''emissions unit'' to clarify that a replacement unit is considered an existing emissions unit and therefore is eligible for the actual-to-projected-actual test for major NSR applicability determinations. The 2002 NSR Rule and the NSR Reform Reconsideration Rule are hereinafter collectively referred to as the ''2002 NSR Reform Rules.''

B. Equipment Replacement Provision

Under Federal regulations, certain activities are not considered to be a physical change or a change in the method of operation at a source, and thus do not trigger NSR review. One category of such activities is routine maintenance, repair and replacement (RMRR). On October 27, 2003, EPA published a rule titled ''Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion'' (hereinafter referred to as the ERP Rule). *See* 68 FR 61248. The ERP Rule provided criteria for determining whether an activity falls within the RMRR exemption. The ERP Rule provided a list of equipment replacement activities that are exempt from NSR permitting requirements, while ensuring that industries maintain safe, reliable, and efficient operations that will have little or no impact on emissions. Under the ERP Rule, a facility undergoing equipment replacement would not be required to undergo NSR review if the facility replaced any component of a process unit with an identical or functionally equivalent component. The rule included several modifications to the NSR rules to explain what would qualify as an identical or functionally equivalent component.

Shortly after the October 27, 2003 rulemaking, several parties filed petitions for review of the ERP Rule in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit). The D.C. Circuit stayed the effective date of the rule pending resolution of the petitions. A collection of environmental groups, public interest groups, and States, subsequently filed a petition for reconsideration with EPA, requesting that the Agency reconsider certain aspects of the ERP Rule. EPA granted the petition for reconsideration on July 1, 2004. *See* 69 FR 40278.[2] After the reconsideration, EPA published its final response on June 10, 2005, which stated that the Agency would not change any aspects of the ERP. *See* 70 FR 33838 (June 10, 2005). On March 17, 2006, the D.C. Circuit acted on the petitions for review and vacated the ERP Rule.[3]

III. Analysis of the State's Submittal

Alabama's May 7, 2012, SIP revision makes changes to the State's PSD permitting regulations by adding a definition of ''replacement unit'' at Rule 335–3–14–.04(2)(bbb) and by modifying the definition of ''emissions unit'' at Rule 335–3–14–.04(2)(g) to expressly include replacement units as existing emissions units. As of the date of the submittal, these changes were intended to reflect revisions to the Federal regulations regarding replacement units included in the NSR Reform Reconsideration Rule and to reflect revisions regarding functionally equivalent components in the ERP Rule, as described in Sections II.A and II.B of this action, above.

The SIP revision initially sought to add a definition of ''replacement unit'' at Rule 335–3–14–.04(2)(bbb) that combined the Federal definition of ''replacement unit'' with language concerning functionally equivalent units and basic design parameters from the ERP Rule. However, the ERP Rule was vacated by the D.C. Circuit following the submittal of Alabama's SIP revision. Accordingly, on May 5, 2017, Alabama submitted a letter to EPA withdrawing, among other things, portions of the definition of ''replacement unit'' form its May 7, 2012, SIP revision that incorporated language from the ERP Rule with the exception of one sentence in subparagraph (bbb)(3) that provides an example of a ''basic design parameter'' as it relates to a replacement unit. EPA has evaluated this sentence, and the Agency believes that it is simply an illustrative example and that Alabama's provisions relating to RMRR remain consistent with Federal provisions and the CAA regarding RMRR. Pursuant to the withdrawal letter, the text of Rule 335–3–14–.04(2)(bbb)(3) for incorporation into the SIP reads as follows:

> Replacement unit means an emissions unit for which all the criteria listed in subparagraphs (2)(bbb)1. through 4. of this section are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced. A replacement unit is subject to all permitting requirements for modifications under this rule.
>
> 1. The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.
>
> 2. The emissions unit is identical to or functionally equivalent to the replaced emissions unit.
>
> 3. The replacement does not alter the basic design parameters of the process unit. Basic design parameters of a replaced unit shall also include all source specific emission limits and/or monitoring requirements.
>
> 4. The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

In Rule 335–3–14–.04(2)(g), Alabama revises the definition of ''Emissions Unit'' by adding a new sentence at subparagraph (g)(2) that expressly includes replacement units as existing emissions units. This sentence references the new definition of ''replacement unit'' at Rule 335–3–14–.04(2)(bbb), as presented above, and is consistent with the Federal definition of the term ''replacement unit'' at 40 CFR 52.21(b)(33). EPA has concluded that adding this change and Rule 335–3–14–.04(2)(bbb) to the SIP will not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the CAA.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of ADEM Administrative Code Rules 335–3–14–.04(2)(g) and 335–3–14–.04(2)(bbb), state effective on May 29, 2012. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by EPA for inclusion in the

[2] The reconsideration granted by EPA opened a new 60-day public comment period, and carried out a new public hearing, only on three issues of the ERP. These three issues included: (1) The basis for determining that the ERP was allowable under the CAA; (2) the basis for selecting the cost threshold (20 percent of the replacement cost of the process unit) that was used in the final rule to determine if a replacement was routine; and (3) a simplified procedure for incorporating a Federal Implementation Plan into State Plans to accommodate changes to the NSR rules.

[3] *New York* v. *EPA,* 443 F.3d 880 (D.C. Cir. 2006).

State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[4]

V. Final Action

EPA is taking direct final action to approve the portions of Alabama's May 7, 2012, SIP submittals, as revised via the State's May 5, 2017 withdrawal letter, that modify Rule 335–3–14–.04(2)(g) and add Rule 335–3–14–.04(2)(bbb), as described above. This action is limited to the two rule revisions currently before the Agency and does not modify any other PSD rules in Alabama's SIP.

EPA is approving the aforementioned changes to the SIP without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 23, 2017 without further notice unless the Agency receives adverse comments by September 25, 2017.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All adverse comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 23, 2017 and no further action will be taken on the proposed rule.

Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

VI. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 23, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 7, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF PLANS

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

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

Subpart B—Alabama

■ 2. Section 52.50(c) is amended under ''Chapter No. 335–3–14 Air Permits'' by

[4] 62 FR 27968 (May 22, 1997).

revising the entry for ''Section 335–3–14–.04'' to read as follows:

§ 52.50 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED ALABAMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Chapter No. 335–3–14 Air Permits				
Section 335–3–14–.04 ...	Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)].	5/29/2012	8/24/2017 [Insert citation of publication].	As of August 24, 2017 Section 335–3–14–.04 does not include Alabama's revision to adopt the $PM_{2.5}$ SILs threshold and provisions (as promulgated in the October 20, 2010 $PM_{2.5}$ PSD Increment-SILs-SMC Rule at 40 CFR 1.166(k)(2) and the term ''particulate matter emissions'' (as promulgated in the May 16, 2008 NSR $PM_{2.5}$ Rule (at 40 CFR 51.166(b)(49)(vi)).
*	*	*	*	*

* * * * *

[FR Doc. 2017–17342 Filed 8–23–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160906822–7547–02]

RIN 0648–BG33

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic Region; Amendment 37; Correction

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

ACTION: Final rule; correction.

SUMMARY: NMFS published a final rule on July 25, 2017, to implement management measures described in Amendment 37 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 37). This notification corrects the coordinate contained in footnote 2 to Table 1 in the regulatory text to be consistent with the same management boundary and coordinate described in other regulations applicable to the snapper-grouper fishery.

DATES: This correction notice is effective on August 24, 2017.

FOR FURTHER INFORMATION CONTACT: Adam Bailey, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *adam.bailey@noaa.gov.*

SUPPLEMENTARY INFORMATION: On July 25, 2017, NMFS published a final rule in the **Federal Register** (82 FR 34584) to implement management measures in Amendment 37. The final rule modifies the fishery management unit boundaries for hogfish in the South Atlantic by establishing two hogfish stocks, a Georgia through North Carolina (GA/NC) stock and a Florida Keys/East Florida (FLK/EFL) stock; establishes a rebuilding plan for the FLK/EFL hogfish stock; specifies fishing levels and accountability measures (AMs), and modifies or establishes management measures for the GA/NC and FLK/EFL stocks of hogfish. The purpose of the final rule is to manage hogfish using the best scientific information available while ending overfishing and rebuilding the FLK/EFL hogfish stock. The final rule is effective August 24, 2017.

Need for Correction

As explained in the final rule for Amendment 37, NMFS corrected an error with the footnotes in Table 1 of § 622.1. After the final rule published, NMFS discovered an additional error in one of those footnotes addressed in the final rule for Amendment 37. NMFS determined that a coordinate describing a management boundary for black sea bass and scup in footnote 2 was inaccurate and inconsistent with the same management boundary referenced in subpart I of part 622 of the Code of Federal Regulations. NMFS publishes this notification to correct that mistake. The coordinate in footnote 2 is intended to be ''35°15.19′'', not ''35°15.9′''.

Corrections

In the **Federal Register** on July 25, 2017, in FR Doc. 2017–15588:

1. On p. 34594, instruction 2 is corrected to read as follows:

''2. In § 622.1, revise the Table 1 entry for ''FMP for the Snapper-Grouper Fishery of the South Atlantic Region,'' revise the entry for footnote 2, and add footnote 8 to Table 1 to read as follows:''

2. On page 34594, footnote 2 in Table 1 to § 622.1 is corrected to read as follows:

'' [2] Black sea bass and scup are not managed by the FMP or regulated by this part north of 35°15.19′ N. lat., the latitude of Cape Hatteras Light, NC.''

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 21, 2017.

Chris Oliver,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–17970 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160906822–7547–02]

RIN 0648–XF602

Snapper-Grouper Fishery of the South Atlantic; 2017 Recreational and Commercial Closures for the Florida Keys/East Florida Stock of Hogfish in the South Atlantic and Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the recreational and commercial sectors for the Florida Keys/East Florida (FLK/EFL) hogfish stock in the exclusive economic zone (EEZ) for the 2017 fishing year through this temporary rule. NMFS estimates recreational and commercial hogfish landings for the FLK/EFL stock for the 2017 fishing year have reached their respective annual catch limits (ACLs). Therefore, NMFS closes the recreational and commercial sectors for the FLK/EFL stock of hogfish in the South Atlantic and Gulf of Mexico EEZ on August 24, 2017, through the remainder of the 2017 fishing year. This closure is necessary to protect the FLK/EFL hogfish resource.

DATES: This rule is effective 12:01 a.m., local time, August 24, 2017, until 12:01 a.m., local time, January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *nikhil.mehta@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes hogfish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule for Amendment 37 to the FMP established two stocks of hogfish with new stock boundaries under the jurisdiction of the Council (82 FR 34584; July 25, 2017). One stock is the Georgia through North Carolina (GA/NC) hogfish stock, which has a southern boundary extending east from the Florida and Georgia state border to the seaward boundary of the EEZ. The GA/NC stock's management area then extends northward to a line extending east from the North Carolina and Virginia state border to the seaward boundary of the EEZ. The other stock is the FLK/EFL hogfish stock. The FLK/EFL hogfish stock's management area extends south of 25°09′ N. latitude off the west coast of Florida in the Gulf of Mexico (near Cape Sable, Florida), east around South Florida, and then north off the east coast of Florida to a line extending east from the Florida/Georgia border to the seaward boundary of the EEZ. The final rule for Amendment 37 also established ACLs and AMs for both stocks of hogfish. The management measures in the final rule for Amendment 37 are effective on August 24, 2017.

The final rule for Amendment 37 established a recreational ACL of 15,689 fish and a commercial ACL of 3,510 lb (1592 kg), round weight, for the FLK/EFL hogfish stock for the 2017 fishing year. In accordance with regulations at 50 CFR 622.193(u)(2)(i) and (ii), the recreational and commercial AMs for the FLK/EFL stock require an in-season closure of the respective sector if that sector's ACL is met or is projected to be met, and NMFS is then required to close the applicable sector by filing a notification to that effect with the Office of the Federal Register.

NMFS has determined that the 2017 recreational and commercial ACLs for the FLK/EFL hogfish stock established by Amendment 37 have already been reached. This temporary rule implements AMs to close the recreational and commercial sectors for the FLK/EFL hogfish stock for the remainder of the 2017 fishing year. Accordingly, this AM closes the recreational and commercial sectors for the FLK/EFL stock of hogfish in the South Atlantic EEZ effective 12:01 a.m. local time, August 24, 2017, until January 1, 2018, the start of the next fishing year. As established in Amendment 37, harvest for the recreational sector reopens on May 1, 2018, as recreational harvest is prohibited January through April and November through December each year. During recreational and commercial closures, the bag and possession limits for the FLK/EFL stock of hogfish in or from the EEZ are zero.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of the FLK/EFL stock of hogfish in the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(u)(2)(i) and(ii) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and public comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to close the recreational and commercial sectors for the FLK/EFL stock of hogfish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to 5 U.S.C. 553(b)(B), because such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the AMs established by Amendment 37 (82 FR 34584, July 25, 2017) and located at 50 CFR 622.193(u)(2)(i) and (ii) have already been subject to notice and public comment. All that remains is to notify the public of the recreational and commercial closures for the FLK/EFL stock of hogfish for the remainder of the 2017 fishing year. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect the FLK/EFL hogfish resource, since time for notice and public comment will allow for continued recreational and commercial harvest and further exceedance of the recreational and commercial ACLs.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 21, 2017.

Margo B. Schulze-Haugen,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–17958 Filed 8–21–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 163
Thursday, August 24, 2017

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 1 and 2

[Docket No. APHIS–2017–0062]

RIN 0579–AE35

Animal Welfare; Procedures for Applying for Licenses and Renewals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking and request for comments.

SUMMARY: We are soliciting public comment on potential revisions to the licensing requirements under our Animal Welfare Act regulations to promote compliance with the Act, reduce licensing fees, and strengthen existing safeguards that prevent any individual whose license has been suspended or revoked, or who has a history of noncompliance, from obtaining a license or working with regulated animals. We are soliciting public comment on these topics to help us consider ways to reduce regulatory burden and more efficiently ensure the sustained compliance of licensees with the Act.

DATES: We will consider all comments that we receive on or before October 23, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0062.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0062, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0062* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Kay Carter-Corker, Director, National Policy Staff, Animal Care, APHIS, USDA, 4700 River Road Unit 84, Riverdale, MD 20737; (301) 851–3748.

SUPPLEMENTARY INFORMATION: Under the Animal Welfare Act (AWA or the Act, 7 U.S.C. 2131 *et seq.*), the Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, operators of auction sales, and carriers and intermediate handlers. The Secretary has delegated responsibility for administering the AWA to the Administrator of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS). Within APHIS, the responsibility for administering the AWA has been delegated to the Deputy Administrator for Animal Care. Regulations and standards established under the AWA are contained in the Code of Federal Regulations (CFR) in 9 CFR parts 1, 2, and 3 (referred to below as the regulations). Part 1 contains definitions for terms used in parts 2 and 3. Part 2 provides administrative requirements and sets forth institutional responsibilities for regulated parties, including licensing requirements for dealers, operators of auction sales, and exhibitors. Dealers, exhibitors, and operators of auction sales are required to comply in all respects with the regulations and standards, pursuant to 9 CFR 2.100(a).

Under the current regulations, an applicant for an initial license is required to submit an application form, an application fee, and an annual license fee to APHIS-Animal Care (9 CFR 2.1(c)), acknowledge receipt of a copy of the regulations and agree to comply with them by signing the application form (9 CFR 2.2(a)), and demonstrate compliance with the AWA regulations and standards before APHIS can issue a license (9 CFR 2.3(a)). Once a licensee receives a license, a licensee renews his or her license by submitting an annual renewal form and license fee (9 CFR 2.1(d)(1)).

Although an applicant for renewal certifies, to the best of his or her knowledge and belief, that he or she is in compliance with all regulations and standards, the current regulations do not require the applicant to demonstrate compliance before APHIS renews his or her license. The current regulations also do not require a licensee to demonstrate compliance when the licensee makes any subsequent changes to his or her animals or facilities, including noteworthy changes in the number or type of animals used in regulated activity.

In this advance notice of proposed rulemaking, we are soliciting public comment on potential revisions to the licensing requirements to better promote sustained compliance with the AWA, reduce licensing fees and burdens, and strengthen existing safeguards that prevent individuals and businesses who are unfit to hold a license (such as any individual whose license has been suspended or revoked or who has a history of noncompliance) from obtaining a license or working with regulated animals. Potential regulatory changes we are considering include:

- Establishing a firm expiration date for licenses (*e.g.,* after a 3–5 year period), after which the licensee would once again be required to affirmatively demonstrate compliance before obtaining another license;
- Specifying procedures to ensure licensees have ample time to apply for licenses and demonstrate compliance prior to the expiration of an existing license, and issuing conditional licenses to licensees with histories of compliance should they be in jeopardy of an inadvertent lapse in licensure during the license application process;
- Requiring licensees to affirmatively demonstrate compliance when making noteworthy changes subsequent to the issuance of a license in regard to the number, type, or location of animals used in regulated activities;
- Eliminating the application fee and annual license fee and assessing reasonable fees only for licenses issued (as in the example above, such as every 3–5 years);
- Requiring license applicants to disclose any animal cruelty convictions or other violations of Federal, State, or local laws or regulations pertaining to animals;

• With respect to pre-licensing inspections to assess compliance, reducing from three to two the number of opportunities an applicant has to correct deficiencies and take corrective measures before the applicant forfeits his or her application and fee and must reapply for a license;

• Closing a loophole in the current regulations that allows individuals and businesses, although they do not operate as bona fide exhibitors, to become licensed as such in order to circumvent State laws restricting ownership of exotic and wild animals to AWA-licensed exhibitors;

• Strengthening existing prohibitions to expressly restrict individuals and businesses whose licenses have been suspended or revoked from working for other regulated entities, and prevent individuals with histories of noncompliance (or orders suspending or revoking a license) from applying for new licenses through different individuals or business names; and

• Streamlining the procedures for denying a license application, terminating a license, and summarily suspending a license.

To aid in the development of those potential regulatory changes, we invite data and information from the public regarding potential economic effects, including benefits and costs, on dealers, operators of auction sales, and exhibitors, and potential alternatives to reduce regulatory burdens and more efficiently and consistently ensure sustained compliance of licensees with the AWA. In addition, we invite comments from the public on the following questions:

1. Should we propose to establish a firm expiration date for licenses (such as 3–5 years) and if so, what should that date be and why? Please provide supporting data.

2. What fees would be reasonable to assess for licenses issued? Are the existing license fees (9 CFR 2.6) reasonable, or should they be adjusted to take additional factors into consideration, such as the type of animals used in regulated activities? Please provide data in support of any proposed adjustments to the license fees.

3. In addition to the existing prohibitions on any person whose license has been suspended or revoked from buying, selling, transporting, exhibiting, or delivering for transportation animals during the period of suspension or revocation (9 CFR 2.10(c)), should such persons be prohibited from engaging in other activities involving animals regulated under the AWA, such as working for other AWA-regulated entities or using other individual names or business entities to apply for a license? Please suggest specific activities that should be covered and provide supporting data and information.

4. Do you have any other specific concerns or recommendations for reducing regulatory burdens involving the licensing process or otherwise improving the licensing requirements under the AWA?

This action has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget. This action is not a regulatory action under Executive Order 13771.

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.7.

Done in Washington, DC, this day of August 21, 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–17967 Filed 8–23–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0618; Airspace Docket No. 17–ASW–9]

Proposed Establishment of Class D Airspace; Burns Flat, OK; Revocation of Class D Airspace; Clinton-Sherman Airport, OK; and Amendment of E Airspace for the Following Oklahoma Towns: Burns Flat, OK; Clinton, OK; and Elk City, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class D airspace at Clinton-Sherman Airport, Burns Flat, OK; remove Class D airspace at Clinton-Sherman Airport, Clinton-Sherman Airport, OK; and amend Class E airspace extending upward from 700 feet above the surface at Clinton-Sherman Airport, Burns Flat, OK; Clinton Municipal Airport, Clinton, OK; and Elk City Regional Business Airport, Elk City, OK. The FAA is proposing this action due to the decommissioning of the Sayre co-located VHF omnidirectional range and tactical air navigation (VORTAC) facility, which provided navigation guidance for the instrument procedures to these airports. The VORTAC is being decommissioned as part of the VHF omnidirectional range (VOR) Minimum Operational Network (MON) Program.

DATES: Comments must be received on or before October 10, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2017–0618; Airspace Docket No. 17–ASW–9 at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A,

Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class D airspace at Clinton-Sherman Airport, Burns Flat, OK; remove Class D airspace at Clinton-Sherman Airport, Clinton-Sherman Airport, OK; and amend Class E airspace extending upward from 700 feet above the surface at Clinton-Sherman Airport, Burns Flat, OK; Clinton Municipal Airport, Clinton, OK; and Elk City Regional Business Airport, Elk City, OK, to enhance the safety and support the management of IFR operations at these airports.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0618; Airspace Docket No. 17–ASW–9.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 that would:

Establish Class D airspace within a 4.7-mile radius of Clinton-Sherman Airport, Burns Flat, OK, to replace the airspace designation of Clinton-Sherman Airport, Clinton-Sherman Airport, OK, and bring the airspace descriptions in line with the requirements of FAA Order 7400.2L, Procedures for Handling Airspace Matters;

Remove Class D airspace at Clinton-Sherman Airport, Clinton-Sherman Airport, OK; and Modify Class E airspace extending upward from 700 feet above the surface as follows:

Within a 7.2-mile radius (reduced from an 8.2-mile radius) of Clinton-Sherman Airport, Burns Flat, OK, and remove the Burns Flat VORTAC and extensions to the south and north of the airport from the airspace description;

Correcting the airspace header to Clinton, OK, (formerly Clinton Municipal Airport, OK) to comply with FAA Order 7400.2L, remove the extension south of Clinton Regional Airport (formerly Clinton Municipal Airport), add an extension 2 miles each side of the 359° bearing from the airport from the 6.5-mile radius to 7 miles north of the airport, and update the name of the airport to coincide with the FAA's aeronautical database; and

Within a 6.5-mile radius (increased from a 6.4-mile radius) of Elk City Regional Business Airport (formerly Elk City Municipal Airport), Elk City, OK, remove the extension to the northeast of the airport, remove the Elk City RBN from the airspace description, and update the name and geographic coordinates of the airport to coincide with the FAA's aeronautical database.

Airspace reconfiguration is necessary due to the decommissioning of the Sayre VORTAC as part of the VOR MON Program, and to bring the airspace and airspace descriptions into compliance with FAA Order 7400.2L. Controlled airspace is necessary for the safety and management of standard instrument approach procedures for IFR operations at these airports.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASW OK D Burns Flat, OK [New]

Clinton-Sherman Airport, OK
(Lat. 35°20′23″ N., long. 99°12′02″ W.)

That airspace extending upward from the surface to and including 4,500 feet within a 4.7-mile radius of Clinton-Sherman Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ASW OK D Clinton-Sherman Airport, OK [Removed]

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

* * * * *

ASW OK E5 Burns Flat, OK [Amended]

Clinton-Sherman Airport, OK
(Lat. 35°20′23″ N., long. 99°12′02″ W.)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Clinton-Sherman Airport.

* * * * *

ASW OK E5 Clinton, OK [Amended]

Clinton Regional Airport, OK
(lat. 35°32′18″ N., long. 98°55′58″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Clinton Regional Airport, and within 2 miles each side of the 359° bearing from the airport extending from the 6.5-mile radius to 7 miles north of the airport.

* * * * *

ASW OK E5 Elk City, OK [Amended]

Elk City Regional Business Airport, OK
(Lat. 35°25′51″ N., long. 99°23′39″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Elk City Regional Business Airport.

Issued in Fort Worth, Texas, on August 16, 2017.

Walter Tweedy,

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

[FR Doc. 2017–17753 Filed 8–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0145; Airspace Docket No. 17–AGL–4]

Proposed Amendment of Class E Airspace; Burlington, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Burlington Municipal Airport, Burlington, WI. This action is necessary due to the decommissioning of the Burbun VHF omnidirectional range (VOR), and cancellation of the VOR approach procedure, and would enhance the safety and management of instrument flight rules (IFR) operations at the airport, as the FAA transitions to performance-based navigation as part of the Next Generation Air Transportation System (NextGen) to accommodate new standard instrument approach procedures for instrument flight rules (IFR) operations at the airport. This action would also update the geographic coordinates of the airport.

DATES: Comments must be received on or before October 10, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2017–0145 and Airspace Docket No. 17–AGL–4, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: Walter Tweedy, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX, 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

Background

The request to decommission the Burbun VOR was requested by the Plans and Program office in the FAA's Central Service Center. The Burbun VOR was one of the VORs on the list to be decommissioned within the VOR Minimum Operating Network published in the **Federal Register** (81 FR 48694, July 26, 2016). As part of NextGen, the number of conventional navaids would be reduced while more efficient area navigation (RNAV) routes and procedures are implemented throughout the National Airspace System.

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace extending upward from 700 feet above the surface at Burlington Municipal Airport, Burlington, WI.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017- 0145/Airspace Docket No. 17–AGL–4.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX, 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius (reduced from a 7.4-mile radius) of Burlington Municipal Airport, Burlington, WI. Airspace redesign is necessary due to the decommissioning of the Burbun VOR, cancellation of the VOR approach and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database. This action would enhance the safety and management of the standard instrument approach procedures for (RNAV) IFR operations at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL WI E5 Burlington, WI [Amended]

Burlington Municipal Airport, WI
(Lat. 42°41′27″ N., long. 88°18′17″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Burlington Municipal Airport.

Issued in Fort Worth, Texas on August 16, 2017.

Walter Tweedy,

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

[FR Doc. 2017–17755 Filed 8–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM16–6–000]

Essential Reliability Services and the Evolving Bulk-Power System—Primary Frequency Response: Notice of Request for Supplemental Comments

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Request for supplemental comments.

SUMMARY: On November 17, 2016, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) that, among other things, proposed to revise the Commission's regulations to require all newly interconnecting large and small generating facilities, both synchronous and non-synchronous, to install and enable primary frequency response capability as a condition of interconnection. In this document, the Commission seeks supplemental comments related to whether and when electric storage resources should be required to provide primary frequency response, and the costs associated with primary frequency response capabilities for small generating facilities.

DATES: Comments are due September 14, 2017.

ADDRESSES: You may submit comments, identified by Docket No. RM16–6–000, by any of the following methods:

- Electronic filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.
- *Mail/Hand Delivery:* Commenters unable to file comments electronically may mail or hand deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

Jomo Richardson (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6281, *Jomo.Richardson@ferc.gov.*

Mark Bennett (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8524, *Mark.Bennett@ferc.gov.*

SUPPLEMENTARY INFORMATION:

1. On November 17, 2016, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) [1] that proposed to modify the *pro forma* Large Generator Interconnection Agreement (LGIA) and the *pro forma* Small Generator Interconnection Agreement (SGIA), pursuant to its authority under section 206 of the Federal Power Act (FPA) to ensure that rates, terms and conditions of jurisdictional service remain just and reasonable and not unduly discriminatory or preferential.[2] As modified, the *pro forma* LGIA and *pro forma* SGIA would require all new large and small generating facilities, both synchronous and non-synchronous, to install, maintain, and operate equipment capable of providing primary frequency response as a condition of interconnection. The Commission also proposed certain operating requirements, including minimum requirements for droop and deadband parameters, and requirements to ensure the timely and sustained response to frequency deviations in the *pro forma* LGIA and *pro forma* SGIA. In this document, the Commission seeks supplemental comments related to whether and when electric storage resources should be required to provide primary frequency response, and the costs associated with primary frequency response capabilities for small generating facilities.

I. Background

2. Following a Notice of Inquiry (NOI) that explored a broad range of issues regarding primary frequency response and the evolving Bulk-Power System,[3] the Commission issued the NOPR at issue in this proceeding. In the NOPR, the Commission explained that its proposals address concerns that the existing *pro forma* LGIA contains only limited primary frequency response requirements, and those requirements only apply to large synchronous generating facilities, and do not reflect recent technological advancements enabling new large and small non-synchronous generating facilities to install the capability to provide primary frequency response.[4] Further, the Commission stated that to avoid establishing new requirements that could be unduly discriminatory or preferential, the proposed reforms would impose comparable primary frequency response requirements on both new large and small generating facilities.[5] In addition, the Commission did not propose to: (1) Apply these requirements to generating facilities regulated by the Nuclear Regulatory Commission; (2) impose a headroom requirement; or (3) mandate that new generating facilities receive compensation for complying with the proposed requirements, noting that a public utility is not prohibited from filing a proposal for primary frequency response compensation under FPA section 205,[6] if it so chooses.[7]

3. In the NOPR, the Commission explained that the proposed requirements will help ensure adequate primary frequency response capability as the resource mix continues to evolve, with fair and consistent treatment for all types of generating facilities, and will help balancing authorities meet their frequency response obligations under NERC Reliability Standard BAL–003–1.1.[8]

II. Request for Comments

A. Electric Storage Resources

4. The NOPR proposals did not propose provisions specific to electric storage resources. Several commenters raise concerns that, by failing to address electric storage resources' unique technical attributes, the NOPR requirements could pose an unduly discriminatory burden on electric storage resources. The Energy Storage Association (ESA) asserts that the proposed requirements could result in unique, adverse impacts on electric storage resources. Particularly, ESA states that the proposed use of nameplate capacity as the basis for primary frequency response service and the fact that electric storage resources are capable of operating at the full range of their capacity (*i.e.,* they have no minimum set point) will require storage to provide a ''greater magnitude of [primary frequency response] service than traditional generating facilities.'' [9] ESA also explains that while traditional generating facilities would have no primary frequency response obligations while offline, electric storage resources are always online, even when not charging or discharging, and under the requirements proposed in the NOPR, they would therefore be required to provide primary frequency response on a more frequent basis than generating facilities that can go offline.[10] Further, ESA explains that the optimal depth of discharge differs among various electric storage technologies, and exceeding the optimal depth of discharge accelerates the degradation of the facility and

[1] *Essential Reliability Services and the Evolving Bulk-Power System—Primary Frequency Response,* Notice of Proposed Rulemaking, 81 FR 85176 (November 25, 2016), 157 FERC ¶ 61,122 (2016) (NOPR).

[2] 16 U.S.C. 824e (2012).

[3] *Essential Reliability Services and the Evolving Bulk-Power System—Primary Frequency Response,* 154 FERC ¶ 61,117 (2016).

[4] NOPR, 157 FERC ¶ 61,122 at PP 2, 11, 13.

[5] *Id.* P 2.

[6] 16 U.S.C. 824d (2012).

[7] *Id.* PP 1, 55.

[8] *Id.* P 43. In January 2014, the Commission approved Reliability Standard BAL–003–1 requiring balancing authorities to meet a minimum required Frequency Response Obligation. While Reliability Standard BAL–003–1 establishes requirements for balancing authorities, it does not impose requirements on individual generating facilities. *Frequency Response and Frequency Bias Setting Reliability Standard,* Order No. 794, 146 FERC ¶ 61,024 (2014).

[9] ESA Comments at 4.

[10] *Id.* at 3–4.

increases operations and maintenance costs.[11]

5. To address its concerns, ESA requests that the Final Rule: (1) Allow electric storage resources to specify a minimum set point for the purposes of primary frequency response capability as a condition of interconnection; and (2) include inadequate state of charge as an operational constraint that would relieve electric storage resources from the sustained response requirement.[12] In the absence of these changes, ESA requests an exemption from the proposed primary frequency response requirements.[13] In its comments, AES Companies (AES) seeks a complete exemption from the proposed NOPR requirements for electric storage resources.[14] AES also asserts that a droop requirement of five percent would needlessly limit the contribution that electric storage resources that are specifically designed for primary frequency response can make to grid stability.[15]

6. In light of these concerns, the Commission seeks additional information to better understand the performance characteristics and limitations of electric storage resources, possible ramifications of the proposed primary frequency response requirements on electric storage resources, and what changes, if any, are needed to address the issues raised by ESA and others. Accordingly, the Commission seeks comment on the following questions:

1. Some commenters state that certain proposed requirements are not appropriate for electric storage resources, in particular, certain of the proposed settings related to droop (*e.g.,* basing the droop parameter on nameplate capacity) and the requirement for timely and sustained response to frequency deviations.

a. Are there challenges or operational implications (*e.g.,* unusual or excessive wear and tear) of requiring electric storage resources to implement the proposed operating settings for droop (including basing the droop parameter on nameplate capacity), deadband, and timely and sustained response? If so, please provide an explanation, and explain how these challenges are different than those faced by other synchronous and non-synchronous generating facilities.

b. Also, please explain whether and how possible impacts of the proposed requirements on electric storage resources vary by their state of charge, and whether those possible impacts are the same or different for all electric storage technologies. If these impacts vary by the type of electric storage technology, please elaborate.

c. If the proposed operating settings for droop, deadband, and sustained response would cause any operational or other concerns unique to electric storage resources that would justify different operating settings than those proposed in the NOPR, what minimum requirements for droop, deadband, and timely and sustained response might be more appropriate for the effective provision of primary frequency response from electric storage resources? Or are there parameters other than those discussed in the NOPR (*e.g.,* droop, deadband) that are more applicable to electric storage resources that could be used to accomplish effective timely and sustained primary frequency response? If so, what would those parameters be?

2. Are there risks associated with requiring electric storage resources, which are energy-limited, to provide timely and sustained primary frequency response, such as possible adverse effects on an electric storage resource's ability to fulfill other obligations (*e.g.,* providing energy or other ancillary services)?

3. Please describe the relationship between electric storage resources being online and the provision of primary frequency response.

a. Are electric storage resources that are always online available on a more frequent basis to provide primary frequency response than generating facilities that start-up and shut-down (*i.e.,* go offline)? If so, please elaborate on possible operational or other impacts, if any, that the proposed requirements may have on generating facilities that are always online, as compared to generating facilities that go offline.

b. Please discuss whether it is possible to ''turn off'' an electric storage resource's primary frequency response capability (*i.e.,* disable the ability to respond to frequency deviations without physically disconnecting from the grid) when the electric storage resource is neither charging nor discharging and not providing other services (*e.g.,* energy or other ancillary services) to the power system. To the extent possible, please explain if this ability would vary by the type of electric storage technology.

4. Please explain what is meant by ''minimum set point'' and elaborate on how and by whom it would be defined and determined.

a. Could possible adverse impacts of the proposed primary frequency response requirements on electric storage resources be minimized or eliminated, if owners/operators of such resources or another entity were allowed to establish a minimum set point for the provision of primary frequency response service? If so, please elaborate.

b. Would the primary frequency response requirements proposed in the NOPR result in electric storage resources that have no such minimum set point providing a greater magnitude of primary frequency response for a given frequency deviation than other generating facilities of equal nameplate capacity that have a minimum set point? Please provide an explanation as to why this is or is not the case.

c. How and in what ways would the implementation of such a minimum set point change an electric storage resource's response to frequency deviations, as compared to other generating facilities that do not implement a minimum set point? As part of this explanation, please explain whether the implementation of a minimum set point would: (1) Limit the provision of primary frequency response for electric storage resources to a megawatt (MW) range (*i.e.,* between a minimum value and the nameplate capacity of the electric storage resource); (2) be used in lieu of nameplate capacity as the basis of the droop curve (*i.e.,* reduce the expected proportional MW response to frequency deviations below that of other generating facilities of equivalent nameplate capacity for a given percentage droop (*e.g.,* a 5 percent droop)); or (3) be used in some other way.

d. If owners/operators of electric storage resources or another entity were allowed to establish a minimum set point for the purposes of primary frequency response:

i. How would they determine the appropriate value of the minimum set point for a given electric storage resource? What technical characteristics or economic factors should be considered in establishing a minimum set point for the various types of electric storage resources?

ii. Should the minimum set point be static, or dynamic and subject to change based on technical or other factors? If it is subject to change, please explain the factors that would warrant such changes.

iii. Should owners/operators of electric storage resources be required to specify in their interconnection agreements the value of the minimum set point and indicate whether it is

[11] *Id.*

[12] *Id.* at 4–5.

[13] *Id.* at 5.

[14] AES Comments at 17 and 19 (specifying changes to the proposed *pro forma* language).

[15] *Id.* at 6–7.

static or dynamic? In what manner should this information be provided to the relevant balancing authority?

5. Please explain what is meant by ''inadequate state of charge'' and elaborate on how and by whom it would be defined and determined.

a. Could possible adverse impacts of the proposed primary frequency response requirements on electric storage resources be minimized or eliminated if owners/operators of such resources or another entity were allowed to define inadequate state of charge as an explicit operational constraint relieving electric storage resources from providing sustained response when in that ''inadequate'' state? If so, please elaborate.

b. If owners/operators of electric storage resources or another entity were allowed to define inadequate state of charge as an operational constraint for electric storage resources:

i. How would they determine what level of charge is ''inadequate'' thus preventing electric storage resources from providing sustained primary frequency response output?

ii. Should the inadequate state of charge parameter be static, or dynamic and subject to change based on technical or other factors? If it is subject to change, please explain the factors that would warrant such changes.

iii. Should owners/operators of electric storage resources be required to specify in their interconnection agreements a parameter for ''inadequate state of charge'' and indicate whether it is static or dynamic? In what manner should this information be provided to the relevant balancing authority?

6. What impacts, if any, would owners/operators of electric storage resources experience if their resources are not allowed to maintain a specified range of state of charge?

a. Is there a certain range of state of charge (expressed as a percentage of total charge) that would enable an electric storage resource to provide primary frequency response without possible adverse impacts?

b. Would this range be the same for all electric storage resources, or would it depend on the particular technology of a given electric storage resource and/or the duration that the resource could sustain its output?

c. Are there differences in terms of adverse impacts on an electric storage resource depending on whether its state of charge is low (*e.g.,* five percent remaining charge) or high (*e.g.,* 98 percent remaining charge)? If so, please elaborate.

d. To the extent there are adverse impacts, would they differ for different electric storage technologies? If so, please elaborate.

7. In lieu of (1) establishing a minimum set point for electric storage resources and (2) including an inadequate state of charge as an operational constraint, could owners/operators of all or certain types of electric storage resources or another entity specify an operating range [16] outside of which electric storage resources would not be required to provide and/or sustain primary frequency response to prevent adverse impacts on the electric storage resources?

a. Would it be possible to base such an operating range on manufacturer specifications and, if so, would establishing such an operating range potentially address concerns about the harm to the resource, degradation of its useful life, or other potential adverse impacts?

b. Would it be possible to specify such an operating range at the time of interconnection and include the operating range in the interconnection agreement? By what means should the operating range be communicated to the relevant balancing authority?

8. Are there other mechanisms or ways to address the concerns raised by ESA and others on the proposed primary frequency response requirements instead of: (1) Establishing a minimum set point and including an inadequate state of charge as an operational constraint; or (2) establishing an operating range as described above.

B. Small Generating Facilities

7. In the NOPR, the Commission proposed that small generating facilities be subject to new primary frequency response requirements in the *pro forma* SGIA. The Commission stated that the record indicates that small generating facilities are capable of installing and enabling governors at low cost in a manner comparable to large generating facilities.[17]

8. Some commenters raise concerns that small generating facilities could face disproportionate costs to install primary frequency response capability.[18] For example, the Public Interest Organizations state that the Commission's discussion of the economic impact on small generating facilities of installing primary frequency response capability is limited, and claims the information in the NOPR does not directly support the Commission's conclusion that ''small generating facilities are capable of installing and enabling governors at low cost in a manner comparable to large generating facilities.'' [19] Public Interest Organizations encourage the Commission to further investigate the cost for small renewable energy generating facilities to install frequency response capability before making the proposed revisions to the *pro forma* SGIA.[20] National Rural Electric Cooperative Association (NRECA) asserts that the record is insufficient to conclude that the proposed primary frequency response capability requirement will not pose an undue burden on smaller generating facilities.[21]

9. Other commenters request that the Commission consider a size limitation. In particular, Idaho Power Company (Idaho Power), NRECA, and Tennessee Valley Authority (TVA) request the Commission adopt a size limitation for applying the NOPR requirements.[22]

10. To augment the record regarding the ability of small generating facilities to comply with the proposed primary frequency response requirements, and their potential economic impact, the Commission seeks comment on the following questions:

1. Are the costs for small generating facilities to install, maintain, and operate governors or equivalent controls proportionally comparable to the costs for large generating facilities? If costs are proportionally higher for small generating facilities to install, maintain, and operate governors or equivalent controls, what accounts for these higher costs? Quantify, to the extent possible, any general differences in these costs between small and large generating facilities.

2. If small generating facilities were required to comply with the proposed primary frequency response requirements, do recent technological advances in primary frequency response capability minimize or eliminate possible barriers to entry of small generating facilities? If not, in what specific ways could the proposed requirements be a barrier to entry? Should such negative impacts occur, please discuss means by which the

[16] For the purposes of this document, ''operating range'' is defined as minimum state of charge, maximum state of charge, maximum rate of charge, and maximum rate of discharge.

[17] NOPR, 157 FERC ¶ 61,122 at P 41 (citing IEEE–P1547 Working Group Comments at 1, 5, and 7).

[18] Public Interest Organizations Comments at 3; NRECA Comments at 8.

[19] Public Interest Organizations Comments at 3 (citing NOPR, 157 FERC ¶ 61,122 at P 42).

[20] *Id.* at 3–4.

[21] NRECA Comments at 8.

[22] Idaho Power Comments at 2; NRECA Comments at 8; TVA Comments at 3–4.

Commission could potentially mitigate or eliminate them?

3. Is an exemption appropriate for all or a subset of small generating facilities based on possible disproportionate cost impacts of installing the capability to provide primary frequency response? If so, please provide specific cost data demonstrating that is the case.

4. Given their increasing market penetration and operational role in the Bulk-Power System, please discuss the extent to which small generating facilities are necessary to ensure adequate primary frequency response.

5. Please discuss whether PJM Interconnection, L.L.C.'s (PJM's) recent changes to its interconnection agreements, which require new large and small non-synchronous generating facilities to install enhanced inverters that include primary frequency response capability,[23] address concerns regarding possible disproportionate costs or barriers resulting from applying the NOPR proposals to the entire set of small generating facilities. If yes, please discuss the viability of applying PJM's approach in other regions.

III. Comment Procedures

11. The Commission invites interested persons to submit comments on the matters and issues proposed in this document to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due September 14, 2017. Comments must refer to Docket No. RM16–6–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

12. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

13. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

14. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

IV. Document Availability

15. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

16. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

17. User assistance is available for eLibrary and the FERC's Web site during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Issued: August 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17952 Filed 8–23–17; 8:45 am]

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[23] *See* NOPR, 157 FERC ¶ 61,122 at P 42 (citing *PJM Interconnection, L.L.C.,* 151 FERC ¶ 61,097, at P 28 (2015)).

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

33 CFR Part 209

[COE–2016–0016]

RIN 0710–AA72

Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply

AGENCY: Army Corps of Engineers, Department of the Army, DoD.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: The U.S. Army Corps of Engineers (USACE) is reopening the public comment period for the notice of proposed rulemaking that appeared in the **Federal Register** of December 16, 2016.

DATES: The comment period for the proposed rule published December 16, 2016 at 81 FR 91556 and extended to August 18, 2017 at 82 FR 22452 is reopened until November 16, 2017.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: WSRULE2016@usace.army.mil. Include the docket number, COE–2016–0016, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, ATTN: CECC–L, U.S. Army Corps of Engineers, 441 G St NW., Washington, DC 20314.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

FOR FURTHER INFORMATION CONTACT: *Technical information:* Jim Fredericks, 503–808–3856. *Legal information:* Daniel Inkelas, 202–761–0345.

SUPPLEMENTARY INFORMATION: In response to requests from multiple parties, USACE is extending the time for public comments to November 16, 2017. The date listed in the **DATES** section by which comments must be received is changed from August 18, 2017 to November 16, 2017.

Dated: August 17, 2017.

David R. Cooper,

Chief Counsel, U.S. Army Corps of Engineers.

[FR Doc. 2017–17779 Filed 8–23–17; 8:45 am]

BILLING CODE 3720–58–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0371; FRL–9966–46–Region 4]

Air Plan Approval; Alabama: PSD Replacement Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a portion of Alabama's State Implementation Plan (SIP) revision submitted by the State of Alabama, through the Alabama Department of

Environmental Management (ADEM), on May 7, 2012. The portion of the revision that EPA is proposing to approve relates to the State's Prevention of Significant Deterioration (PSD) permitting regulations. In particular, the revision adds a definition of ''replacement unit'' and provides that a replacement unit is a type of existing emissions unit under the definition of ''emissions unit.'' This action is being taken pursuant to the Clean Air Act (CAA or Act).

DATES: Written comments must be received on or before September 25, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0371 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Andres Febres of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Febres can be reached via telephone at (404) 562–8966 or via electronic mail at *febres-martinez.andres@epa.gov.*

SUPPLEMENTARY INFORMATION:

In the Final Rules Section of this **Federal Register**, EPA is approving the portion of Alabama's May 7, 2012, SIP revision addressing the State's PSD program as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and incorporated herein by reference. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all adverse comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: August 7, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–17343 Filed 8–23–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0416; FRL–9966–60–Region 7]

Approval of Iowa's Air Quality Implementation Plan; Muscatine Sulfur Dioxide Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State Implementation Plan (SIP) revision, which the State of Iowa (the state) submitted to the EPA on May 26, 2016, for attaining the 1-hour sulfur dioxide (SO_2) primary National Ambient Air Quality Standard (NAAQS) for the Muscatine nonattainment area. This plan (herein called a ''nonattainment plan'') includes the state's attainment demonstration and other elements required under Clean Air Act (CAA) sections 172, 191, and 192. In addition to an attainment demonstration, the plan addresses the requirement for meeting reasonable further progress (RFP) toward attainment of the NAAQS, reasonably available control measures and reasonably available control technology (RACM/RACT), base-year and projection-year emission inventories, and contingency measures. The EPA proposes to conclude that the state has appropriately demonstrated that the plan provisions provide for attainment of the 2010 1-hour primary SO_2 NAAQS in the Muscatine nonattainment area by the applicable attainment date and that the plan meets the other applicable requirements under CAA sections 172, 191, and 192.

DATES: Comments must be received on or before September 25, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2017–0416 to *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7016, or by email at *casburn.tracey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' and ''our'' is used, we mean the EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

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I. Why was Iowa required to submit an SO_2 plan for the Muscatine area?

On June 22, 2010, the EPA promulgated a new 1-hour primary SO_2 NAAQS of 75 parts per billion (ppb), which is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations does not exceed 75 ppb, as determined in accordance with appendix T of 40 CFR part 50. *See* 75 FR 35520, codified at 40 CFR 50.17(a)–(b). On August 5, 2013, the EPA designated 29 areas of the country as nonattainment for the 2010 SO_2 NAAQS, including the Muscatine area in the State of Iowa. *See* 78 FR 47191, codified at 40 CFR part 81, subpart C. These area designations were effective October 4, 2013. Section 191 of the CAA directs states to submit SIPs for areas designated as nonattainment for the SO_2 NAAQS to the EPA within 18 months of the effective date of the designation, *i.e.,* by no later than April 4, 2015. These SIPs must demonstrate that the respective areas will attain the NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of designation, which is October 4, 2018.

On March 18, 2016, the EPA published an action that the State of Iowa failed to submit the required SO_2 nonattainment plan for the Muscatine area by the SIP submittal deadline. *See* 81 FR 14736. This finding initiated a deadline under CAA section 179(a) for the potential imposition of new source and highway funding sanctions. However, pursuant to Iowa's submittal of May 26, 2016, and the SIP becoming complete by operation of law on November 26, 2016, the sanctions under section 179(a) will not be imposed. Additionally, under CAA section 110(c), the finding triggers a requirement that the EPA promulgate a Federal Implementation Plan (FIP) within two years of the finding unless, by that time (a) the state has made the necessary complete submittal and (b) EPA has approved the submittal as meeting applicable requirements. This FIP obligation will not apply if EPA makes final the approval action proposed here by March 18, 2018.

The remainder of this preamble describes the requirements that nonattainment SIPs must meet in order to obtain EPA approval, provides a review of the state's plan with respect to these requirements, and describes the EPA's proposed action on the plan.

II. Requirements for SO_2 Nonattainment Area Plans

Nonattainment SIPs must meet the applicable requirements of the CAA, and specifically CAA sections 172, 191 and 192. The EPA's regulations governing nonattainment SIPs are set forth at 40 CFR part 51, with specific procedural requirements and control strategy requirements residing at subparts F and G, respectively. Soon after Congress enacted the 1990 Amendments to the CAA, EPA issued comprehensive guidance on SIPs, in a document entitled the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' published at 57 FR 13498 (April 16, 1992) (General Preamble). Among other things, the General Preamble addressed SO_2 SIPs and fundamental principles for SIP control strategies. *Id.,* at 13545–49, 13567–68. On April 23, 2014, the EPA issued recommended guidance for meeting the statutory requirements in SO_2 SIPs, in a document entitled, ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions,'' (April 2014 guidance) available at *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.* In this guidance the EPA described the statutory requirements for a complete nonattainment area SIP, which includes: An accurate emissions inventory of current emissions for all sources of SO_2 within the nonattainment area; an attainment demonstration; demonstration of RFP; implementation of RACM (including RACT); new source review (NSR) and, adequate contingency measures for the affected area.

In order for the EPA to fully approve a SIP as meeting the requirements of CAA sections 110, 172 and 191–192 and EPA's regulations at 40 CFR part 51, the SIP for the affected area needs to demonstrate to EPA's satisfaction that each of the aforementioned requirements have been met. Under CAA sections 110(l) and 193, the EPA may not approve a SIP that would interfere with any applicable requirement concerning NAAQS attainment and RFP, or any other applicable requirement, and no requirement in effect (or required to be adopted by an order, settlement, agreement, or plan in effect before November 15, 1990) in any area which is a nonattainment area for any air pollutant, may be modified in any manner unless it insures equivalent or greater emission reductions of such air pollutant.

III. Attainment Demonstration and Longer Term Averaging

CAA section 172(c)(1) directs states with areas designated as nonattainment to demonstrate that the submitted plan provides for attainment of the NAAQS. 40 CFR part 51, subpart G further delineates the control strategy requirements that SIPs must meet, and EPA has long required that all SIPs and control strategies reflect four fundamental principles of quantification, enforceability, replicability, and accountability. General Preamble, at 13567–68. SO_2 attainment plans must consist of two components: (1) Emission limits and other control measures that assure implementation of permanent, enforceable and necessary emission controls, and (2) a modeling analysis which meets the requirements of 40 CFR part 51, appendix W which demonstrates that these emission limits and control measures provide for timely attainment of the primary SO_2 NAAQS as expeditiously as practicable, but by no later than the attainment date for the affected area. In all cases, the emission limits and control measures must be accompanied by appropriate methods and conditions to determine compliance with the respective emission limits and control measures and must be quantifiable (*i.e.,* a specific amount of emission reduction can be ascribed to the measures), fully enforceable (specifying clear, unambiguous and measureable requirements for which compliance can be practicably determined), replicable (the procedures for determining compliance are sufficiently specific and non-subjective so that two independent entities applying the procedures would obtain the same result), and accountable (source specific limits must be permanent and must reflect the assumptions used in the SIP demonstrations).

The EPA's April 2014 guidance recommends that the emission limits be expressed as short-term average limits (*e.g.,* addressing emissions averaged over one or three hours), but also describes the option to utilize emission limits with longer averaging times of up to 30 days so long as the state meets various suggested criteria. *See* 2014 guidance, pp. 22 to 39. The guidance recommends that—should states and sources utilize longer averaging times—

the longer term average limit should be set at an adjusted level that reflects a stringency comparable to the 1-hour average limit at the critical emission value shown to provide for attainment that the plan otherwise would have set.

The April 2014 guidance provides an extensive discussion of the EPA's rationale for concluding that appropriately set comparably stringent limitations based on averaging times as long as 30 days can be found to provide for attainment of the 2010 SO_2 NAAQS. In evaluating this option, the EPA considered the nature of the standard, conducted detailed analyses of the impact of use of 30-day average limits on the prospects for attaining the standard, and carefully reviewed how best to achieve an appropriate balance among the various factors that warrant consideration in judging whether a state's plan provides for attainment. *Id.* at pp. 22 to 39. *See* also *id.* at Appendices B, C, and D.

As specified in 40 CFR 50.17(b), the 1-hour primary SO_2 NAAQS is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour concentrations is less than or equal to 75 parts per billion. In a year with 365 days of valid monitoring data, the 99th percentile would be the fourth highest daily maximum 1-hour value. The 2010 SO_2 NAAQS, including this form of determining compliance with the standard, was upheld by the U.S. Court of Appeals for the District of Columbia Circuit in *Nat'l Envt'l Dev. Ass'n's Clean Air Project* v. *EPA,* 686 F.3d 803 (D.C. Cir. 2012). Because the standard has this form, a single exceedance does not create a violation of the standard. Instead, at issue is whether a source operating in compliance with a properly set longer term average could cause exceedances, and if so the resulting frequency and magnitude of such exceedances, and in particular whether the EPA can have reasonable confidence that a properly set longer term average limit will provide that the average fourth highest daily maximum value will be at or below 75 ppb. A synopsis of how EPA judges whether such plans ''provide for attainment,'' based on modeling of projected allowable emissions and in light of the NAAQS' form for determining attainment at monitoring sites, follows.

For plans for SO_2 based on 1-hour emission limits, the standard approach is to conduct modeling using fixed emission rates. The maximum emission rate that would be modeled to result in attainment (*i.e.,* in an ''average year'' [1] shows three, not four days with maximum hourly levels exceeding 75 ppb) is labeled the ''critical emission value.'' The modeling process for identifying this critical emissions value inherently considers the numerous variables that affect ambient concentrations of SO_2, such as meteorological data, background concentrations, and topography. In the standard approach, the state would then provide for attainment by setting a continuously applicable 1-hour emission limit at this critical emission value.

The EPA recognizes that some sources have highly variable emissions, for example due to variations in fuel sulfur content and operating rate, that can make it extremely difficult, even with a well-designed control strategy, to ensure in practice that emissions for any given hour do not exceed the critical emission value. The EPA also acknowledges the concern that longer term emission limits can allow short periods with emissions above the ''critical emissions value,'' which, if coincident with meteorological conditions conducive to high SO_2 concentrations, could in turn create the possibility of a NAAQS exceedance occurring on a day when an exceedance would not have occurred if emissions were continuously controlled at the level corresponding to the critical emission value. However, for several reasons, the EPA believes that the approach recommended in its April 2014 guidance document suitably addresses this concern. First, from a practical perspective, the EPA expects the actual emission profile of a source subject to an appropriately set longer term average limit to be similar to the emission profile of a source subject to an analogous 1-hour average limit. The EPA expects this similarity because it has recommended that the longer term average limit be set at a level that is comparably stringent to the otherwise applicable 1-hour limit (reflecting a downward adjustment from the critical emissions value) and that takes the source's emissions profile into account. As a result, the EPA expects either form of emission limit to yield comparable air quality.

Second, from a more theoretical perspective, the EPA has compared the likely air quality with a source having maximum allowable emissions under an appropriately set longer term limit, as compared to the likely air quality with the source having maximum allowable emissions under the comparable 1-hour limit. In this comparison, in the 1-hour average limit scenario, the source is presumed at all times to emit at the critical emission level, and in the longer term average limit scenario, the source is presumed occasionally to emit more than the critical emission value but on average, and presumably at most times, to emit well below the critical emission value. In an ''average year,'' compliance with the 1-hour limit is expected to result in three exceedance days (*i.e.,* three days with hourly values above 75 ppb) and a fourth day with a maximum hourly value at 75 ppb. By comparison, with the source complying with a longer term limit, it is possible that additional exceedances would occur that would not occur in the 1-hour limit scenario (if emissions exceed the critical emission value at times when meteorology is conducive to poor air quality). However, this comparison must also factor in the likelihood that exceedances that would be expected in the 1-hour limit scenario would not occur in the longer term limit scenario. This result arises because the longer term limit requires lower emissions most of the time (because the limit is set well below the critical emission value), so a source complying with an appropriately set longer term limit is likely to have lower emissions at critical times than would be the case if the source were emitting as allowed with a 1-hour limit.

As a hypothetical example to illustrate these points, suppose a source that always emits 1000 pounds of SO_2 per hour, which results in air quality at the level of the NAAQS (*i.e.,* results in a design value of 75 ppb). Suppose further that in an ''average year,'' these emissions cause the 5 highest maximum daily average 1-hour concentrations to be 100 ppb, 90 ppb, 80 ppb, 75 ppb, and 70 ppb. Then suppose that the source becomes subject to a 30-day average emission limit of 700 pounds per hour. It is theoretically possible for a source meeting this limit to have emissions that occasionally exceed 1000 pounds per hour, but with a typical emissions profile emissions would much more commonly be between 600 and 800 pounds per hour. In this simplified example, assume a zero background concentration, which allows one to assume a linear relationship between emissions and air quality. (A nonzero background concentration would make the mathematics more difficult but would give similar results.) Air quality

[1] An ''average year'' is used to mean a year with average air quality. While 40 CFR 50 appendix T provides for averaging three years of 99th percentile daily maximum values (*e.g.,* the fourth highest maximum daily concentration in a year with 365 days with valid data), this discussion and an example below uses a single ''average year'' in order to simplify the illustration of relevant principles.

will depend on what emissions happen on what critical hours, but suppose that emissions at the relevant times on these 5 days are 800 pounds/hour, 1100 pounds per hour, 500 pounds per hour, 900 pounds per hour, and 1200 pounds per hour, respectively. (This is a conservative example because the average of these emissions, 900 pounds per hour, is well over the 30-day average emission limit.) These emissions would result in daily maximum 1-hour concentrations of 80 ppb, 99 ppb, 40 ppb, 67.5 ppb, and 84 ppb. In this example, the fifth day would have an exceedance that would not otherwise have occurred, but the third and fourth days would not have exceedances that otherwise would have occurred. In this example, the fourth highest maximum daily concentration under the 30-day average would be 67.5 ppb.

This simplified example illustrates the findings of a more complicated statistical analysis that EPA conducted using a range of scenarios using actual plant data. As described in appendix B of EPA's April 2014 SO_2 nonattainment planning guidance, the EPA found that the requirement for lower average emissions is highly likely to yield better air quality than is required with a comparably stringent 1-hour limit. Based on analyses described in appendix B of its April 2014 guidance, the EPA expects that an emission profile with maximum allowable emissions under an appropriately set comparably stringent 30-day average limit is likely to have the net effect of having a *lower* number of exceedances and better air quality than an emission profile with maximum allowable emissions under a 1-hour emission limit at the critical emission value. This result provides a compelling policy rationale for allowing the use of a longer averaging period, in appropriate circumstances where the facts indicate this result can be expected to occur.

The question then becomes whether this approach—which is likely to produce a lower number of overall exceedances even though it may produce some unexpected exceedances above the critical emission value—meets the requirement in section 110(a)(1) and 172(c)(1) for state implementation plans to ''provide for attainment'' of the NAAQS. For SO_2, as for other pollutants, it is generally impossible to design a nonattainment plan in the present that will guarantee that attainment will occur in the future. A variety of factors can cause a well-designed attainment plan to fail and unexpectedly not result in attainment, for example if meteorology occurs that is more conducive to poor air quality than was anticipated in the plan. Therefore, in determining whether a plan meets the requirement to provide for attainment, the EPA's task is commonly to judge not whether the plan provides absolute certainty that attainment will in fact occur, but rather whether the plan provides an adequate level of confidence of prospective NAAQS attainment. From this perspective, in evaluating use of a 30-day average limit, EPA must weigh the likely net effect on air quality. Such an evaluation must consider the risk that occasions with meteorology conducive to high concentrations will have elevated emissions leading to exceedances that would not otherwise have occurred, and must also weigh the likelihood that the requirement for lower emissions on average will result in days not having exceedances that would have been expected with emissions at the critical emissions value. Additional policy considerations, such as in this case the desirability of accommodating real world emissions variability without significant risk of violations, are also appropriate factors for the EPA to weigh in judging whether a plan provides a reasonable degree of confidence that the plan will lead to attainment. Based on these considerations, especially given the high likelihood that a continuously enforceable limit averaged over as long as 30 days, determined in accordance with the EPA's April 2014 guidance, will result in attainment, the EPA believes as a general matter that such limits, if appropriately determined, can reasonably be considered to provide for attainment of the 2010 SO_2 NAAQS.

The April 2014 guidance offers specific recommendations for determining an appropriate longer term average limit. The recommended method starts with determination of the 1-hour emission limit that would provide for attainment (*i.e.,* the critical emission value), and applies an adjustment factor to determine the (lower) level of the longer term average emission limit that would be estimated to have a stringency comparable to the otherwise necessary 1-hour emission limit. This method uses a database of continuous emission data reflecting the type of control that the source will be using to comply with the SIP emission limits, which (if compliance requires new controls) may require use of an emission database from another source. The recommended method involves using these data to compute a complete set of emission averages, computed according to the averaging time and averaging procedures of the prospective emission limitation. In this recommended method, the ratio of the 99th percentile among these long term averages to the 99th percentile of the 1-hour values represents an adjustment factor that may be multiplied by the candidate 1-hour emission limit to determine a longer term average emission limit that may be considered comparably stringent.[2] The April 2014 guidance also addresses a variety of related topics, such as the potential utility of setting supplemental emission limits, such as mass-based limits, to reduce the likelihood and/or magnitude of elevated emission levels that might occur under the longer term emission rate limit.

Preferred air quality models for use in regulatory applications are described in appendix A of the EPA's *Guideline on Air Quality Models* (40 CFR part 51, *a*ppendix W (appendix W)). In 2005, the EPA promulgated the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) as the Agency's preferred near-field dispersion modeling for a wide range of regulatory applications addressing stationary sources (for example in estimating SO_2 concentrations) in all types of terrain based on extensive developmental and performance evaluation. Supplemental guidance on modeling for purposes of demonstrating attainment of the SO_2 standard is provided in appendix A to the April 2014 guidance. Appendix A provides extensive guidance on the modeling domain, the source inputs, assorted types of meteorological data, and background concentrations. Consistency with the recommendations in this guidance is generally necessary for the attainment demonstration to offer adequately reliable assurance that the plan provides for attainment.

As stated previously, attainment demonstrations for the 2010 1-hour primary SO_2 NAAQS must demonstrate future attainment and maintenance of the NAAQS in the entire area designated as nonattainment (*i.e.,* not just at the violating monitor) by using air quality dispersion modeling (*see* appendix W to 40 CFR part 51) to show that the mix of sources and enforceable control measures and emission rates in an identified area will not lead to a violation of the SO_2 NAAQS. For a short-term (*i.e.,* 1-hour) standard, the EPA believes that dispersion modeling, using allowable emissions and addressing stationary sources in the

[2] For example, if the critical emission value is 1000 pounds of SO_2 per hour, and a suitable adjustment factor is determined to be 70 percent, the recommended longer term average limit would be 700 pounds per hour.

affected area (and in some cases those sources located outside the nonattainment area which may affect attainment in the area) is technically appropriate, efficient and effective in demonstrating attainment in nonattainment areas because it takes into consideration combinations of meteorological and emission source operating conditions that may contribute to peak ground-level concentrations of SO_2.

The meteorological data used in the analysis should generally be processed with the most recent version of AERMET. Estimated concentrations should include ambient background concentrations, should follow the form of the standard, and should be calculated as described in section 2.6.1.2 of the August 23, 2010 clarification memo ''Applicability of Appendix W Modeling Guidance for the 1-hr SO_2 National Ambient Air Quality Standard'' (U. S. EPA, 2010a) (August 2010 1-hour SO_2 clarification memo).

IV. Review of Modeled Attainment Plan

The following discussion evaluates various features of the modeling that Iowa used in its attainment demonstration.

A. Model Selection

Iowa's attainment demonstration used the most current version of AERMOD available during each phase of its analysis (*i.e.,* the determining sources culpable to nonattainment phase and the control strategy phase). As previously stated, AERMOD is the preferred model for this application. The final control strategy modeling analysis utilized version 15181. The state asserts that all analyses were conducted with EPA's regulatory default options and considering EPA's guidance documents including the August 2010 1-hour SO_2 clarification memo; the ''Additional Clarification Regarding Application of Appendix W Modeling Guidance for the 1-hour NO_2 National Ambient Air Quality Standard'' memo (March 2011 1-hour NO_2 clarification memo); and the December 2013 SO_2 Modeling Technical Assistance Document (TAD).[3] The receptor grid was centered on the Musser Park monitor, and extended out to the edges of the nonattainment area.[4] Those portions of the fence lines of the facilities being evaluated that fell outside of the nonattainment area were omitted from the analysis. Finer grid spacing of 50 meters was used to resolve modeled impacts around other nearby individual facilities included in the analyses, but finer grid spacing was applied only around sources within the confines of the nonattainment area. Receptors were excluded from areas within the property boundaries of each facility in the analysis. The most recent version of AERMAP (11103) was used to import terrain and source elevations from the National Elevation Dataset (NED). All building downwash analyses were conducted using the most recent version (04274) of EPA's Building Profile Input Program with Plume Rise Enhancements (BPIP-Prime). EPA finds the selection and use of these inputs to AERMOD, AERMAP and BPIP-Prime to be appropriate and in accordance with appendix W and applicable EPA guidance, such as the TAD.[5]

B. Meteorological Data

Modeling for the Muscatine 1-hr SO_2 nonattainment SIP was conducted using the surface station and upper air data from the Davenport airport, and used consecutive years from 2008–2012.[6] This represents the most recent, readily available 5-year period at the time of the initial analysis per section 8.3.1.2 of 40 CFR part 51 appendix W. The most current version of AERMET available during each phase of the analysis was used. The final control strategy analysis utilized data processed with AERMET version 14134. The state utilized AERMINUTE to process 1-minute ASOS wind data to generate hourly average winds for input to AERMET. EPA finds the selection and use of these inputs to AERMET to be appropriate and in accordance with appendix W and applicable EPA guidance, such as the TAD.

C. Emissions Data

The state utilized information from the technical support document (TSD) it submitted to EPA during the nonattainment boundary recommendations to inform which sources needed to be included in its nonattainment SIP modeling.[7] The nonattainment boundary analysis demonstrated that industrial sources along the Mississippi River have a role in causing or contributing to monitored exceedances at the Musser Park monitor. Based on this analysis, all major sources of SO_2 emissions within the nonattainment area- Grain Processing Corporation (GPC), Muscatine Power and Water (MPW), and Monsanto- were included in the nonattainment SIP control strategy analysis.

As described in the state's nonattainment SIP, GPC is the largest source of SO_2 within the nonattainment area. GPC is a corn wet milling facility that processes grain into industrial, beverage, and fuel-grade ethanol, as well as a variety of grain based food products, industrial products, and animal feeds. Early in the corn wet milling process the grain is soaked (steeped) in large tanks where sulfur containing compounds are added to the steep water to reduce bacterial growth and help break down the kernels. The sulfur content in the steep water is generally low but does lead to SO_2 emissions from a variety of downstream processes. The state asserts that 96 percent of the SO_2 emissions at GPC is generated by six coal-fired boilers.

MPW is a municipal electric generating station. MPW produces steam through the combustion of fossil fuels, generally coal, and uses the steam to produce electricity. The largest sources of SO_2 operated at MPW are three coal-fired boilers, Units 7, 8, and 9, serving generators with nameplate capacities of 25, 937, and 175.5 megawatts (MW), respectively. An auxiliary boiler operated at MPW is not capable of burning coal but has the potential to emit SO_2 when firing on distillate fuel oil.

Monsanto is a manufacturer and formulator of herbicides for agricultural use and also produces intermediates for herbicide manufacturing and formulation. A coal-fired boiler (Boiler #8) used for the production of on-site heat and power is the largest SO_2 source at Monsanto.

The state excluded four facilities located within the nonattainment area from the its nonattainment SIP modeling analysis: HNI Corporation—North Campus (HNI North); H.J. Heinz, L.P. (H.J. Heinz); Union Tank Car Co. (Union Tank); and HNI Corporation—Central Campus (HNI Central). As shown in the state's nonattainment SIP, the cumulative actual emissions from these sources is relatively low; the sources emitted a combined 0.14 tons of SO_2 per year (tpy) in 2011. See section V.A. Emissions Inventory in this

[3] SO_2 NAAQS Designations Modeling Technical Assistance Document, December 2013.

[4] The Musser Park monitor was the violating monitor utilized during the designations process.

[5] The state utilized the December 2013 version of the modeling TAD when completing its technical analysis. The modeling TAD has been revised since then; the TAD was revised in February 2016 and then again in August 2016.

[6] A detailed analysis to support the use of the Davenport meteorological data from the Davenport airport was previously approved by EPA for use in the $PM_{2.5}$ Muscatine SIP analysis. *See* 79 FR 46742. EPA finds use of the Davenport airport site meteorological data to be appropriate for the 2010 1-hr SO_2 Muscatine SIP.

[7] *https://www.epa.gov/sulfur-dioxide-designations/so2-designations-round-1-iowa-state-recommendation-and-epa-response and provided in the docket of this rulemaking.*

preamble for the 2011 emissions data from these sources. Additionally, if the state were to consider the maximum fuel capacity of a source like Heinz that has two boilers that burn natural gas, it is unlikely that the SO_2 emissions would be sufficient enough to cause a significant concentration gradient. The TAD indicates that ''other'' sources in the area not causing significant concentration gradients in the vicinity of the source(s) of interest, should be included in the modeling via monitored background concentrations. The EPA agrees with the state's recommendation that these facilities do not need to be explicitly modeled and that they are adequately characterized in the background SO_2 concentrations. See section IV.E. Background Concentrations in this preamble for more detailed information regarding the determination of the background concentration.

The state also evaluated several major sources of SO_2 emissions located outside of the nonattainment area boundary- MidAmerican Energy Louisa Generating Station (LGS), Gerdau Ameristeel (Gerdau), SSAB and Linwood and Lafarge. Linwood and Lafarge, located in Scott County, are approximately 20 km away from the nonattainment area. The selection of the Davenport monitor to represent background likely accounts for the emissions from Linwood and Lafarge.[8] As such, Linwood and Lafarge were excluded from further consideration. See section IV.E. Background Concentrations in this preamble for additional information.

All included emission units were modeled using their actual stack parameters and site layout. There were no stacks above formula GEP (good engineering practice) height. There were stacks greater than 65 meters at GPC, MPW, and LGS and each of those stacks were adjacent to tall buildings making the formula height taller than the actual stack height. Therefore, each of those stacks were modeled at their actual stack heights.

Per EPA's April 2014 guidance, the use of allowable emissions and the modeling of intermittent emissions (for sources such as emergency generators and startup/shutdown emissions), for the purpose of modeling for SO_2 attainment demonstrations, should follow the recommendations in EPA's March 2011 1-hour NO_2 clarification memo (even though it was specific to NO_2). The state's nonattainment SIP indicates that it addressed modeling intermittent sources in according with EPA's March 2011 1-hour NO_2 clarification memo, and as such all emission units that operate intermittently (*e.g.,* emergency engines and fire pumps) were excluded from the analysis. Additionally, emission units that were limited to burning a specific fuel occasionally were modeled at emission rates that represent the fuel that is burned during normal operations. For example, the two auxiliary boilers (EP2 and EP3) operated by LGS are limited to burning fuel oil for no more than 48 hours per year. EP2 and EP3 burn natural gas during normal operations therefore, EP2 and EP3 were modeled at emission rates associated with burning natural gas. EPA agrees with the state that it is appropriate to exclude these intermittent emissions (*e.g.,* emergency engines and fire pumps) in the analysis and modeling the fuel burned during normal operations, as it is consistent with appendix W and the TAD.

The state's nonattainment SIP acknowledges that, although SO_2 emissions in and near the nonattainment area are principally attributable to point sources, a comprehensive emissions inventory should include an assessment of the other source sectors. The state asserted that it accomplished this by using estimates of air emissions for the onroad, nonroad, and nonpoint (area) sources from EPA's 2011 National Emissions Inventory (NEI) datasets. According to the state's sector summary analyses using EPA's SCC (source classification code) full detail data files from the 2011 NEI (version 2, dated March 4, 2015), approximately 2.64 tons of SO_2 were emitted by onroad mobile sources in all of Muscatine County (this includes areas within and outside of the nonattainment area). Nonroad mobile sources (which include non-road equipment, locomotives, commercial marine vessels, and aircraft) contributed approximately 1.99 tpy of SO_2. Again, that estimate includes nonroad mobile sources across all of Muscatine County.

The state asserts that nonpoint (area) SO_2 emissions were also relatively low, at approximately 18.73 tpy. Of that total, roughly half (8.92 tons) was associated with emissions mostly from prescribed fires. As with the mobile sectors, the nonpoint totals also represent sums across all of Muscatine County. The EPA agrees with the state's proposal that onroad, nonroad, and nonpoint sources in and near the Muscatine nonattainment area are adequately represented by background concentrations included in modeling analysis and that further consideration of these sectors is unnecessary. See section IV.E. Background Concentrations and section V. A. Emissions Inventory in this preamble for more detailed information.

D. Emission Limits

Section 172(c)(6) of the CAA requires that the state's nonattainment plan include enforceable emission limitations, and such other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emission rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to provide for attainment of such standard in such area by the applicable attainment date. *See* General Preamble at 13567–68.

Part of the review of state's attainment plan must address the use of these limits, both with respect to the general suitability of using such limits for the purpose of meeting the requirements of CAA § 172(c)(6) with respect to whether the particular limits included in the plan have been suitably demonstrated to provide for attainment. The first subsection that follows addresses the enforceability of the limits in the plan, and the second subsection that follows addresses in the limits in particular the longer term average limits (*i.e.,* the 21-day average limit for MPW).

1. Enforceability

As specified in section 172(c)(6) and section 110(a)(2)(A) of the CAA and 75 FR 35520, emission limitations, control measures and other elements in the SIP must be enforceable by the state and EPA. Working with GPC, MPW, and Monsanto the state developed an implementable control strategy designed to ensure expeditious attainment of the 1-hr SO_2 NAAQS. The control strategy establishes source-specific control measures that include more stringent SO_2 emissions limits, new control devices, and process changes. The state's nonattainment SIP includes these control measures with specific timetables for implementation, establishes minimum performance criteria, and provides schedules for completing verification processes. See section V. B. RACM/RACT in this preamble for additional information. New air construction permits issued to GPC, MPW, and Monsanto include emissions limits, timetables for compliance, and enforcement criteria and are the enforceable documents included in the state's nonattainment SIP that EPA is proposing to approve. As noted in the nonattainment SIP, the

[8] According to information provided by the state in its nonattainment SIP, the Davenport monitor is located in Scott County, approximately 11 km from Linwood and Lafarge, and likely accounts for the emissions from Lafarge and Linwood.

state has the authority to implement each of the permits. Each permit includes notification, reporting, and recordkeeping requirements. The facilities must, for example, notify the state when they initiate and when they complete construction. Each permit also contains performance testing (emissions testing) obligations with specific schedules, methods, and frequencies for compliance. Each performance test must be approved by the state and a testing protocol must be submitted to the state in advance of the compliance demonstration. Results of the tests must be submitted in writing to the state in the form of a comprehensive report within six weeks of the completion of any testing. Additionally, GPC, MPW, and Monsanto are major sources under the Title V operating permit program and must submit semi-annual monitoring reports by September 30 and March 31, and an annual compliance certification by March 31, of each year. The state also inspects Title V sources at a minimum of every two years. In summary, the state has a comprehensive program to identify sources of violations and to undertake follow-up for compliance and enforcement.

As noted in the state's May 26, 2016, submittal letter, Iowa was included in the agency's *Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction* (SSM SIP call) published June 12, 2015, (80 FR 33839). In the SSM SIP call, subrule 567—Iowa Administrate Code (IAC) 24.1(1) was found to be ''substantially inadequate'' because it provides that excess emissions during periods of startup and shutdown are not a violation of an emission standard if good practices for minimizing emissions are followed. Each construction permit the state requested be included in the SIP apart if its control strategy contains SSM language from the subrule that is subject to the SIP call (Condition 6 of each permit). As such the state is requested that EPA not act on permit Condition 6 of the included permits. EPA agrees that it would not be appropriate to approve Condition 6 of each permit into the SIP and propose the condition's exclusion.

EPA is proposing to determine that these control measures, and the permits that contain them, satisfy CAA § 110(a)(2)(A) and 172(c)(6) requirements and 75 FR 35520. It should be noted that the emission limit established for MPW in the control strategy of the state's nonattainment plan relies on a pound/hour (lb/hr) limit expressed an averaging time (*e.g.* as 21-day average) across multiple units.[9] In accordance with EPA policy, the 21-day average limit is set at a lower level than the emission rate used in the attainment demonstration; the relationship between these two values is discussed in more detail in the following section.

2. Longer Term Averaging

As discussed in the April 2014 guidance, and in section III. Attainment Demonstration and Longer Term Averaging in this preamble, EPA has recommended that averaging times in SIP emission limits should not exceed the applicable NAAQS averaging time, in this case 1-hour, however, EPA has acknowledged that a 1-hr emission rate limit may be difficult to achieve at some facilities. As such EPA provided guidance for establishing longer term averaging limits based on a supportable downward adjustment of the critical emissions value. The critical emissions value is the 1-hr averaged emission rate that dispersion modeling predicts would attain the NAAQS.

The control strategy included in the state's nonattainment SIP allows MPW to meet a compliance formula based on a 21-day averaging period across multiple units running alone or in combination. The formula incorporates a weighting function derived from the modeling results of the individual units (Units 7, 8 and 9), and downward adjustments of the critical emissions values. A separate downward adjustment was calculated for each unit using five years of unit-specific CEMS data, 2010–2014; the state considered this data to be representative of the boilers' operations into the future, and reflect the fact that each unit is emitting from a separate stack. The 1-hour emissions value of 1,153 lbs/hr used in the formula incorporates the adjustment to a longer term limit according to the ratio of the 99th percentile 21-day average emission rate to the 99th percentile 1-hr emission rates from the CEMS data. Because the 1,153 lbs/hr value was derived from all 3 units operating together additional model runs were needed to ensure the formula was protective under other operating scenarios, with combinations of one or two units operating. The formula provides flexibility for MPW to run their three coal units alone or in combination in such a way that the NAAQS will be protected at all times. Because the units have different dispersion characteristics, the formula weighs each unit's individual emissions such that the critical modeled value in the formula is always protected.

To determine the longer term average limit, the state determined the individual variability of each unit from the 2010–2014 CEMS data as described above. The variability value ratios of the 99th percentile 21-day average and 99th percentile hourly values were 0.71, 0.90, 0.63 for the three units respectively. The state determined a critical value for each of these units individually using their respective variability and stack characteristics. In the first modeling scenario (the ''All'' run) the state determined the hourly critical values for Units 7,8,9 as 250 lbs/hr, 1000 lbs/hr, and 120 lbs/hr respectively, so 1,370 lbs/hr total from the 3 units. Applying the individual unit variability, the equivalent 21 day limits would be 177.5 lbs/hr, 900.0 lbs/hr, and 75.6 lbs/hr respectively which when added together is 1,153 lbs/hr, the value that becomes the basis of the compliance formula. The state then modeled 7 combinations of emissions scenarios using the individual unit stack characteristics that all demonstrated compliance with the NAAQS and accounted for individual variability of each unit. These scenarios consisted of 3 model runs where the individual units were operating alone and 4 model runs with various combinations of units operating. Each run had its own hourly critical modeled value demonstrating compliance and these 7 runs formed the basis for the weights in the formula to ensure 1,153 lbs/hr was always protective of all the individual critical values modeled. This provided modeled emission rates such that a weighted formula could be derived such that any combination of emissions from the three individual units would always be at or below the value of 1,153 lbs/hr as expressed in the formula. Because the stacks have different dispersion characteristics and the modeled scenarios have different critical emission values, the formula derived contains different weights or multipliers for each unit's actual hourly emissions, but the weights are such that no individual unit operating alone or a combination of units will cause a NAAQS violation as long as the formula criteria as expressed in the permit are

[9] The MPW permit included as appendix C to the nonattainment SIP specifies that compliance with the emission standard of 1153 lb/hr of SO_2 shall be demonstrated through the use a Continuous Emissions Monitoring System (CEMS) and shall be determined on a 21-day rolling average bases. The limit includes startup, shutdown and malfunction emissions. Compliance with the emission limit shall be demonstrated using the formula found in Permit Condition 15.8. The emission limit became effective January 1, 2017.

met.[10] Table 1 shows that during each operational scenario at MPW, combined with the control strategies for GPC and Monsanto, the current maximum allowable permitted emission rates from LGS, and background concentrations, will result in attainment of the 1-hour SO_2 NAAQS.

TABLE 1—CUMULATIVE MODELING RESULTS WITH EACH MPW OPERATING SCENARIO

MPW operating scenario	Cumulative model result (µg/m3)	1-hour SO_2 NAAQS (µg/m3)
All	182.76	196
U9 Off	182.71	
U8 Off	183.66	
U7 Off	182.88	
U7 Only	183.96	
U8 Only	181.86	
U9 Only	187.78	

Based on a review of the state's submittal, the EPA believes that the 21-day average limit for MPW provides a suitable alternative to establishing a 1-hour average emission limit for this source. The state has used a suitable data base in an appropriate manner and has thereby applied an appropriate adjustment, yielding an emission limit formula that has comparable stringency to the 1-hour average limit that the state determined would otherwise have been necessary to provide for attainment. While the 21-day average limit allows occasions in which emissions may be higher than the level that would be allowed with the 1-hour limit, the state's limit compensates by requiring average emissions to be lower than the level that would otherwise have been required by a 1-hour average limit. For reasons described above and explained in more detail in EPA's April 2014 guidance, EPA finds that appropriately set longer term average limits provide a reasonable basis by which nonattainment plans may provide for attainment. Based on its review of this general information as well as the particular information in state's plan, the EPA finds that the 21-day average limit formula for MPW in combination with other limitations in the state's plan, will provide for attainment of the NAAQS.

E. Background Concentrations

The state reviewed its statewide SO_2 monitoring network to determine an appropriate background monitoring location- the Davenport SO_2 monitoring site. As noted by the state, the ideal background location chosen represents the contributions from all sources not explicitly modeled. Because the monitoring locations in Muscatine, IA are impacted significantly by sources that were included in the modeling analysis, those monitors were eliminated as an option to represent the background concentrations in the area. Of the remaining monitor locations, two are situated adjacent to industrialized areas (Cedar Rapids and Clinton), and, as such, would likely be an overestimate of the concentrations caused by background sources. The state determined that the Des Moines and Lake Sugema monitors were impacted by less SO_2 emissions than what would be represented by the background for the Muscatine nonattainment area—and, as such, would likely be an underestimation of the concentrations of SO_2 caused by background sources.[11]

The state determined that the Davenport SO_2 monitoring location was appropriate for estimating background concentrations for the following reasons: (1) The Davenport monitor is the nearest location to the nonattainment area (other than those monitors located in Muscatine already excluded); (2) the Davenport monitor is near a moderately industrialized area, but is not situated adjacent to those sources of emissions; (3) the Davenport monitor is in a county with a moderate amount of SO_2 emissions; and (4) using the Davenport monitor is consistent with the meteorological data used for the analysis. For these reasons the state believed that the Davenport monitoring location could account for the sources screened out of the control strategy such as emissions from natural sources, major and minor point sources not included in the analysis, mobile (onroad and nonroad) sources, and nonpoint sources.

The state utilized temporally varying background concentrations by hour and season from the Davenport SO_2 monitoring location to account for contributions to the predicted impacts from background SO_2 sources. To account for seasonal and diurnal variations in the background levels, the state based the background concentration on the average diurnal and seasonal concentration pattern observed at the Davenport monitor during the years 2011–2013. For the years 2011–2013, the 99th percentile monitor concentration was calculated for each hour of the day by season and then averaged across the three years.[12]

The state also averaged the 2011–2013 design values for Cedar Rapids, Davenport, Des Moines, and Lake Sugema to determine if that number,

[10] The formula for MPW, as specified in their permit is as follows:

''The owner or operator shall maintain a file of computations to show the total hourly emission level for SO_2. The owner or operator shall use the total hourly SO_2 emission rates to calculate and record the average SO_2 emission rate for each calendar day. Effective January 1, 2017, the owner or operator shall use the daily average SO_2 emission rates to demonstrate compliance with the 21-day rolling average as calculated below: SO_2 = 2.03*(Unit 7) + 0.84*(Unit 8) + 1.22*(Unit 9)
Where, SO_2 = total emissions, in pounds per hour, of sulfur dioxide from Unit 7, Unit 8 and Unit 9

Unit 7 = 24-hour average sulfur dioxide emission rate, lb/hr, for Unit 7

Unit 8 = 24-hour average sulfur dioxide emission rate, lb/hr, for Unit 8

Unit 9 = 24-hour average sulfur dioxide emission rate, lb/hr, for Unit 9.

[11] The Des Moines monitor is approximately 5 km from the nearest SO_2 source. The county emissions are approximately 163 tpy. The Lake Sugema monitor is more than 10 km away from the nearest SO_2 source. The state's nonattainment SIP indicates that are no reported major or minor sources of SO_2 emissions in the county.

[12] The EPA's SO_2 National Ambient Air Quality Standards Designations Modeling TAD describes an appropriate methodology of calculating temporally varying background monitored concentrations by hour of day and season (excluding periods when the source in question is expected to impact the monitored concentration). The methodology is to use the 99th percentile concentration for each hour of the day by season and average across 3 years, excluding periods when the dominant source(s) are influencing the monitored concentration (*i.e.,* 99th percel1tile, or 4th highest, concentrations for hour l for January or winter, 99th percentile concentrations for hour 2 for January or winter, etc.).

10.5 ppb, would be appropriate as background. The state called this the Tier 1 value. The Tier 1 value of 10.5 ppb is higher than all but one of the seasonal/diurnal concentrations. This shows that the use of the Tier 1 value for all hours and seasons would have been too high to represent the variable background concentrations. The EPA agrees with the state's proposal that the method of using temporally varying background monitor concentrations by hour and season from the Davenport monitoring location, as it is calculated from the 99th percentile, is appropriate.

F. Summary of Results

The modeling analysis was conducted in two phases. The first phase (Phase 1) of the analysis was a screening analysis to determine the sources that needed to be included in the control strategy analysis. The second phase (Phase 2) of the analysis was used to develop the control strategy and included all significant sources identified in Phase 1.

1. Phase 1—Preliminary Analysis

This phase was accomplished by modeling actual emissions from GPC, MPW, Monsanto, and LGS and allowable emissions from SSAB and Gerdau and then determining the percentage of predicted NAAQS exceedances within the nonattainment area to which each facility significantly contributed. In this way, the state determined that GPC contributed to 100 percent of the NAAQS exceedances, MPW contributed to approximately 25 percent of the NAAQS exceedances, Monsanto contributed to approximately 1 percent of the NAAQS exceedances, and LGS contributed to approximately 5 percent of the NAAQS exceedances. Both SSAB and Gerdau each modeled less than a 1 percent contribution to the NAAQS exceedance days within the nonattainment area. Therefore, only GPC, MPW, Monsanto and LGS were determined to have enough potential contribution to NAAQS exceedances to be evaluated further.[13]

The state then further subdivided the sources by classifying the significant contributors as either a primary or a secondary contributor. If the facility's significant contribution to the predicted NAAQS exceedance was greater than or equal to half of the total concentration (minus background) it was considered a primary contributor. If the facility's contribution was less than half of the total concentration, but still more than the Significant Impact Level (SIL) it was considered a secondary contributor.[14]

GPC was identified as a primary contributor to all predicted NAAQS exceedances within the nonattainment area. GPC's max potential contribution was estimated as 3,180 μg/m^3 (or approximately 1,223 ppb).[15] GPC's contribution to the predicted NAAQS exceedance was greater than or equal to half of the total concentration (minus background) 100 percent of the time.

MPW, Monsanto and LGS were identified as secondary contributors. MPW's max potential contribution was estimated as 107 μg/m^3 (or approximately 41 ppb). MPW's contribution to the predicted NAAQS exceedance was less than half of the total concentration, but still more than SIL (minus background) 26 percent of the time. Monsanto's max potential contribution was estimated as 28 μg/m^3 (or approximately 11 ppb). Monsanto's contribution to the predicted NAAQS exceedance was less than half of the total concentration, but still more than SIL (minus background) less than 1 percent of the time. LGS's maximum potential contribution was estimated as 59 μg/m^3 (or approximately 22.7 ppb). LGS's contribution to the predicted NAAQS exceedance was less than half of the total concentration, but still more than SIL (minus background) 2 percent of the time. As such, only GPC, MPW, Monsanto and LGS were included in the second phase of the analysis.

2. Phase 2—Control Strategy Development

Sources identified in Phase 1 (GPC, MPW, Monsanto, and LGS) as being significant contributors were modeled at their maximum permitted allowable emission rates. Using the process summarized below, more restrictive maximum permitted emission rates were developed where necessary to ensure modeled attainment.

To start its Phase 2 analysis, the state provided GPC with a model input file that included its emission units as well as the exceedance receptors to which it contributed. The state's nonattainment SIP submittal indicates that GPC reviewed the input data for accuracy and then mitigated all modeled exceedances caused by the GPC facility alone.

The remaining facilities (MPW, Monsanto, and LGS) were then added to the analysis with their maximum permitted allowable emission rates and the cumulative impacts were determined across the entire nonattainment area. According to the state's nonattainment SIP submittal, the remaining predicted exceedances were then discussed with Monsanto and MPW. As a result of those discussions, additional control measures were developed for those facilities and are incorporated in construction permits submitted as part of the SIP revision. See section V.B. in this preamble for more information regarding the control measures.

Monsanto proposed to decrease the emission rate for Boiler 8 at its facility to mitigate exceedances just north of its property. MPW proposed multiple model scenarios with combined operation of Units 7, 8, and 9. Regardless of the operational scenario, the unit/units were modeled at an equation cap of 1,153 lb/hr SO_2. The model results varied depending on which combination of boilers was running. Each of the modeling scenarios (with background included) resulted in concentrations below the 1-hour SO_2 NAAQS. The highest modeled SO_2 concentration was 187.87 ug/m^3 which included the operation of just Unit 9 at MPW. See section IV.D.2. Longer Term Averaging limits, in this preamble, for more discussion of the equation used to determine compliance with the NAAQS for each MPW modeling scenario.

These results indicate that the controls established in the construction permits for MPW, GPC and Monsanto result in attainment of the NAAQS, and as such, additional controls were not necessary for LGS in order for the area to attain. EPA agrees with the state's determination that its control strategy analysis results in modeled concentrations throughout the nonattainment area that are at or below 75 ppb/196.4 ug/m^3. Based upon monitoring data discussed in section V.B. RACM/RACT in this preamble, EPA expects that the Muscatine area will attain by the attainment date, August 5, 2018.

[13] The LGS facility is located immediately south of the nonattainment area. During the designations process, this source was shown to be insignificant during predicted exceedances at the Musser Park monitor, but as it was possible that the source could cause a concentration gradient in the vicinity of the southern portion of the nonattainment area, it was included in the analysis.

[14] Per EPA's August 23, 2010, ''*Guidance Concerning the Implementation of the 1-hour* SO_2 NAAQS *for the Prevention of Significant Deterioration Program*'', the SIL is 3 ppb. The EPA plans ''to undertake rulemaking to adopt a 1-hour SO_2 SIL value. However, until such time as a 1-hour SO_2 SIL is defined in the PSD regulations, we are providing an interim SIL of 3 ppb, which we intend to use as a screening tool for completing the required air quality analyses for the new 1-hour SO_2 SIL NAAQS under the federal PSD program at 40 CFR 52.21. We are also making the interim SIL available to States with EPA-approved implementation plans containing a PSD program to use at their discretion.'' The SIL remains an interim SIL until rulemaking is complete.

[15] To convert from μg/m^3 to ppb, the μg/m^3 value was divided by 2.6.

V. Review of Other Plan Requirements

A. Emissions Inventory and the Quantification of Emissions

Section 172(c)(3) of the CAA requires that the state's nonattainment plan include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in such area, including such periodic revisions as the Administrator may determine necessary to assure that the requirements of this part are met. Section 172(c)(4) of the CAA requires that the state's nonattainment plan expressly identify and quantify the emissions, if any, of any such pollutant or pollutants which will be allowed, in accordance with section 703(a)(1)(B) of the CAA, from the construction and operation of major new or modified stationary sources in each such area. The plan shall demonstrate to the satisfaction of the Administrator that the emissions quantified for this purpose will be consistent with the achievement of reasonable further progress and will not interfere with attainment of the applicable National Ambient Air Quality Standard by the applicable attainment date.

The emissions inventory and source emission rate data for an area serve as the foundation for air quality modeling and other analyses that enable states to: (1) estimate the degree to which different sources within a nonattainment area contribute to violations within the affected area; and (2) assess the expected improvement in air quality within the nonattainment area due to the adoption and implementation of control measures. As noted above, the state must develop and submit to EPA a comprehensive, accurate and current inventory of actual emissions from all sources of SO_2 emissions in each nonattainment area, as well as any sources located outside the nonattainment area which may affect attainment in the area. *See* the April 2014 guidance. Additional emission inventory information was discussed in section IV.C Emissions Data in this preamble. A brief summary is provided later in this action.

The base year inventory establishes a baseline that is used to evaluate emissions reductions achieved by the control strategy and to assess reasonable further progress requirements. The state's nonattainment SIP noted that, at the time, the most recent and available triennial inventory year was 2011 and the stated found that it served as a suitable base year. Table 2 provides the 2011 SO_2 emissions inventory data for sources within and outside of the nonattainment the area (data have been rounded to the nearest whole number).

TABLE 2—BASE LINE EMISSION INVENTORY FOR THE MUSCATINE, IA NONATTAINMENT AREA

	Facility	2011 SO_2 emissions (tpy)
Base Line Emissions Inventory for the Muscatine NAA		
Inside of the NAA	Grain Processing Corporation	10,810
	Muscatine Power and Water	2,374
	Monsanto	537
	HNI Corp.—North Campus	<1
	HNI Corp.—Central Campus	<1
	H.J. Heinz L.P.	<1
	Union Tank Car Co.	<1
Outside of the NAA	Louisa Generating Station	7,304
All of Muscatine County	Onroad Mobile	3
	Nonroad Mobile	2
	Area Sources	10
	Fires	9
Total		21,049

Although not part of the state's discussion of its 2011 baseline emissions inventory, the state's nonattainment SIP also provides 2013 SO_2 data for Gerdau and SSAB in Muscatine County and Linwood and Lafarge in Scott County. However, the state provided this as a sum for the sources by county (*e.g.,* the sum of Gerdau and SSAB was 254 tpy and the sum of Linwood and Lafarge was 1,539 tpy). Gerdau and SSAB are approximately 8–9 km away from the nonattainment boundary and Linwood and Lafarge are approximately 20 km away from the nonattainment area boundary.

As already noted, the state's nonattainment SIP must identify and quantify the emissions which will be allowed from the construction and operation of major new or modified stationary sources in the area (see CAA § 172(c)(4)). The state must demonstrate that such emissions will be consistent with RFP requirements and will not interfere with attainment of the 1-hr SO_2 NAAQS. These requirements are met by the states preconstruction permitting program and implementation of the Nonattainment New Source Review Rules (NNSR). See section C. Nonattainment New Source Review in this preamble for more information.

According to EPA's April 2014 SO_2 guidance, the SIP should also include a projected attainment year inventory that includes estimated emissions for all emission sources of SO_2 that were determined to have an impact on the affected nonattainment area for the year in which the area is expected to attain the standard, consistent with the attainment demonstration. The inventory should reflect projected emissions for the attainment year for all SO_2 sources in the nonattainment area. The state's nonattainment SIP provided a projected inventory only for the controlled sources, as provided in table 3. The inventory was developed assuming each SO_2 source operates 8,760 hours per year at its permitted maximum allowable emission rate.[16]

[16] The projections don't consider operational, physical, supply/demand, or other factors that typically curb actual emissions to values below the maximum permitted allowable rate. There is potential for the actual attainment-year emissions to be lower than those in Table 2.

TABLE 3—PROJECTED ALLOWABLE ANNUAL SO_2 EMISSIONS FROM CONTROL STRATEGY SOURCES

Facility	2018 SO_2 emissions (tpy)
Projected 2018 Emissions for the Controlled Sources	
Grain Processing Corporation	167
Muscatine Power and Water	5,051
Monsanto	1,196

The EPA is proposing to determine that the state has met the requirements of CAA § 172(c)(3) and 172(c)(4).

B. RACM/RACT

CAA § 172(c)(1) requires that the state's nonattainment plan provide for the implementation of all RACM as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of RACT) and shall provide for attainment of the NAAQS. The state's plan for attaining the 1-hour SO_2 NAAQS in the Muscatine nonattainment area is based on a variety of control measures at GPC, MPW and Monsanto. Those measures were included in the state's nonattainment SIP as construction permits.[17]

To ensure the SO_2 NAAQS is attained, GPC must install additional scrubbers, comply with new and more stringent SO_2 emission limits, and implement process modifications designed to), andreduce SO_2 emissions across numerous downstream sources. Table 4–1 of the state's nonattainment SIP lists all the sources included in the control strategy, contains descriptions of the control measures, and provides effective dates. Source specific permitted allowable emission rates, compliance and monitoring obligations, reporting and recordkeeping requirements, and implementation deadlines (where not immediately effectively upon permit issuance) are detailed in each construction permit included with the SIP submittal (appendix B of the state's nonattainment plan). The GPC control strategy includes measures at 52 emission points (EP) at the facility. In summary, those measures include EP0001.0 (Power House Boilers 1–4 and 6–7) is subject to a more stringent SO_2 emission limit based on natural gas combustion; EP546.0 is subject to a more stringent, source-specific SO_2 limit of .0034 lb/hr; a requirement to continue to add sodium bisulfate to the steep water instead of sulfur dioxide in order to reduce SO_2 emissions from the steeping operations and downstream processes; the establishment of source specific SO_2 emission limits at 43 EPs and the required installation of scrubbers on EP015.0 (Germ Drier Nos. 1 and 2), EP097.0 (Germ Drier No. 3), EP126.0 (Germ Drier No. 4), EP200N (Corn Steep Tank Nos. 1–30 and the North Wet Corn Drag), EP200S (Corn Steep Tank Nos. 31–62 and the South Wet Corn Drag), and EP279.0 (Wet Milling Nos. 1–6). The state expects the installation of the scrubbers to reduce SO_2 emissions by up to 90 percent from those units.[18]

While the scrubber installations will not be completed by January 1, 2017, the desired target date discussed in EPA's April 2014 guidance, the scrubbers will be operational as expeditiously as practicable. Based on permitted requirements, three of the six new scrubbers must be in operation no later than August 30, 2017, with the final scrubber operational by March 31, 2018. The installation timetable accommodates factors such as demolition and construction schedules, structural modifications, ductwork design, and the addition of scrubber water treatment capacity. The state asserts in its nonattainment plan that the scrubber installation timeline will not delay or prevent timely attainment of the 1-hr SO_2 NAAQS.

It should also be noted that, on July 14, 2015, GPC converted all of its coal-fired boilers to natural gas. The state estimates that the fuel switch will result in a 96 percent reduction in the facility's total SO_2 emissions. In terms of 2011 data, this fuel switch eliminated 10,374 tons of SO_2 emissions. The state believes, and the EPA agrees, that the fuel conversion from coal to natural gas in GPC's boilers has significantly reduced measured ambient SO_2 concentrations in Muscatine, as noted in Table 4. Based on existing air quality improvements the state projects that monitored attainment will be achieved by the attainment date. Appendix B of the state's nonattainment SIP contains the Federally enforceable air construction permits that define GPC's RACM/RACT requirements.

TABLE 4—AIR MONITORING DATA FROM THE MUSSER PARK MONITOR

Monitor location	1-hr SO_2 NAAQS (ppb)	Design values (ppb)				99th Percentile daily max 1-hr SO_2 concentrations (ppb)					
		2011–2013	2012–2014	2013–2015	2014–2016	2011	2012	2013	2014	2015	2016
Musser Park.	75	217	194	158	113	248	224	179	180	116	45

MPW is subject to several Federal programs that directly or indirectly affect SO_2 emissions, including the Acid Rain provisions of title IV of the CAA, the Cross State Air Pollution Rule (CSAPR), and the CAA section 112 Maximum Achievable Control Technology regulations more commonly known as the Mercury and Air Toxics Standards. However, the state did not rely on these Federal programs alone to address SO_2 emissions. Instead, as per the states control strategy, MPW will comply with new SO_2 emission limits that provide for attainment of the NAAQS. The control measures, described in table 4–2 of the state's nonattainment SIP, account for seven possible operating scenarios involving the three coal-fired boilers (Units 7, 8, and 9). Permit No. 74–A–175–S3, issued to the facility in 2013, shows the SO_2 emission limit for Units 7 and 8 was a combined maximum of 2,772 lb/hr. Permit No. 80–A–191–P2, issued to the facility in 2013, shows the SO_2 emission limit for Unit 9 was 0.56 lb/MMBtu (a maximum daily average). Permit No. 80–A–191–P4, issued to the facility in 2016 as part of the control strategy of

[17] Appendix B, C and D of the state's nonattainment SIP contain the Federally enforceable air construction permits that define RACM/RACT requirements. The RACM/RACT limits taken to comply with the NAAQS are specifically noted in each permit via footnotes in the permits.

[18] The state's estimation of a 90 percent reduction in SO_2 emissions is based off of the control efficiency readily achieved by the types of scrubbers being installed.

the state's nonattainment SIP, shows the combined SO_2 emissions from Units 7–9 must be less than 1,153 lbs/hr.

The control strategy for MPW also addresses emission reductions from EP60 (Auxiliary Boiler). A permit issued to the facility in 2013, Permit No. 13–A–152, for the Auxiliary Boiler required that SO_2 emissions be limited to limited 0.44 lbs/MMBtu (expressed as the average of 3 runs) when burning fuel oil, and to 500 ppm by volume when burning natural gas or propane.[19] thnsp;[20] The permit issued to the facility in 2016, as part of the control strategy, Permit No. 13–A–152–S1, requires that the SO_2 emissions be limited to 0.45 lb/hr and that the sulfur content of the distillate fuel oil combusted in the unit not exceed 15 ppm. Appendix C of the state's nonattainment SIP contains the Federally enforceable air construction permits that define MPW's RACM/RACT requirements. These permits are effective January 1, 2017.

The control measures developed for Monsanto, described in table 4–3 of the state's nonattainment SIP, establish lower emission limits on two sources—EP–195 (Boiler #8) and EP–234 (CAC Process Flare). The Boiler #8 control strategy includes a more stringent SO_2 emission limit. A 2007 permit issued to the facility Permit No. 82–A–092–P9, limited the unit's SO_2 emissions to 292.5 lb/hr. The permit issued to the facility in 2015, Permit No. 82–A–092–P11, as part of the control strategy, limits the unit's SO_2 emissions to 273 lb/hr.[21]

The control strategy for the CAC Process Flare includes new SO_2 emission limit that restricts the unit's fuel use to natural gas only. A 2012 permit issued to the facility, Permit No. 88–A–001–S2, limited the unit's SO_2 emissions to 500 ppm by volume. The permit issued to the facility in 2015, Permit No. 88–A–001–S3, as part of the control strategy, limits the unit to burning only natural gas and the unit's SO_2 emissions to 0.02 lb/hr. Appendix D of the state's nonattainment SIP contains the Federally enforceable air construction permits that define Monsanto's RACM/RACT requirements. These permits are effective May 13, 2015.

The state has determined that these measures suffice to provide for attainment the attainment date, August 5, 2018. EPA concurs and proposes to conclude that the state has satisfied the requirement in CAA § 172(c)(1) to adopt and submit all RACM as needed to attain the standards as expeditiously as practicable.

C. Nonattainment New Source Review (NNSR)

Section 172(c)(5) requires that the state's nonattainment plan provisions shall require permits for the construction and operation of new or modified major stationary sources anywhere in the nonattainment area, in accordance with section CAA § 173. EPA approved the state's nonattainment new source review rules on May 15, 2014 (79 FR 27763). These rules provide for appropriate new source review for SO_2 sources undergoing construction or major modification in the Muscatine nonattainment area without need for modification of the approved rules. Therefore, EPA concludes that the requirements of CAA § 172(c)(5) have been met.

D. Reasonable Further Progress (RFP)

Section 172(c)(2) requires that nonattainment plans include provisions addressing reasonable further progress (RFP). Reasonable further progress is defined in CAA § 171(1) as: ''. . . *such annual incremental reductions in emissions of the relevant air pollutant as are required by this part* [part D] *or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.*''

As discussed in EPA's April 2014 guidance, this definition is most appropriate for pollutants that are emitted by numerous and diverse sources, where the relationship between any individual source and overall air quality is not explicitly quantified, and where NAAQS attainment requires inventory-wide emissions reductions. The SO_2 NAAQS presents special circumstances because there are usually a limited number of well-defined sources affecting the area's air quality and any emission control measures commonly result in swift improvements that typically occur in one step. As noted in the state's nonattainment SIP, the EPA has interpreted that RFP is best construed as ''adherence to an ambitious compliance schedule'' in previous rulemaking.[22]

As previously noted in section V.B. RACT/RACM, in this preamble, the SO_2 emission limits and application of control technologies established for Monsanto (effective on May 13, 2015), MPW (effective January 1, 2017) and for GPC occur on reasonable timelines.

The state asserts that this plan requires that affected sources implement appropriate control measures as expeditiously as practicable in order to ensure attainment of the standard by the applicable attainment date. The state concluded that its plan therefore provides for RFP in accordance with the approach to RFP described in EPA's guidance. EPA concurs and proposes to conclude that the plan provides for RFP as required by CAA § 172(c)(2).

E. Contingency Measures

Section 172(c)(9) of the CAA requires that the state's nonattainment plan provide for the implementation of specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the national primary ambient air quality standard by the attainment date applicable under this part. Such measures shall be included in the plan revision as contingency measures to take effect in any such case without further action by the State or the Administrator.

EPA's April 2014 guidance describes special features of SO_2 planning that influence the suitability of alternative means of addressing the requirement in section 172(c)(9) for contingency measures for SO_2, such that in particular an appropriate means of satisfying this requirement is for the state to have a comprehensive enforcement program that identifies sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement.

The state's nonattainment SIP provides that, after full implementation of the control strategy, contingency measures will be triggered if monitored ambient air quality records 1-hr SO_2 NAAQS violation in the nonattainment area, or if the nonattainment area fails to meet RFP. If triggered, the state will evaluate culpabilities for the violation and will plan to complete the investigation within 3 months of the trigger. Where the investigation concludes unequivocally that SO_2 emissions from one of the three sources in the control strategy is the cause of the recorded 1-hr SO_2 NAAQS violation or failure to achieve RFP, the state will conduct a compliance evaluation and establish orders for the abatement or control of air pollution or make changes to the GPC, MPW, or Monsanto construction permits. Orders or construction permits will be issued within approximately 9 months of completion of the investigation and could include fuel switches, addition of

[19] The unit's 0.44 lbs/MMBtu emission rate is a Lowest Achievable Emission Rate (LAER).

[20] The limit of 500 ppm by volume is from state rule.

[21] The unit also has a 1.95 lbs/MMBtu based on a 3-hr rolling average limit is a Best Available Control Technology limit.

[22] See 74 FR 13547 (April 16, 1992).

controls, curtailment of production, reducing boiler operating loads, or other appropriate measures necessary to mitigate the violation.

EPA proposes to approve the state's plan for meeting the contingency measure requirement of CAA § 172(c)(9).

VI. Additional Elements of the State's Submittal

A. Compliance With Section 110(a)(2) of the CAA

Section 172(c)(7) of the CAA requires nonattainment SIPs to meet the applicable provisions of CAA § 110(a)(2). While the provisions of 110(a)(2) address various topics, EPA's past determinations suggest that only the § 110(a)(2) criteria which are linked with a particular area's designation and classification are relevant to § 172(c)(7). This nonattainment SIP submittal satisfies all applicable CAA § 110(a)(2) criteria, as evidenced by the state's nonattainment new source review program which addresses 110(a)(2)(I), the included control strategy, and the associated emissions limits which are relevant to 110(a)(2)(A). In addition, on July 26, 2013, Iowa submitted to EPA an infrastructure SIP to demonstrate that the state has the necessary plans, programs, and statutory authority to implement the requirements of section 110 of the CAA as they pertain to the 2010 1-hr SO_2 NAAQS. EPA will take action on the state's SO_2 infrastructure SIP in a separate rulemaking. The EPA is proposing to conclude that the state has meet the requirements of CAA § 172(c)(7).

B. Equivalent Techniques

Section 172(c)(8) of the CAA states that upon application by any state, the Administrator may allow the use of equivalent modeling, emission inventory, and planning procedures, unless the Administrator determines that the proposed techniques are, in the aggregate, less effective than the methods specified by the Administrator.

The state's nonattainment SIP indicates that it followed existing regulations, guidance, and standard practices when conducting modeling, preparing the emissions inventories, and implementing its planning procedures. Therefore, the state did not use or request approval of alternative or equivalent techniques as allowed under of the CAA and the EPA is proposing to conclude that the state's nonattainment SIP meets the requirements of CAA § 172(c)(8).

VII. EPA's Proposed Action

The EPA is proposing to approve the nonattainment SIP submission, which the state submitted to EPA on May 26, 2016, for attaining the 2010 1-hour SO_2 NAAQS for the Muscatine nonattainment area and for meeting other nonattainment area planning requirements. This SO_2 attainment plan includes the state's attainment demonstration for the Muscatine nonattainment area. The nonattainment area plan also addresses requirements for RFP, RACT/RACM, base-year and projection-year emission inventories, and contingency measures.

The EPA has determined that the state's nonattainment plan meets applicable requirements of the section 172 of the CAA (107(c)(1) through (9). EPA's analysis is discussed in this proposed rulemaking.

The EPA is taking public comments for thirty days following the publication of this proposed action in the **Federal Register**. We will take all comments into consideration in our final action.

VIII. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Iowa Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and/or at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[23]

IX. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

[23] 62 FR 27968 (May 22, 1997).

Dated: August 9, 2017.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

Part 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Q—Iowa

■ 2. Amend § 52.820 by:

■ a. In the table in paragraph (d), adding entries ''(112)'' through ''(169)'' in numerical order; and

■ b. In the table in paragraph (e), adding an entry ''(47)'' in numerical order.

The additions read as follows:

§ 52.820 Identification of plan.

* * * * *

(d)* * *

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
*	*	*	*	*
(112) Grain Processing Corporation.	Permit No. 95–A–374–S4 ..	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(113) Grain Processing Corporation.	Permit No. 15–A–078	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(114) Grain Processing Corporation.	Permit No. 79–A–194–S2 ..	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(115) Grain Processing Corporation.	Permit No. 71–A–067–S4 ..	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(116) Grain Processing Corporation.	Permit No. 75–A–087–S1 ..	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(117) Grain Processing Corporation.	Permit No. 72–A–199–S2 ..	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(118) Grain Processing Corporation.	Permit No. 74–A–014–S1 ..	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(119) Grain Processing Corporation.	Permit No. 74–A–015–S2 ..	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(120) Grain Processing Corporation.	Permit No. 75–A–353–S2 ..	7/6/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(121) Grain Processing Corporation.	Permit No. 79–A–195–S2 ..	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(122) Grain Processing Corporation.	Permit No. 80–A–149–S5 ..	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(123) Grain Processing Corporation.	Permit No. 80–A–150–S5 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(124) Grain Processing Corporation.	Permit No. 85–A–031–S2 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(125) Grain Processing Corporation.	Permit No. 85–A–032–S2 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(126) Grain Processing Corporation.	Permit No. 85–A–038–P1 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(127) Grain Processing Corporation.	Permit No. 85–A–135–P1 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(128) Grain Processing Corporation.	Permit No. 90–A–111–S1 ..	7/6/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(129) Grain Processing Corporation.	Permit No. 91–A–068–S2 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(130) Grain Processing Corporation.	Permit No. 93–A–110–P1 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(131) Grain Processing Corporation.	Permit No. 92–A–383–S2 ..	7/6/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(132) Grain Processing Corporation.	Permit No. 92–A–385–S1 ..	7/6/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(133) Grain Processing Corporation.	Permit No. 94–A–055–S1 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(134) Grain Processing Corporation.	Permit No. 94–A–061–S1 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(135) Grain Processing Corporation.	Permit No. 02–A–781–S2 ..	7/6/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(136) Grain Processing Corporation.	Permit No. 02–A–782–S2 ..	7/6/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(137) Grain Processing Corporation.	Permit No. 09–A–482–S2 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(138) Grain Processing Corporation.	Permit No. 10–A–563–S1 ..	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(139) Grain Processing Corporation.	Permit No. 15–A–200	3/25/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(140) Grain Processing Corporation.	Permit No. 15–A–201	3/25/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(141) Grain Processing Corporation.	Permit No. 15–A–202	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(142) Grain Processing Corporation.	Permit No. 15–A–203	2/15/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(143) Grain Processing Corporation.	Permit No. 15–A–204	2/15/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(144) Grain Processing Corporation.	Permit No. 15–A–205	2/15/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(145) Grain Processing Corporation.	Permit No. 15–A–206	2/15/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(146) Grain Processing Corporation.	Permit No. 15–A–207	2/15/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(147) Grain Processing Corporation.	Permit No. 15–A–208	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(148) Grain Processing Corporation.	Permit No. 15–A–209	12/10/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(149) Grain Processing Corporation.	Permit No. 15–A–480	2/15/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(150) Grain Processing Corporation.	Permit No. 15–A–481	2/15/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(151) Grain Processing Corporation.	Permit No. 15–A–482	2/15/16	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(152) Grain Processing Corporation.	Permit No. 15–A–483	2/15/16	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(153) Grain Processing Corporation.	Permit No. 15–A–213	1/26/16	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(154) Grain Processing Corporation.	Permit No. 15–A–484	2/15/16	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(155) Grain Processing Corporation.	Permit No. 15–A–485	2/15/16	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(156) Grain Processing Corporation.	Permit No. 15–A–486	2/15/16	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(157) Grain Processing Corporation.	Permit No. 15–A–326	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(158) Grain Processing Corporation.	Permit No. 03–A–471–S1 ..	7/6/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(159) Grain Processing Corporation.	Permit No. 05–A–926–S4 ..	2/15/16	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(160) Grain Processing Corporation.	Permit No. 06–A–1261–S1	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(161) Grain Processing Corporation.	Permit No. 11–A–338–S1 ..	7/6/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(162) Grain Processing Corporation.	Permit No. 15–A–354	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(163) Grain Processing Corporation.	Permit No. 15–A–199	12/10/15	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(164) Muscatine Power and Water.	Permit No. 13–A–152–S1 ..	3/2/16	[*date of final publication in the **Federal Register***] and [***Federal Register** citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].

EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS—Continued

Name of source	Order/permit No.	State effective date	EPA approval date	Explanation
(165) Muscatine Power and Water.	Permit No. 74–A–175–S4 ..	3/2/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(166) Muscatine Power and Water.	Permit No. 95–A–373–P3 ..	3/2/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(167) Muscatine Power and Water.	Permit No. 80–A–191–P3 ..	3/2/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(168) Monsanto	Permit No. 82–A–092–P11	5/13/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].
(169) Monsanto	Permit No. 88–A–001–S3 ..	5/13/15	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	2010 1-hr SO_2 NAAQ Nonattainment Plan; Condition 6 of the permit is not part of the SIP; EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].

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EPA-APPROVED IOWA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
(47) 2010 1-hr SO_2 National Ambient Air Quality Standard Nonattainment Plan.	A portion of Muscatine County.	5/26/16	[*date of final publication in the* ***Federal Register***] and [***Federal Register*** *citation*].	EPA–R07–OAR–2017–0416; FRL–XXXX–Region 7].

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[FR Doc. 2017–17736 Filed 8–23–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2012–0133, FRL–9966–26–OAR]

RIN 2060–AS79

National Emission Standards for Hazardous Air Pollutants: Manufacture of Amino/Phenolic Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On October 8, 2014, the Environmental Protection Agency (EPA) finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Manufacture of Amino/Phenolic Resins (APR). Subsequently, the EPA received three petitions for reconsideration of the final rule. The EPA is reconsidering and requesting public comment on issues related to the maximum achievable control technology (MACT) standards for continuous process vents (CPVs) at existing affected sources. The EPA is proposing to revise the MACT standard for back-end CPVs at existing affected sources based on hazardous air pollutant (HAP) emissions test data for back-end CPVs at existing sources for this source category submitted by petitioners. The EPA is also soliciting comments regarding the need to revise the standard for front-end CPVs at existing sources, and to extend the compliance date for the proposed revised emission limit for back-end CPVs at existing sources. Additionally, the EPA is proposing requirements for storage vessels at new and existing sources during periods when an emission control system used to control vents on fixed roof tanks is undergoing planned routine maintenance. The EPA is seeking comments only on the four issues specifically addressed in this notice: proposed revised back-end CPV MACT standards for existing sources, whether the EPA should modify the front-end CPV MACT standards for existing sources, whether the EPA should extend the compliance date for the proposed revised back-end CPV MACT standards for existing sources, and the proposed work practice standards for storage vessels during planned routine maintenance of emission control systems. In this rulemaking, the EPA is not reopening or requesting comment on any other aspects of the 2014 final amendments to the NESHAP for the Manufacture of APR, including other issues raised in petitions for reconsideration of the 2014 rule. The EPA estimates this proposal, if

finalized as proposed, would reduce compliance costs to this industry by $2.1 million per year, compared to a revised cost estimate of the MACT standard as amended in 2014.

DATES:

Comments. Comments must be received on or before October 23, 2017.

Public Hearing. If a public hearing is requested by September 7, 2017, then we will hold a public hearing on September 25, 2017 at EPA Headquarters, William Jefferson Clinton East Building, 1201 Constitution Avenue NW., Washington, DC 20004. If a public hearing is requested, then we will provide details about the public hearing on our Web site at: *https://www.epa.gov/stationary-sources-air-pollution/manufacture-aminophenolic-resins-national-emission-standards.* The EPA does not intend to publish another notice in the **Federal Register** announcing any updates on the request for a public hearing. Please contact Ms. Virginia Hunt at (919) 541–0832 or by email at *hunt.virginia@epa.gov* to request a public hearing, to register to speak at the public hearing, or to inquire as to whether a public hearing will be held. The last day to pre-register in advance to speak at the public hearing will be September 21, 2017.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2012–0133 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *http://www.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://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, please contact Mr. Art Diem, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1185; fax number: (919) 541–0246; email address: *diem.art@epa.gov.* For information about the applicability of the NESHAP to a particular entity, contact Maria Malave, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, EPA WJC South Building, Mail Code 2227A, 1200 Pennsylvania Avenue NW., Washington DC 20460; telephone number: (202) 564–7027; fax number: (202) 564–0050; and email address: *malave.maria@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2012–0133. All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2012–0133. The EPA's policy is that all comments received will be included in the public docket without change and will be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2012–0133. 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 you claim as CBI. In addition to one complete version of the comment that includes information claimed as CBI, you must submit a copy of the comment that does not contain the information claimed as CBI for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in the Code of Federal Regulations (CFR) at 40 CFR part 2.

The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any electronic storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/dockets.*

Preamble Acronyms and Abbreviations. Multiple acronyms and terms are used in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

APR Amino/phenolic resin
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CPV Continuous process vent
EPA Environmental Protection Agency
FR Federal Register
HAP Hazardous air pollutants
HON Hazardous Organic NESHAP
ICR Information collection request
lb Pound
MACT Maximum achievable control technology
NESHAP National emissions standards for hazardous air pollutants

OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
PRD Pressure relief device
ppmv Parts per million by volume
RTO Regenerative thermal oxidizer
RTR Residual risk and technology review
UFC Urea formaldehyde concentrate
UPL Upper predictive limit

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I. General Information

A. What is the source of authority for the reconsideration action?

The statutory authority for this action is provided by sections 112 and 307(d)(7)(B) of the Clean Air Act (CAA) (42 U.S.C. 7412 and 7607(d)(7)(B)).

B. Does this action apply to me?

Categories and entities potentially regulated by this action include, but are not limited to, facilities having a North American Industry Classification System (NAICS) code 325211. Facilities with this NAICS code are described as plastics material and resin manufacturing establishments, which includes facilities engaged in manufacturing amino resins and phenolic resins, as well as other plastic and resin types.

To determine whether your facility is affected, you should examine the applicability criteria in 40 CFR 63.1400 of subpart OOO. If you have any questions regarding the applicability of any aspect of the NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this action is available on the Internet. A redline version of the regulatory language that incorporates the proposed changes in this action is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2012–0133). Following signature by the EPA Administrator, the EPA will post a copy of this proposed action at: *https://www.epa.gov/stationary-sources-air-pollution/manufacture-aminophenolic-resins-national-emission-standards.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of this proposal at this same Web site. Other key technical documents related to this proposal will be available in the docket when the **Federal Register** version of the proposal is posted to the docket. Only the version as published in the **Federal Register** will represent the official EPA proposal.

II. Background

A. Why is the EPA issuing this proposed reconsideration action?

On October 8, 2014, the EPA completed the residual risk and technology review (RTR) of the January 20, 2000, APR MACT standards (65 FR 3276), and published its final rule amending the NESHAP for the APR Production source category at 40 CFR part 63, subpart OOO. That action also amended the NESHAP for the Acrylic and Modacrylic Fibers Production source category and the Polycarbonate Production source category at 40 CFR part 63, subpart YY (79 FR 60898). The 2014 final rule established MACT standards for the first time for CPVs at existing affected sources in the APR Production source category. The 2014 final rule also removed exemptions for periods of startup, shutdown, and malfunction; clarified provisions pertaining to open-ended valves and lines; added monitoring requirements for pressure relief devices (PRDs); and added requirements for electronic reporting of performance test results.

The October 2014 amendments to 40 CFR part 63, subpart OOO, promulgated emissions limits for previously unregulated HAP emissions from CPVs at existing affected sources, without distinguishing between back-end and front-end CPVs. The standard of 0.95 kilograms of organic HAP per megagram (1.9 pounds (lb) of total organic HAP per ton) of resin produced is codified at 40 CFR 63.1405(a)(3) and currently applies to existing affected source back-end and front-end CPVs.

Following promulgation of the October 8, 2014, final rule, the EPA received three petitions for reconsideration pursuant to section 307(d)(7)(B) of the CAA. The petitions were submitted by the Sierra Club, Tembec BTLSR (''Tembec''), and Georgia-Pacific LLC (''Georgia-Pacific''). The petitions are available for review in the rulemaking docket (see Docket Document ID Nos. EPA–HQ–OAR–2012–0133–0077, EPA–HQ–OAR–2012–0133–0076, and EPA–HQ–OAR–2012–0133–0072, respectively). On March 27, 2015, the EPA issued letters to the petitioners granting reconsideration of the final rule to address at least the following petitioners' claims: that the public was not afforded a reasonable opportunity to comment on the MACT floor analysis, supporting data and resulting emission standards for CPVs at existing sources; and that the requirements associated with emissions from PRDs should be reconsidered.[1]

[1] A petitioner requested another change in the rule language regarding planned routine maintenance of emission control systems used to reduce HAP emissions from storage vessels. Although this issue was not addressed in the March 2015 letters granting reconsideration, the EPA has reconsidered the storage vessel requirements and is addressing these requirements in this proposal. See section IV of this preamble for more details.

These letters are also available in the rulemaking docket (see Docket Document ID Nos. EPA–HQ–OAR–2012–0133–0075, EPA–HQ–OAR–2012–0133–0073, and EPA–HQ–OAR–2012–0133–0074, respectively).

The Agency is now proposing revised emissions standards for back-end CPVs at existing affected sources and is proposing alternative work practice standards for storage vessels during periods of planned routine maintenance of emission control systems on fixed roof tanks at new and existing affected APR production sources. The EPA is requesting public comments on these proposed standards. The EPA is also asking for comments on whether it is necessary to establish a new compliance date for the proposed revised back-end CPV limits at existing sources (if they are promulgated), and on whether revisions are needed to the existing source CPV limits as they apply to front-end CPVs. At this time, the EPA is not proposing any actions pertaining to its grant of reconsideration on the PRD issues raised in the petitions for reconsideration. The EPA intends to address those issues separately in a future action and is not requesting or accepting comment on issues related to PRDs.

B. What are the issues raised by petitioners about the standards for CPVs at existing affected sources?

1. Opportunity To Comment on Final Production-Based Standards for CPVs at Existing Affected Sources

During the review of the APR NESHAP, the EPA determined that there were no applicable MACT standards for CPVs located at existing affected sources, and, therefore, in the January 9, 2014 (79 FR 1676), RTR proposal for the category, the EPA proposed first-time MACT standards, based on the MACT floor, for those CPVs as follows:

- Reduce organic HAP by 85 percent or more; or
- Limit the concentration of organic HAP to 20 parts per million by volume (ppmv) when using a combustion control device; or
- Limit the concentration of organic HAP to 50 ppmv when using a non-combustion control device.

During the comment period on the proposal, commenters provided the EPA with information showing that, rather than the two existing affected sources in the category with CPVs (specifically, CPVs on resin spray dryers) that the EPA had identified at proposal, there are four existing affected sources with a total of six CPVs (all on resin spray dryers). In addition, commenters stated that the EPA should calculate uncontrolled production-based emission rates based on 5 years of production, taking variability in emissions between resin types into account. Commenters provided the EPA with HAP emissions data and resin production data for the previous 5 years during the comment period.

The EPA considered the additional data submitted during the comment period in calculating the MACT floor, and determined that it was appropriate to finalize a production-based limit of 1.9 lb of HAP per ton of resin produced for CPVs at existing affected sources (see 40 CFR 63.1405(a)(3)). The EPA discussed the determination of the MACT floor in a memorandum available in the rulemaking docket (Docket Document ID No. EPA–HQ–OAR–2012–0133–0053). The final rule was promulgated on October 8, 2014 (79 FR 60898).

Petitioners Tembec and Georgia-Pacific each own resin spray dryers (back-end CPVs) regulated by the NESHAP for existing affected sources. The back-end CPVs are currently subject to the finalized limit of 1.9 lb of HAP per ton of resin produced. Tembec's and Georgia-Pacific's petitions claim they did not have an opportunity to comment on the MACT floor analysis and emissions standard in the final rule. While they stated in the petitions that they believe a production-based limit is appropriate, they claimed they did not get an opportunity to comment on how the EPA would use the data they provided in analyses conducted to determine the MACT floor level of control.

2. MACT Floor Determination for Back-End CPVs at Existing Affected Sources

The Tembec and Georgia-Pacific petitions stated that the production-based emissions limit in the 2014 final rule of 1.9 lb of HAP per ton of resin produced was not achievable for back-end CPVs, and they expressed concern over the data and calculation methodology used to set the HAP emissions standard for CPVs at existing affected sources. Specifically, Tembec stated that even though its back-end CPVs are identified as the best-performing units, these units do not meet the 1.9 lb of HAP per ton of resin produced standard for existing source CPVs.

Tembec and Georgia-Pacific further stated that the emissions data the EPA used to represent Tembec's back-end CPVs were incomplete. According to Tembec and Georgia-Pacific, Tembec's back-end CPV HAP emissions data used in the final rule MACT floor analysis do not account for all HAP emitted, including methanol and formaldehyde. Therefore, petitioners stated that the EPA underestimated the total HAP emissions from these back-end CPVs, resulting in an unreasonably stringent production-based total HAP emissions standard for existing affected sources.

Georgia-Pacific stated in its petition that the EPA made three errors in calculating the production-based HAP limits for CPVs at existing affected sources. First, the petitioner claimed that the promulgated emissions standard does not adequately account for variability in emissions from back-end CPVs. The commenter noted that the EPA calculated the emission rate for each CPV by dividing the 5-year total emissions by the 5-year total amount of resin produced by the corresponding resin unit. The petitioner stated that to account for short-term variability, the EPA should have based the standard on the maximum 1-year production-based HAP emissions rate for each CPV. Georgia-Pacific also stated that another approach the EPA could have used to account for variability in the data when calculating the production-based HAP emissions limit is the application of a 99-percent upper prediction limit (UPL). Second, Georgia-Pacific disagreed with the EPA's interpretation of ''average'' as the median rather than the arithmetic mean of the production-based HAP emissions, although it acknowledged the EPA's long-standing interpretation that ''average'' could mean arithmetic mean, median, or mode. The petitioner stated that using the arithmetic mean would better reflect the performance of Georgia-Pacific's back-end CPVs, whereas the median produced an emissions limit that is not representative of two of the five best-performing back-end CPVs (with the noted two being Georgia-Pacific CPVs). Third, Georgia-Pacific stated that the EPA's emissions calculations do not account for a change in particulate control technology for one of Tembec's back-end CPVs that occurred prior to the 2014 final rule. Georgia-Pacific asserted that HAP emissions from this CPV are now higher with the change in particulate control technology, and the EPA should not have used data from a period with the previous control technology in place when determining production-based HAP emissions from the five best-performing CPVs at existing affected sources.

Georgia-Pacific also suggested in its petition for reconsideration that the EPA should explore subcategorizing the existing source CPVs between those at Tembec and those at Georgia-Pacific to account for fundamental differences in

equipment and processes, including dryer size and/or type of resin produced. Georgia-Pacific's resin spray dryers are substantially larger than Tembec's resin spray dryers. Also, Tembec produces urea-formaldehyde resins, whereas Georgia-Pacific produces phenolic resins.

Tembec stated in its petition that the EPA did not consider information Tembec submitted to the EPA in the development of the MACT standard for back-end CPVs at existing sources. Specifically, Tembec stated that 2006 engineering test data for one of its CPVs were submitted to the EPA and could have been used to better estimate the HAP emissions from its three CPVs. Tembec also stated that it supports the Georgia-Pacific petition.

In a comment letter from Georgia-Pacific dated March 10, 2014 (Docket Document ID No. EPA–HQ–OAR–2012–0133–0046), on the January 9, 2014, proposal, Georgia Pacific identified an additional CPV at its Crossett, Arkansas, facility. This newly identified CPV is not on the resin spray dryers. Whereas the resin spray dryers are on the back-end of the resin manufacturing process, this additional CPV is associated with a reactor used to produce urea-formaldehyde concentrate (UFC), which is located in the front-end of the resin manufacturing process, ahead of the resin spray dryers. Due to a lack of reliable emissions data for this CPV at the time of the 2014 final rule, the EPA did not include emissions from this CPV when it set the MACT floor for CPVs. The Sierra Club raised concerns in its petition for reconsideration regarding the exclusion of HAP emissions data from that front-end CPV, stating that the EPA did not adequately explain why the UFC CPV HAP emissions data were not included in the analysis to calculate the MACT floor for CPVs and asserting that the EPA must include all existing sources in the MACT floor analysis. Sierra Club argued that if the EPA had included Georgia-Pacific's UFC front-end CPV, the HAP emissions standard for CPVs would have been more stringent.

Sierra Club asserted in its petition that all the CPVs are in the same source category and that the EPA cannot subcategorize based on the controls that are in place. Sierra Club further noted that although the EPA stated that the HAP emissions data from this front-end CPV were not reliable, such a statement is insufficient to explain ignoring the HAP emissions from this CPV when setting the MACT standard for CPVs. Lastly, Sierra Club stated that excluding the UFC front-end CPV in the MACT floor analysis because its HAP emissions are not responsible for driving risks is not a relevant reason for such an exclusion.

Following the EPA's issuance of the March 27, 2015, letters granting reconsideration on petitioners' issues pertaining to CPVs, petitioners Tembec and Georgia-Pacific conducted HAP emissions testing on the back-end CPVs located on their resin dryers at their four existing affected sources. The data from that testing are discussed in section III.A of this preamble.

III. Proposed Emissions Standards for Back-End CPVs at Existing Sources

A. What data were collected for back-end CPVs on resin spray dryers?

Georgia-Pacific and Tembec conducted HAP emissions testing in April 2015 and June 2015 on all six back-end CPVs located on their resin spray dryers, and they submitted the results of that testing to the EPA. Georgia-Pacific separately tested emissions during production of three types of resins at its Conway, North Carolina, facility; two types of resins at the Taylorsville, Mississippi, facility; and one type of resin at the Crossett, Arkansas, facility. Tembec tested emissions from one spray dryer CPV while producing one type of resin and tested emissions during production of two types of resins from the other two resin spray dryer CPVs. The companies followed a testing protocol approved in advance by the EPA, and both companies conducted six 1-hour runs of the back-end CPVs on each resin spray dryer, where possible, yielding a total of 64 runs. The test data indicate that the major HAP present were methanol and formaldehyde. Complete information on the spray dryer back-end CPV exhaust emission testing, including process and operation information, testing protocol and methodology, quality assurance/quality control, and detailed test results are available in the rulemaking docket.

B. What analyses were conducted for back-end CPVs?

1. MACT Floor Analysis for Back-End CPVs

We performed a MACT floor analysis for back-end CPVs using the 2015 test data provided by Georgia-Pacific and Tembec. In determining the MACT floor for existing sources, CAA section 112(d)(3) specifies that the emissions limits cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). Since we have identified six existing source dryers in the APR source category, we determined the MACT floor-level of control based on the best-performing five sources. The MACT floor analysis involved determining the UPL emission rate for each dryer CPV, based on the emissions test results for the resin type generating the highest HAP emissions (where multiple resin types were tested). This UPL value takes into account production variability and estimates the upper bound of future values, based on present or past samples. The resulting UPL emission rate values for the six dryers were ranked, and the five lowest values were averaged to produce the MACT floor value.

The EPA considered the petitioner's claim that the arithmetic average rather than the median value should be used in determining the MACT floor. Given the distribution of the data from these sources, the EPA interprets the arithmetic mean to be the better interpretation of ''average'' for this set of data. If the distribution of the emission rates from each of the dryers had extreme variation or extreme skewness, then the median might be a better indicator of the central tendency or average of the data set. However, given that the data set consists of only five values (*i.e.,* the UPL of the performance testing results for each of the five best-performing dryers [2]) and given that there is only a slight positive skew of this dataset, there is not enough skewness or variation in this dataset to conclude the median would be a better description of the average over the arithmetic mean.

The EPA also considered how to best account for variability in emissions rates in the MACT floor determination. As each of these sources may produce multiple types (or recipes) of APR (without restriction and without needing any physical modification to the sources), to establish a standard that represents the emissions limit achieved in practice by the best-performing sources, our calculations of the MACT floor are based on the resin resulting in the highest HAP emissions at each of the best-performing sources and the calculated UPL emission rate for production of that highest-HAP emission generating resin at each dryer. In determining the MACT floor for existing sources, the EPA may exercise its judgment, based on an evaluation of the relevant factors and available data,

[2] See Table 3 of the memorandum titled ''Proposed Revised MACT Floor and Beyond-the-Floor Analysis for Back-End Continuous Process Vents at Existing Sources in the Amino and Phenolic Resins Production Source Category'' in this docket.

to determine the level of performance that has been achieved by the average of the best-performing sources (in this case, five sources) under variable conditions. The Court has recognized that the EPA may consider variability in estimating the degree of emissions reduction achieved by the best-performing sources and in setting MACT floors, holding the EPA may consider emission variability in estimating performance achieved by best-performing sources and may set the floor at a level that best-performing sources can expect to meet ''every day and under all operating conditions.'' [3] As a result of its analysis, the EPA has determined that an appropriate MACT floor for back-end CPVs s 8.6 lb of HAP per ton of resin produced. See the memorandum titled ''Proposed Revised MACT Floor and Beyond-the-Floor Analysis for Back-End Continuous Process Vents at Existing Sources in the Amino and Phenolic Resins Production Source Category'' for more details on this analysis.

The EPA explored Georgia-Pacific's request in its petition regarding subcategorizing the dryer standards based on dryer size and/or type of resin produced. However, we found no compelling dryer size threshold nor resin type attribution that would provide a suitable rationale for subcategorization of a MACT floor for a back-end CPV standard.

2. Beyond-the-Floor Analysis for Back-End CPVs

When establishing an emission standard pursuant to section 112(d) of the CAA, the EPA also determines whether to control emissions to a more stringent level ''beyond-the-floor,'' after considering the costs, non-air quality health and environmental impacts, and energy requirements of such more stringent control. As part of the beyond-the-floor analysis for existing source back-end CPVs, control options that are more stringent than the MACT floor were considered. We identified one such option for back-end CPVs at existing sources, a 98-percent emissions reduction requirement. For this option, we assumed that regenerative thermal oxidizers (RTOs) would need to be used to achieve this control level at all existing APR sources with back-end CPVs. While we project that two facilities would already need to install RTOs on their back-end CPVs to meet the proposed revised MACT floor emissions limit, for this beyond-the-floor analysis, we evaluated the potential additional installation of RTOs at the other two facilities—one facility would install an RTO to control the back-end CPV on one resin spray dryer and the other facility would install an RTO to control the back-end CPVs on three resin spray dryers.

Table 1 presents the impacts for the MACT floor and the beyond-the-floor options evaluated. Since we are not aware that any of the four facilities have installed controls to comply with the CPV requirements in the 2014 final rule, and since we are aware that at least three of the facilities have obtained an additional year to comply from their permitting authorities pursuant to 40 CFR 63.6(i), we believe it is appropriate to compare the impacts of the MACT floor and the beyond-the-floor option identified to the 2000 rule compliance baseline. In addition, as explained previously, because the data used to set the production-based HAP emissions limit in the 2014 final rule did not account for all HAP, the cost and emissions impacts determined at the time the EPA issued the 2014 final rule would not be an appropriate basis of comparison. However, we note that using the more complete HAP emissions data now available, the cost and emissions impacts of the 2014 final rule for back-end CPVs would be approximately the same as the cost and emissions impacts of the beyond-the-floor option for back-end CPVs presented in Table 1 because we now project that all four facilities would need to install RTOs to comply with the 2014 final rule for back-end CPVs. More information on how the capital and annualized costs and costs per ton were calculated is available in the memorandum titled ''National Impacts Associated with Proposed Existing Source Standards for CPVs and Storage Tanks in the Amino and Phenolic Resins Production Source Category,'' available in the rulemaking docket.

TABLE 1—NATIONWIDE EMISSIONS REDUCTION AND COST IMPACTS OF CONTROL OPTIONS FOR BACK-END CPVS AT EXISTING APR FACILITIES

Regulatory options	HAP emissions reduction compared to 2000 rule (tons per year)	Capital cost (million $)	Annualized cost ($/yr)	Cost effectiveness ($/ton HAP removed)	Incremental cost effectiveness ($/ton HAP removed)
MACT floor	207	4.8	2.1	10,400	.....
Beyond-the-floor [4]	271	9.6	4.2	15,500	33,000

Essentially, the beyond-the-floor option reflects a doubling of capital and annualized costs compared to the MACT floor option, while obtaining an additional HAP reduction of only 31-percent beyond the MACT floor option. Based on this analysis, we do not consider the beyond-the-floor option to be cost effective. Therefore, we are not proposing any beyond-the-floor standards. Instead, we are proposing to establish production-based HAP emission limits for back-end CPVs at existing APR production sources, at the level we have now determined is the correct MACT floor (*i.e.,* 8.6 lb of HAP per ton of resin produced).

3. Proposed Amendments to Compliance Demonstration Procedures

Facilities in the APR Production source category produce a wide variety of resin recipes as needed to meet the specifications of various products in which these resins are used. As a result, the characteristics of the resins passing through the dryers where the back-end CPVs are located can vary at a facility. In order to ensure that APR sources monitor operating parameters at a level that ensures continuous compliance with the proposed MACT standards for back-end CPVs under any and all operating conditions, we are also proposing to amend 40 CFR 63.1413 to require sources to conduct the performance testing using the resin

[3] *Mossville Environmental Action Now* v. *EPA,* 370 F.3d 1232, (D.C. Cir. 2004).

[4] Beyond-the-floor would be essentially the same level of control as the 2014 final rule, with revised estimates of the costs and HAP emissions reduction based on the 2015 test data of back-end CPVs at existing sources.

recipes anticipated to have the highest HAP content in the liquid resin.

4. Consideration of Risk Review

In the risk assessment for the 2014 final rule, we determined that the APR MACT standards promulgated in January 2000 provide an ample margin of safety to protect public health (including the then-uncontrolled emissions from CPVs at existing sources). See Residual Risk Assessment for the Amino/Phenolic Resins Production Source Category, Docket Document ID No. EPA–HQ–OAR–2012–0133–0065. Although the data set used to establish the MACT production-based emission limits for CPVs at existing sources in the 2014 final rule did not include data on all HAP, the risk assessment modeling input files for the 2014 final rule show that emissions of all HAP, including methanol and formaldehyde, from the CPVs at the existing sources were accounted for, except for the non-reactor front-end CPV at the INEOS Melamines facility. At the INEOS Melamines facility, the 2014 risk modeling estimates a maximum individual risk of 0.4-in-1 million attributable to the APR source at the INEOS facility, with the risk driver identified as formaldehyde, and the risk modeling input files include 0.375 tons per year of formaldehyde emissions. The information collected from INEOS regarding its non-reactor front-end CPV indicates annual emissions of formaldehyde at less than 0.03 tons per year. Given the low risk estimate for the facility, we consider this small increase in emissions to be insignificant, and the estimated facility risk would be about the same (less than 1-in-1 million). Thus, we would not anticipate the inclusion of a revised emissions estimate for the INEOS facility would change the 2014 risk assessment results for the facility or the APR Production source category, and we have determined that additional quantitative risk analyses are not necessary.

C. Should the EPA provide facilities more time to comply with the proposed revised back-end CPV standards?

We are soliciting comments on whether existing facilities would need additional time to comply with the proposed revised back-end CPV standards, if the revisions to those standards are promulgated. The current compliance date in the 2014 final rule is October 9, 2017. The APR NESHAP at 40 CFR 63.1401(d) provides the opportunity for existing facilities, on a case-by-case basis, to request an extension from their permitting authorities for up to 1 additional year to comply, if necessary, to install controls to meet a standard. We anticipate that two existing facilities would need to install control devices to comply with the proposed revised back-end CPV emissions standards. Industry has indicated that at least 18 months would be needed to install controls, once the proposed rule is finalized, and a 1-year extension of the October 9, 2017, compliance date, if granted, would require compliance in less than 18 months from any promulgation date of the revised back-end CPV standards (given the date of this proposal). We are soliciting comments on whether to maintain the current compliance date, anticipating that case-by-case extension requests may be made, or if the compliance date should be established for another date. If it is appropriate to establish a different compliance date, we are soliciting comments on an appropriate date, such as a date 18 months after promulgation of the revised standards, the date 18 months beyond the original October 9, 2017, compliance date, or some other date.

IV. What other changes or issues does this action address?

A. Should the EPA promulgate a separate standard for front-end CPVs at existing sources?

In the APR Production source category, CPVs are found in both the back-end and front-end of the resins production process. Back-end CPVs are associated with APR production operations related to processing liquid resins into a dry form. Back-end process operations include, but are not limited to, flaking, grinding, blending, mixing, drying, pelletizing, and other finishing operations, as well as latex and crumb storage. Front-end CPVs are associated with the part of an APR process unit related to producing liquid resins, including any product recovery, stripping, and filtering operations. Front-end CPVs can be further distinguished as being reactor CPVs or non-reactor CPVs. A reactor front-end CPV receives air streams originating from a reactor, whereas a non-reactor front-end CPV receives air streams originating from a unit operation other than a reactor. Examples of non-reactor front-end CPV unit operations include filter presses, surge control vessels, bottoms receivers, weigh tanks, holding tanks, and distillation systems.

The EPA has identified two APR Production existing sources that have front-end CPVs. One is Georgia-Pacific's facility in Crossett, Arkansas, and the other is an INEOS Melamines facility in Springfield, Massachusetts. Georgia-Pacific has a front-end reactor CPV that handles air streams originating from the reactor associated with the manufacture of UFC. This front-end CPV is controlled with an RTO that achieves a HAP control efficiency of 95 percent or more and also controls HAP emissions from other processes at the facility. The EPA became aware of this front-end CPV through comments on the 2014 proposed rulemaking, but had limited information about this front-end CPV at the time of the final rule. INEOS Melamines has a front-end non-reactor CPV that handles air streams from the formaldehyde recovery process associated with their amino resins production process. This front-end CPV is routed to a scrubber, which was installed primarily for control of particulate matter emissions. The EPA was not aware of this front-end CPV unit during the 2014 rulemaking, but learned of it in 2015 from communications with the Massachusetts Department of Environmental Protection. We are not aware of any other front-end CPVs at any of the other existing sources in the APR Production source category.

Since the air emission streams from these two front-end CPVs have different characteristics, such as different flow rates and HAP concentrations, and are vents for dissimilar types of equipment and would likely require different control approaches, we are soliciting comments on, but not yet proposing, whether standards for these front-end CPVs should be revised from the currently applicable CPV standard of 1.9 lb of HAP per ton of resin produced and subcategorized into two types—reactor and non-reactor front-end CPVs. Separate standards for the two types of front-end CPVs would be consistent with how reactor and non-reactor vents have been regulated by the EPA for batch processes for the APR Production source category—see 40 CFR 63.1406 Reactor Batch Process Vent Provisions and 40 CFR 63.1407 Non-reactor Batch Process Vent Provisions. We are not proposing separate standards for front-end CPVs on reactors and non-reactors at this time because we are uncertain as to whether we have identified the only two front-end CPVs in the source category or whether the data for these two CPVs would be appropriate to revise the currently applicable CPV standards and establish front-end CPV standards for the source category if there are other front-end CPVs at existing affected sources. Therefore, we are seeking comment on whether there are other reactor or non-reactor front-end CPVs at existing affected sources. For

any such front-end CPVs, we are further seeking information regarding current HAP emissions, emissions controls, and control costs. If there are no other reactor or non-reactor front-end CPVs at existing affected sources or if no additional data are provided for any such CPVs, it is possible that the EPA would consider, in lieu of leaving front-end CPVs at existing sources subject to the currently applicable CPV standards, adopting final revised standards that could apply to front-end CPVs at existing sources, as discussed below.

Based on the analyses presented below, we could establish separate existing APR Production source standards for front-end CPVs on reactors and for front-end CPVs on non-reactors, based on the MACT floor. We are soliciting comments on whether the EPA should maintain the 2014 final rule CPV emissions standards that currently apply to front-end CPVs (1.9 lb of HAP per ton of resin produced), whether the EPA should replace these standards for front-end CPVs with standards specific to front-end CPVs as discussed in this section, or whether the EPA should set different revised front-end CPV standards based on additional information about additional front-end CPVs that the EPA has not yet obtained.

1. Data Collected for Front-End CPVs

On November 30, 2015, the EPA requested process information and emissions data for front-end CPVs at Georgia-Pacific's Crossett and INEOS Melamines' resin production facilities via a CAA section 114 survey. Georgia-Pacific has another formaldehyde and resin manufacturing facility located in Columbus, Ohio, for which Georgia-Pacific also provided information in their survey submittal. Although the Columbus facility is an area source not subject to the APR MACT standards, Georgia-Pacific provided the data to help clarify emissions that would be expected from the front-end CPV due to APR production at the Georgia-Pacific facility in Crossett, Arkansas, where the front-end CPV at this facility handles streams from both APR and non-APR production sources, since the Columbus and Crossett resin manufacturing operations are similar. The EPA received responses from Georgia-Pacific on February 9, 2016, and responses from INEOS Melamines on January 11, 2016, with additional information on May 23, 2016. The CAA section 114 survey and the survey responses received from Georgia-Pacific and INEOS Melamines can be found in the rulemaking docket.

2. MACT Floor and Beyond-the-Floor Analysis for Front-End CPVs

We performed separate MACT floor analyses for reactor and non-reactor front-end CPVs at existing sources using the 2016 CAA section 114 survey data provided by Georgia-Pacific and INEOS Melamines.

For front-end reactor CPVs at existing sources, we are aware of one major source facility with a front-end reactor CPV subject to the APR NESHAP, which is a Georgia Pacific facility in Crossett, Arkansas. Georgia-Pacific also submitted data for a facility in Columbus, Ohio, which is a synthetic area source and is not subject to the APR NESHAP. Consistent with the EPA's longstanding policy and with prior rulemakings where the EPA has included data from synthetic area sources in MACT floor calculations,[5] data for the front-end CPVs at both the synthetic area source and the major source were included in the MACT floor calculations for reactor front-end CPVs. Based on our analysis of the data provided by Georgia Pacific for these facilities, we have determined that the MACT floor for front-end reactor CPVs at existing sources would be 0.61 lb of HAP per hour.[6]

For front-end non-reactor CPVs at existing sources, we are aware of one major source facility with a front-end non-reactor CPV subject to the APR NESHAP, which is INEOS Melamines in Springfield, Massachusetts. As there is only one front-end CPV in this subcategory, the emissions level currently being achieved by this CPV represents the MACT floor for the subcategory. Based on our analysis of the data provided by INEOS Melamines for this front-end CPV, we have determined that the MACT floor for front-end non-reactor CPVs at existing sources would be 0.022 lb of HAP per hour.[7]

We also conducted a beyond-the-floor analysis for reactor and non-reactor front-end CPVs at existing sources using the 2016 CAA section 114 survey data. For front-end reactor CPVs, HAP emissions from the CPVs at both facilities are controlled with RTOs, and we have not identified any other technology that would perform better. Therefore, there is no beyond-the-floor option to evaluate.

For front-end non-reactor CPVs at existing sources, the CPV at the INEOS Melamines facility is currently controlled with a scrubber, and we assumed carbon adsorption would be a technically feasible control technology that would reduce HAP emissions. We estimated the total annualized costs of adding carbon adsorption to be approximately $9,000 per year and the control would achieve an additional reduction of 0.04 tons of HAP per year, resulting in a cost of approximately $225,000 per ton of HAP removed beyond the MACT floor level of control. Based on the high costs and low additional emissions reduction possible with this control, we have determined that this beyond-the-floor option is not reasonable. More information on these MACT floor and beyond-the-floor analyses are available in the memorandum titled ''MACT Floor and Beyond-the-Floor Analyses for Front-End Continuous Process Vents at Existing Sources in the Amino and Phenolic Resins Production Source Category'' in the rulemaking docket.

B. Proposed Work Practice Standards for Storage Vessels at New and Existing Sources During Planned Routine Maintenance of Emission Control Systems

In the 2014 final rule, we removed the exemption from emissions standards for periods of startup, shutdown and malfunction in accordance with a decision of the United States Court of Appeals for the District of Columbia Circuit, *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), *cert. denied,* 130 S. Ct. 1735 (U.S. 2010). This decision stated that the EPA must have standards in place at all times, even during periods of startup, shutdown and malfunction. As a result, the storage vessel provisions in the APR NESHAP at 40 CFR 63.1404 apply at all times. In their petition for reconsideration, Georgia-Pacific requested that the EPA reconsider the applicability of the storage vessel HAP emissions standards when the emission control system for the vent on a fixed roof storage vessel is shut down for planned routine maintenance.

In the 2014 final rule, we established storage vessel capacity and vapor pressure applicability thresholds for storage vessels at new and existing sources, consistent with the thresholds established for the chemical industry regulated by the Hazardous Organic NESHAP for Synthetic Organic

[5] *See, e.g.,* NESHAP for Municipal Solid Waste Landfills, 68 FR 2227, 2232 (January 16, 2003); NESHAP for Brick and Structural Clay Products Manufacturing and NESHAP for Clay Ceramics Manufacturing, 68 FR 26690, 26697 (May 16, 2003); NESHAP for Polyvinyl Chloride and Copolymers Production, 77 FR 22848, 22876 (April 17, 2012).

[6] The EPA did not select a production-based format for the MACT floor because front-end equipment may not produce finished resin products and relating the output of front-end equipment to tons of finished resin produced may be difficult for compliance purposes.

[7] *See* footnote 5.

Chemical Manufacturing Industry (HON). Georgia Pacific stated in its petition for reconsideration of the 2014 final rule that to meet the goal of being wholly consistent with the HON storage vessel standards, the EPA also should include the HON storage vessel allowance for routine maintenance of an emission control system in the rule. The HON includes provisions at 40 CFR 63.119(e)(3) and (f)(3) that allow an affected source to bypass the storage vessel emission control system for up to 240 hours per year to perform planned routine maintenance of the emission control system. The emission control system could be an emission control device, fuel gas system, or process. The petitioner stated that these provisions would ensure consistency and are needed because the effort to empty and degas a tank to perform this maintenance could result in greater HAP emissions than would occur if a limited allowance or exception were provided.

To determine whether separate MACT standards should be established for periods of planned routine maintenance of the emission control system for the vent on a fixed roof tank at a new or existing source, we reviewed the title V permits for each facility subject to the APR NESHAP. In this review, we searched for facilities that had storage vessels subject to the emissions standards of the APR NESHAP and for any permit requirements pertaining to periods of routine maintenance of a control device for a storage vessel. From the review, several facilities were found to have storage vessels subject to the APR NESHAP emission standards, and two facilities had permit conditions for periods of time when the storage vessel control device was not operating. One facility had requirements that emissions be routed to a different control device, which normally operates at the facility for other processes, during planned outages of the primary control device for the storage vessel. At this facility, when both control devices are not operating, there are requirements that the storage vessels not be filled during these times, eliminating working loss emissions. The other facility had requirements for one storage vessel that specify it could not be filled when its emission control system was not operating. The reviewed title V permits also indicate that some APR facilities are co-located with storage vessels subject to the HON (or have storage vessels that serve both APR and HON operations, but are subject to the HON due to predominant use).

We also reviewed other chemical production NESHAP to determine requirements that apply to similar storage vessels. From the review of these NESHAP, we found that the HON and several other NESHAP, including, but not limited to, those for Group I Polymers and Resins, Group IV Polymers and Resins, Off-Site Waste and Recovery Operations, Pharmaceuticals Production, and Pesticide Active Ingredient Production with similar vapor pressure and threshold capacities had provisions that minimized HAP emissions during periods of planned routine maintenance. Provisions minimized HAP emissions by limiting the duration of the planned routine maintenance to 240 hours per year. The Pharmaceuticals Production and Pesticide Active Ingredient Production NESHAP allow a facility to request an extension of up to an additional 120 hours per year on the condition that no material is added to the tank during such requested extension period. Based on our review of these permits and NESHAP, we have determined that a separate work practice standard that allows owners/operators up to 240 hours per year during planned routine maintenance of the emission control system, provided that there are no working losses from the vessel, represents the MACT floor level of control for fixed roof tank vents at new and existing APR sources.

We evaluated the 2014 final rule's requirement that the storage vessel work practice standard at new and existing APR sources apply at all times (with no separate work practice standards for periods of planned routine maintenance of the emission control system) as a beyond-the-floor control option. To comply with this option (*i.e.,* the current rule's storage tank requirements), we anticipate that backup controls would likely be installed to ensure compliance with the storage vessel requirements during periods of planned routine maintenance of the primary emission control system. We estimate that there are one to 15 sources in the category that would need to control one or more storage vessels during periods when the primary emission control system is undergoing planned routine maintenance. We estimate that carbon canisters would be the emission control devices used for two storage vessels at each facility. We estimate these control devices would have an annualized cost of $830 per year per facility and would reduce 240 hours of breathing losses of 0.013 tons of HAP per year per facility, at a cost of $62,400 per ton of HAP emissions reduced. We view the costs of this beyond-the-floor option as not being cost effective.

Based on this analysis, we are proposing amendments to the currently applicable storage vessel work practice standard provisions for new and existing affected sources that would establish separate work practice standards for periods of planned routine maintenance of an emission control system that is used to comply with HAP emissions standards for vents on fixed roof tanks. The proposed amendments would permit owners and operators of fixed roof tanks at new and existing affected APR sources to bypass the emission control system for up to 240 hours per year during planned routine maintenance of the emission control system, provided that there are no working losses from the fixed roof tank. To prevent HAP emissions from working losses, owners/operators would not be permitted to add material to the tank during these planned routine maintenance periods. Under this provision, the storage vessel would emit HAP to the atmosphere for a limited amount of time due to breathing losses only, which we expect to be a much lower HAP emission rate than if there were also working losses resulting from filling the vessel. The proposed separate work practice standards for periods of planned routine maintenance of the emission control system would result in slightly higher HAP emissions (approximately 0.013 tons per year per facility) than would occur under the current work practice standards for storage vessels in the 2014 final rule and would reduce annualized costs of approximately $830 per year per facility.

We are soliciting comments on these proposed work practice standards for storage vessels at new and existing APR sources and whether they represent practices by the best-performing sources in the APR Production source category. We are soliciting comments on whether there are other practices that should be considered in establishing the work practice standards for periods of planned routine maintenance of the emission control system for storage vessels at existing and new APR sources. We are also soliciting comments on whether we have accurately estimated the HAP emissions and costs compared to the work practice standards for storage vessels at new and existing sources in the 2014 final rule.

V. Summary of Cost, Environmental, and Economic Impacts

A. What are the affected sources?

We estimate that four to 15 existing sources would be affected by one or more of the revised requirements being

proposed in this action. We expect four existing sources to be affected by the proposed revised back-end CPV requirements. We expect one to 15 existing affected sources to be affected by the proposed work practice standards for periods of planned routine maintenance of an emission control system that is used to comply with emissions standards for vents on fixed roof tanks. We anticipate that some of these existing affected sources could be affected by more than one of the proposed requirements.

B. What are the air quality impacts?

We are proposing a revised standard of 8.6 lb of HAP per ton of resin produced for back-end CPVs at existing sources. We project that the proposed standard would result in an estimated reduction of 207 tons of HAP per year beyond the January 2000, APR MACT standards. As discussed previously in section III.B.2 of this preamble, the production-based emissions limit for existing source CPVs in the 2014 final rule was established based on incomplete HAP emissions data. However, if facilities were to comply with that 2014 final rule, we estimate a reduction of 271 tons per year of HAP emissions using the revised HAP emissions estimates based upon the 2015 test data.

In the 2014 final rule, we removed the exemptions from standards that applied during periods of startup, shutdown, and malfunction. In the absence of separate work practice standards that would apply during these times, affected sources are now required to meet the storage vessel work practice standards during periods when the emission control system for the vent on a fixed roof storage tank is shut down for planned routine maintenance by routing storage vessel vents to a back-up control device, resulting in an estimated decrease of 0.013 tons of HAP per year per facility beyond the January 2000 APR MACT standards. The proposed work practice standards we are proposing in this action would preclude the need to install back-up controls for these vessels. We anticipate that the proposed revised work practice standards would reduce HAP emissions from those allowed under the January 2000 APR MACT standards as a result of preventing working losses by not filling the tank during planned routine maintenance of the control device and as a result of limiting the annual duration of the maintenance period; however, the HAP emissions reduction may be slightly less than the 0.08 tons of HAP per year projected under the 2014 final rule.

C. What are the cost impacts?

For back-end CPVs at existing affected sources, we are proposing a revised standard of 8.6 lb of HAP per ton of resin produced. We project that back-end CPVs at two existing affected sources would require emissions controls to meet the proposed revised standard. For cost purposes, we assumed that each facility would install an RTO. Based on discussions with Georgia-Pacific and Tembec, we understand that the facilities are exploring other options, such as process changes, that may be more cost effective. However, the technical feasibility and potential costs of these options are currently unknown, and our estimate of compliance costs, assuming the use of RTOs, is based on the best information available. We estimate the nationwide capital costs to be $4.8 million and annualized costs to be $2.1 million per year. These costs are additional to the 2000 rule, which did not regulate CPVs at existing sources. Compared to our revised estimate of the 2014 final rule costs of $9.6 million in capital costs and annualized costs of $4.2 million,[8] the proposed revised standard represents an approximate 50-percent reduction in industry-wide costs.

We estimated the nationwide annualized cost reductions associated with the proposed work practice standard for periods of planned routine maintenance of an emission control system that is used to comply with emissions standards for vents on fixed roof tanks. Compared to our revised estimate of the 2014 final rule costs,[9] the proposed storage vessel work practice standards result in an annualized cost reduction for each facility of $830 per year, which includes capital cost reduction of $1,600. We estimate the nationwide annualized cost reduction to be up to $12,450 per year based on an estimated 15 facilities.

D. What are the economic impacts?

We performed a national economic impact analysis for APR production facilities affected by this proposed rule. We anticipate that two existing affected sources would install RTOs to comply with this proposed rule at a total annualized cost of $2.1 million (in 2014$) per year compared to the 2000 rule. These total annualized costs of compliance are estimated to be approximately 0.002 percent of sales. Accordingly, we do not project that this proposed rule would have a significant economic impact on the affected entities.

The estimated total annualized cost of this proposal can also be compared to the estimated cost for the industry to comply with the 2014 final rule. Based on information received since the 2014 rule was finalized, we developed a revised estimate of the cost to comply with the 2014 final rule. We estimate the revised annualized cost of complying with the 2014 final rule to be $4.2 million per year.[10] Compared to this revised estimate of the cost of compliance with the 2014 final rule, this proposal would provide regulatory relief by reducing annualized compliance costs by $2.1 million.

More information and details of this analysis, including the conclusions stated above, are provided in the technical document, ''Economic Impact Analysis for the Proposed Amendments to the NESHAP for Amino/Phenolic Resins,'' which is available in the rulemaking docket.

E. What are the benefits?

We estimate that this proposed rule would result in an annual reduction of 207 tons of HAP, compared to the pre-2014 baseline. These avoided emissions will result in improvements in air quality and reduced negative health effects associated with exposure to air pollution of these emissions; however, we have not quantified or monetized the benefits of reducing these emissions for this rulemaking. See section V.B of this preamble for discussion of existing source CPV HAP emissions under this proposed rule compared to the 2014 final rule.

VI. Solicitation of Public Comment and Participation

The EPA seeks public comments on the issues addressed in this proposed rule, as described in this notice. We are soliciting comments on the proposed emission standards for back-end CPVs at existing affected sources, whether to extend the compliance date for the proposed revised emission standards for back-end CPVs at existing affected sources, whether to promulgate separate emissions standards for reactor front-end CPVs and non-reactor front-end CPVs at existing affected sources in lieu of leaving them subject to the current CPV standards, and on the information

[8] *See* memorandum ''National Impacts Associated with Proposed Standards for CPVs and Storage Tanks in the Amino and Phenolic Resins Production Source Category,'' which is available in the rulemaking docket.

[9] Same as footnote 8.

[10] *See* Table 3 and Table 4, Memorandum ''National Impacts Associated with Proposed Standards for CPVs and Storage Tanks in the Amino and Phenolic Resins Production Source Category,'' which is available in the rulemaking docket.

available to the EPA to establish emission standards for front-end CPVs at existing affected sources. We also request comments on the proposed work practice standards for storage vessels at new and existing APR sources during periods when an emission control system for a fixed roof tank vent is undergoing planned routine maintenance. We are not soliciting and will not respond to comments addressing any other issues or other provisions of the 2014 final rule or any other rule, including other issues raised in the petitions for reconsideration of the 2014 final rule. Those issues will be addressed, as appropriate, in a separate, future action.

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.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)

The information collection activities in this proposed rule have been submitted for approval to OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 1869.08. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

This proposed rule would require recordkeeping and reporting of occurrences when control devices used to comply with the storage tank provisions undergo planned routine maintenance. Reporting of such occurrences would be required to be disclosed in the Periodic Reports as specified at 40 CFR 63.1417.

Respondents/affected entities: The respondents affected by the amendments to 40 CFR part 63, subpart OOO include, but are not limited to, facilities having a NAICS code 325211 (United States Standard Industrial Classification 2821). Facilities with a NAICS code of 325211 are described as Plastics Material and Resin Manufacturing establishments, which includes facilities engaged in manufacturing amino resins and phenolic resins, as well as other plastic and resin types.

Respondent's obligation to respond: Mandatory under sections 112 and 114 of the CAA.

Estimated number of respondents: 15.

Frequency of response: Once or twice per year.

Total estimated burden: 45 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $2,600 (per year).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *OIRA_submission@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than September 25, 2017. The EPA will respond to any ICR-related comments in the final rule.

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. The EPA has identified no small entities that are subject to the requirements of 40 CFR 63, subpart OOO.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more 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. This action will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The EPA's risk assessments for the 2014 final rule (Docket ID No. EPA–HQ–OAR–2012–0133) demonstrate that the current regulations are associated with an acceptable level of risk and provide an ample margin of safety to protect public health and prevent adverse environmental effects. This proposed action would not alter those conclusions.

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).

In the 2014 final rule, the EPA determined that the current health risks posed by emissions from these source categories are acceptable and provide an ample margin of safety to protect public health and prevent adverse environmental effects. This proposed

action would not alter the conclusions made in the 2014 final rule regarding these analyses.

List of Subjects in 40 CFR Part 63

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

Dated: August 7, 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 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 OOO—National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins

■ 2. Section 63.1400 is amended by revising paragraph (b)(4) to read as follows:

§ 63.1400 Applicability and designation of affected sources.

* * * * *

(b) * * *

(4) Equipment that does not contain organic hazardous air pollutants (HAP) and is located within an APPU that is part of an affected source;

* * * * *

■ 3. Section 63.1402 paragraph (b) is amended by:

■ a. Adding, in alphabetical order, definitions for ''Back-end continuous process vent'', ''Front-end continuous process vent'', ''Non-reactor process vent'', and ''Reactor process vent''; and

■ b. Removing the definitions for ''Non-reactor batch process vent'' and ''Reactor batch process vent''

The additions read as follows:

§ 63.1402 Definitions.

* * * * *

(b) * * *

Back-end continuous process vent means a continuous process vent for operations related to processing liquid resins into a dry form. Back-end process operations include, but are not limited to, flaking, grinding, blending, mixing, drying, pelletizing, and other finishing operations, as well as latex and crumb storage. Back-end does not include storage and loading of finished product or emission points that are regulated under §§ 63.1404 or 63.1409 through 63.1411 of this subpart.

* * * * *

Front-end continuous process vent means a continuous process vent for operations in an APPU related to producing liquid resins, including any product recovery, stripping and filtering operations, and prior to any flaking or drying operations.

* * * * *

Non-reactor process vent means a batch or continuous process vent originating from a unit operation other than a reactor. Non-reactor process vents include, but are not limited to, process vents from filter presses, surge control vessels, bottoms receivers, weigh tanks, and distillation systems.

* * * * *

Reactor process vent means a batch or continuous process vent originating from a reactor.

* * * * *

■ 4. Section 63.1404 is amended by adding paragraph (c) to read as follow:

§ 63.1404 Storage vessel provisions.

* * * * *

(c) Whenever gases or vapors containing HAP are routed from a tank through a closed-vent system connected to a control device used to comply with the requirements of paragraph (a) or (b) of this section, the control device must be operating except as provided for in paragraph (c)(1) or (2) of this section.

(1) The control device may be bypassed for the purpose of performing planned routine maintenance of the control device. When the control device is bypassed, the owner or operator must comply with paragraphs (c)(1)(i) through (iii) of this section.

(i) The control device may only be bypassed when the planned routine maintenance cannot be performed during periods that tank emissions are vented to the control device.

(ii) On an annual basis, the total time that the closed-vent system or control device is bypassed to perform routine maintenance shall not exceed 240 hours per each calendar year.

(iii) The level of material in the tank shall not be increased during periods that the closed-vent system or control device is bypassed to perform planned routine maintenance.

(2) The gases or vapors containing HAP are routed from the tank through a closed-vent system connected to an alternate control device meeting the requirements of paragraph (a)(1) or the alterative standard in paragraph (b) of this section.

■ 5. Section 63.1405 is amended by revising paragraphs (a) introductory text, paragraph (a)(2) introductory text, paragraph (b), and adding paragraph (c) to read as follows:

§ 63.1405 Continuous process vent provisions.

(a) *Emission standards for new affected sources.* For each continuous process vent located at a new affected source with a Total Resource Effectiveness (TRE) index value, as determined following the procedures specified in § 63.1412(j), less than or equal to 1.2, the owner or operator shall comply with either paragraph (a)(1) or (2) of this section. As an alternative to complying with paragraph (a) of this section, an owner or operator may comply with paragraph (c)(1) of this section.

* * * * *

(2) Reduce emissions of total organic HAP by 85 weight-percent. Control shall be achieved by venting emissions through a closed vent system to any combination of control devices meeting the requirements of 40 CFR part 63, subpart SS (national emission standards for closed vent systems, control devices, recovery devices). When complying with the requirements of 40 CFR part 63, subpart SS, the following apply for purposes of this subpart:

* * * * *

(b) *Emission standards for existing affected sources.* For each continuous process vent located at an existing affected source, the owner or operator shall comply with either paragraph (b)(1) or (2) of this section. As an alternative to complying with paragraph (b) of this section, an owner or operator may comply with paragraph (c)(2) of this section.

(1) Vent all emissions of organic HAP to a flare.

(2) The owner or operator of a back-end continuous process vent shall reduce total organic HAP emissions to less than or equal to 4.3 kg of total organic HAP per megagram of resin produced (8.6 pounds of total organic HAP per ton of resin produced).

(c) *Alternative emission standards.* As an alternative to complying with paragraph (a) or (b) of this section, an owner or operator may comply with paragraph (c)(1) or (2) of this section, as appropriate.

(1) For each continuous process vent located at a new affected source, the owner or operator shall vent all organic HAP emissions from a continuous process vent meeting the TRE value specified in paragraph (a) of this section

to a non-flare combustion control device achieving an outlet organic HAP concentration of 20 ppmv or less or to a non-combustion control device achieving an outlet organic HAP concentration of 50 ppmv or less. Any continuous process vents that are not vented to a control device meeting these conditions shall be controlled in accordance with the provisions of paragraph (a)(1) or (2) of this section.

(2) For each continuous process vent located at an existing affected source, the owner or operator shall vent all organic HAP emissions from a continuous process vent to a non-flare combustion control device achieving an outlet organic HAP concentration of 20 ppmv or less or to a non-combustion control device achieving an outlet organic HAP concentration of 50 ppmv or less. Any continuous process vents that are not vented to a control device meeting these conditions shall be controlled in accordance with the provisions of paragraph (b)(1) or (2) of this section.

■ 6. Section 63.1412 is amended by revising paragraphs (a) and (k)(2) to read as follows:

§ 63.1412 Continuous process vent applicability assessment procedures and methods.

(a) *General.* The provisions of this section provide procedures and methods for determining the applicability of the control requirements specified in § 63.1405(a) to continuous process vents.

* * * * *

(k) * * *

(2) If the TRE index value calculated using engineering assessment is less than or equal to 4.0, the owner or operator is required either to perform the measurements specified in paragraphs (e) through (h) of this section for control applicability assessment or comply with the control requirements specified in § 63.1405(a).

* * * * *

■ 7. Section 63.1413 is amended by:

■ a. Revising paragraph (a) introductory text;

■ b. Adding paragraph (a)(1)(iii);

■ c. Revising paragraphs (a)(3) introductory text, (a)(4) introductory text, and paragraphs (c)(2), and (c)(4) through (6);

■ d. Adding paragraph (c)(7);

■ e. Revising paragraphs (f) and (h)(1);

■ f. Redesignating paragraph (h)(2) as (h)(3);

■ g. Adding new paragraph (h)(2);

■ h. Revising newly redesignated paragraph (h)(3) introductory text and paragraphs (h)(3)(i), (h)(3)(ii) introductory text, (h)(3)(ii)(B)(*1*) and (*3*), and (h)(3)(iii);

■ i. Adding paragraph (h)(4);

■ j. Revising paragraphs (i)(1)(iii) through (iv); and

■ k. Adding paragraph (i)(1)(v).

The revisions and additions read as follows:

§ 63.1413 Compliance demonstration procedures.

(a) *General.* For each emission point, the owner or operator shall meet three stages of compliance, with exceptions specified in this subpart. First, the owner or operator shall conduct a performance test or design evaluation to demonstrate either the performance of the control device or control technology being used or the uncontrolled total organic HAP emissions rate from a continuous process vent. Second, the owner or operator shall meet the requirements for demonstrating initial compliance (*e.g.,* a demonstration that the required percent reduction or emissions limit is achieved). Third, the owner or operator shall meet the requirements for demonstrating continuous compliance through some form of monitoring (*e.g.,* continuous monitoring of operating parameters).

* * * * *

(1) * * *

(iii) *Uncontrolled continuous process vents.* Owners or operators are required to conduct either a performance test or a design evaluation for continuous process vents that are not controlled through either a large or small control device.

* * * * *

(3) *Design evaluations.* As provided in paragraph (a) of this section, a design evaluation may be conducted to demonstrate the organic HAP removal efficiency for a control device or control technology, or the uncontrolled total organic HAP emissions rate from a continuous process vent. As applicable, a design evaluation shall address the organic HAP emissions rate from uncontrolled continuous process vents, the composition and organic HAP concentration of the vent stream(s) entering a control device or control technology, the operating parameters of the emission point and any control device or control technology, and other conditions or parameters that reflect the performance of the control device or control technology or the organic HAP emission rate from a continuous process vent. A design evaluation also shall address other vent stream characteristics and control device operating parameters as specified in any one of paragraphs (a)(3)(i) through (vi) of this section, for controlled vent streams, depending on the type of control device that is used. If the vent stream(s) is not the only inlet to the control device, the efficiency demonstration also shall consider all other vapors, gases, and liquids, other than fuels, received by the control device.

* * * * *

(4) *Establishment of parameter monitoring levels.* The owner or operator of a control device that has one or more parameter monitoring level requirements specified under this subpart, or specified under subparts referenced by this subpart, shall establish a maximum or minimum level, as denoted on Table 4 of this subpart, for each measured parameter using the procedures specified in paragraph (a)(4)(i) or (ii) of this section. Except as otherwise provided in this subpart, the owner or operator shall operate control devices such that the hourly average, daily average, batch cycle daily average, or block average of monitored parameters, established as specified in this paragraph, remains above the minimum level or below the maximum level, as appropriate.

* * * * *

(c) * * *

(2) Initial compliance with § 63.1405(a)(1) or (b)(1) (venting of emissions to a flare) shall be demonstrated following the procedures specified in paragraph (g) of this section.

* * * * *

(4) Continuous compliance with § 63.1405(a)(1) or (b)(1) (venting of emissions to a flare) shall be demonstrated following the continuous monitoring procedures specified in § 63.1415.

(5) Initial and continuous compliance with the production-based emission limit specified in § 63.1405(b)(2)(i) shall be demonstrated following the procedures in paragraph (h)(1) of this section.

(6) Initial and continuous compliance with the emission rate limits specified in § 63.1405(b)(2)(ii) and (iii) shall be demonstrated following the procedures of either paragraphs (c)(6)(i) or (ii) or this section.

(i) Continuous process vents meeting the emission rate limit using a closed vent system and a control device or recovery device or by routing emissions to a fuel gas system or process shall follow the procedures in 40 CFR part 63, subpart SS. When complying with the requirements of 40 CFR part 63, subpart SS, the following apply for purposes of this subpart:

(A) The requirements specified in of § 63.1405 (a)(2)(i) through (viii).

(B) When 40 CFR part 63, subpart SS refers to meeting a weight-percent emission reduction or ppmv outlet concentration requirement, meeting an emission rate limit in terms of kilograms of total organic HAP per hour shall also apply.

(ii) Continuous process vents meeting the emission rate limit by means other than those specified in paragraph (c)(6)(i) of this section shall follow the procedures specified in paragraph (h)(2) of this section.

(7) Initial and continuous compliance with the alternative standards specified in § 63.1405(c) shall be demonstrated following the procedures in paragraph (f) of this section.

* * * * *

(f) *Compliance with alternative standard.* Initial and continuous compliance with the alternative standards in §§ 63.1404(b), 63.1405(c), 63.1406(b), 63.1407(b)(1), and 63.1408(b)(1) are demonstrated when the daily average outlet organic HAP concentration is 20 ppmv or less when using a combustion control device or 50 ppmv or less when using a non-combustion control device. To demonstrate initial and continuous compliance, the owner or operator shall follow the test method specified in § 63.1414(a)(6) and shall be in compliance with the monitoring provisions in § 63.1415(e) no later than the initial compliance date and on each day thereafter.

* * * * *

(h) * * *

(1) Each owner or operator complying with the mass emission limit specified in § 63.1405(b)(2)(i) shall determine initial compliance as specified in paragraph (h)(1)(i) of this section and continuous compliance as specified in paragraph (h)(1)(ii) of this section.

(i) *Initial compliance.* Initial compliance shall be determined by comparing the results of the performance test or design evaluation as specified in paragraph (a)(1) of this section to the mass emission limit specified in § 63.1405(b)(2)(i).

(ii) *Continuous compliance.* Continuous compliance shall be based on the daily average emission rate calculated for each operating day. The first continuous compliance average daily emission rate shall be calculated using the first 24-hour period or otherwise-specified operating day after the compliance date. Continuous compliance shall be determined by comparing the daily average emission rate to the mass emission limit specified in § 63.1405(b)(2)(i).

(2) As required by paragraph (c)(6)(ii) of this section, each owner or operator complying with the emission rate limits specified in § 63.1405(b)(2)(ii) and (iii), as applicable, by means other than those specified in paragraph (c)(6)(i) of this section shall determine initial compliance as specified in paragraph (h)(2)(i) of this section and continuous compliance as specified in paragraph (h)(2)(ii) of this section.

(i) *Initial compliance.* Initial compliance shall be determined by comparing the results of the performance test or design evaluation as specified in paragraph (a)(1) of this section to the emission rate limits specified in § 63.1405(b)(2)(ii) and (iii), as applicable.

(ii) *Continuous compliance.* Continuous compliance shall be based on the hourly average emission rate calculated for each operating day. The first continuous compliance average hourly emission rate shall be calculated using the first 24-hour period or otherwise-specified operating day after the compliance date. Continuous compliance shall be determined by comparing the average hourly emission rate to the emission rate limit specified in § 63.1405(b)(2)(ii) or (iii), as applicable.

(3) *Procedures to determine continuous compliance with the mass emission limit specified in § 63.1405(b)(2)(i).* (i) The daily emission rate, kilograms of organic HAP per megagram of product, shall be determined for each operating day using Equation 5 of this section:

$$ER = \frac{E_i}{RP_m} \qquad \text{[Eq. 5]}$$

Where:

ER = Emission rate of organic HAP from continuous process vent, kg of HAP/Mg product.

E_i = Emission rate of organic HAP from continuous process vent i as determined using the procedures specified in paragraph (h)(3)(ii) of this section, kg/day.

RP_m = Amount of resin produced in one month as determined using the procedures specified in paragraph (h)(3)(iii) of this section, Mg/day.

(ii) The daily emission rate of organic HAP, in kilograms per day, from an individual continuous process vent (E_i) shall be determined. Once organic HAP emissions have been estimated, as specified in paragraph (h)(3)(ii)(A) of this section for uncontrolled continuous process vents or paragraphs (h)(3)(ii)(A) and (B) of this section for continuous process vents vented to a control device or control technology, the owner or operator may use the estimated organic HAP emissions (E_i) until the estimated organic HAP emissions are no longer representative due to a process change or other reason known to the owner or operator. If organic HAP emissions (E_i) are determined to no longer be representative, the owner or operator shall redetermine organic HAP emissions for the continuous process vent following the procedures in paragraph (h)(3)(ii)(A) of this section for uncontrolled continuous process vents or paragraphs (h)(3)(ii)(A) and (B) of this section for continuous process vents vented to a control device or control technology.

* * * * *

(B) * * *

(*1*) Uncontrolled organic HAP emissions shall be determined following the procedures in paragraph (h)(3)(ii)(A) of this section.

* * * * *

(*3*) Controlled organic HAP emissions shall be determined by applying the control device or control technology efficiency, determined in paragraph (h)(3)(ii)(B)(*2*) of this section, to the uncontrolled organic HAP emissions, determined in paragraph (h)(3)(ii)(B)(*1*) of this section.

(iii) The rate of resin produced, RP_M (Mg/day), shall be determined based on production records certified by the owner or operator to represent actual production for the day. A sample of the records selected by the owner or operator for this purpose shall be provided to the Administrator in the Precompliance Report as required by § 63.1417(d).

(4) *Procedures to determine continuous compliance with the emission rate limit specified in § 63.1405(b)(2)(ii) or (iii).*

(i) The hourly emission rate, kilograms of organic HAP per hour, shall be determined for each hour during the operating day using Equation 6 of this section:

$$E_H = K_2\left(\sum_{j=1}^{n} C_j M_j\right) Q_S \text{ (Eq.6)}$$

Where:

E_H = Hourly emission rate of organic HAP in the sample, kilograms per hour.

K_2 = Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram) (minutes/hour), where standard temperature for (gram-mole per standard cubic meter) is 20 °C.

n = Number of components in the sample.

C_J = Organic HAP concentration on a dry basis of organic compound j in parts per million as determined by the methods specified in paragraph (h)(4)(ii) of this section.

M_j = Molecular weight of organic compound j, gram/gram-mole.

Q_S = Continuous process vent flow rate, dry standard cubic meter per minute, at a

temperature of 20 °C, as determined by the methods specified in paragraph (h)(4)(ii) of this section.

(ii) The average hourly emission rate, kilograms of organic HAP per hour, shall be determined for each operating day using Equation 7 of this section:

$$AE = \frac{\sum_{i=1}^{n} E_H}{n} \qquad \text{(Eq.7)}$$

Where:

AE = Average hourly emission rate per operating day, kilograms per hour.

n = Number of hours in the operating day.

(ii) Continuous process vent flow rate and organic HAP concentration shall be determined using the procedures specified in § 63.1414(a), or by using the engineering assessment procedures in paragraph (h)(4)(iii) of this section.

(iii) *Engineering assessment.* For the purposes of determining continuous compliance with the emission rate limit specified in § 63.1405(b)(2)(ii) or (iii) using Equations 6 and 7, engineering assessments may be used to determine continuous process vent flow rate and organic HAP concentration. An engineering assessment includes, but is not limited to, the following examples:

(A) Previous test results, provided the tests are representative of current operating practices.

(B) Bench-scale or pilot-scale test data representative of the process under representative operating conditions.

(C) Maximum volumetric flow rate or organic HAP concentration specified or implied within a permit limit applicable to the continuous process vent.

(D) Design analysis based on accepted chemical engineering principles, measurable process parameters, or physical or chemical laws or properties. Examples of analytical methods include, but are not limited to, the following:

(*1*) Estimation of maximum organic HAP concentrations based on process stoichiometry material balances or saturation conditions; and

(*2*) Estimation of maximum volumetric flow rate based on physical equipment design such as pump or blower capacities.

* * * * *

(i) * * *

(1) * * *

(iii) Exceedance of the mass emission limit (*i.e.,* having an average value higher than the specified limit) monitored according to the provisions of paragraph (e)(2) of this section for batch process vents and according to the provisions of paragraph (h)(1) of this section for continuous process vents;

(iv) Exceedance of the organic HAP outlet concentration limit (*i.e.,* having an average value higher than the specified limit) monitored according to the provisions of § 63.1415(e); and

(v) Exceedance of the emission rate limit (*i.e.,* having an average value higher than the specified limit) determined according to the provisions of paragraph (h)(2) of this section.

* * * * *

■ 8. Section 63.1415 is amended by revising paragraph (e) to read as follows:

§ 63.1415 Monitoring requirements.

* * * * *

(e) *Monitoring for the alternative standards.* For control devices that are used to comply with the provisions of §§ 63.1404(b), 63.1405(c), 63.1406(b), 63.1407(b), or 63.1408(b), the owner or operator shall conduct continuous monitoring of the outlet organic HAP concentration whenever emissions are vented to the control device. Continuous monitoring of outlet organic HAP concentration shall be accomplished using an FTIR instrument following Method PS–15 of 40 CFR part 60, appendix B. The owner or operator shall calculate a daily average outlet organic HAP concentration.

■ 9. Section 63.1416 is amended by:

■ a. Revising paragraphs (f)(1), (3), (5) introductory text, and (5)(ii);

■ b. Adding paragraph (f)(5)(iii);

■ e. Redesignating paragraph (f)(6) as (f)(7);

■ f. Adding new paragraph (f)(6); and

■ g. Revising newly redesignated paragraph (f)(7) introductory text and paragraph (g)(5)(v)(E).

The revisions and additions read as follows:

§ 63.1416 Recordkeeping requirements.

* * * * *

(f) * * * (1) *TRE index value records.* Each owner or operator of a continuous process vent at a new affected source shall maintain records of measurements, engineering assessments, and calculations performed according to the procedures of § 63.1412(j) to determine the TRE index value. Documentation of engineering assessments, described in § 63.1412(k), shall include all data, assumptions, and procedures used for the engineering assessments.

* * * * *

(3) *Organic HAP concentration records.* Each owner or operator shall record the organic HAP concentration as measured using the sampling site and organic HAP concentration determination procedures (if applicable) specified in § 63.1412(b) and (e), or determined through engineering assessment as specified in § 63.1412(k).

* * * * *

(5) If a continuous process vent is seeking to demonstrate compliance with the mass emission limit specified in § 63.1405(b)(2)(i), keep records specified in paragraphs (f)(5)(i) through (iii) of this section.

* * * * *

(ii) Identification of the period of time that represents an operating day.

(iii) The daily organic HAP emissions from the continuous process vent determined as specified in § 63.1413(h)(3).

(6) If a continuous process vent is seeking to demonstrate compliance with the emission rate limits specified in § 63.1405(b)(2)(ii) or (iii), keep records specified in paragraphs (f)(6)(i) through (iii) of this section.

(i) The results of the initial compliance demonstration specified in § 63.1413(h)(2)(i).

(ii) Identification of the period of time that represents an operating day.

(iii) The average hourly organic HAP emissions from the continuous process vent determined as specified in § 63.1413(h)(4).

(7) When using a flare to comply with § 63.1405(a)(1) or (b)(1), keep the records specified in paragraphs (f)(7)(i) through (f)(7)(iii) of this section.

* * * * *

(g) * * *

(5) * * *

(v) * * *

(E) The measures adopted to prevent future such pressure releases.

* * * * *

■ 10. Section 63.1417 is amended by:

■ a. Revising paragraphs (d) introductory text, (d)(8), (e)(1) introductory text, (f) introductory text, and (f)(1), (2), (5) introductory text and (12)(ii);

■ b. Adding paragraphs (f)(14) and (15); and

■ c. Revising paragraph (h)(7) introductory text.

The revisions and additions read as follows:

§ 63.1417 Reporting requirements.

* * * * *

(d) *Precompliance Report.* Owners or operators of affected sources requesting an extension for compliance; requesting approval to use alternative monitoring parameters, alternative continuous monitoring and recordkeeping, or alternative controls; requesting approval to use engineering assessment to estimate organic HAP emissions from a batch emissions episode as described in § 63.1414(d)(6)(i)(C); wishing to establish parameter monitoring levels according to the procedures contained in § 63.1413(a)(4)(ii); establishing parameter monitoring levels based on a design evaluation as specified in

§ 63.1413(a)(3); or following the procedures in § 63.1413(e)(2); or following the procedures in § 63.1413(h)(3), shall submit a Precompliance Report according to the schedule described in paragraph (d)(1) of this section. The Precompliance Report shall contain the information specified in paragraphs (d)(2) through (11) of this section, as appropriate.

* * * * *

(8) If an owner or operator is complying with the mass emission limit specified in § 63.1405(b)(2)(i), the sample of production records specified in § 63.1413(h)(3) shall be submitted in the Precompliance Report.

* * * * *

(e) * * *

(1) The results of any emission point applicability determinations, performance tests, design evaluations, inspections, continuous monitoring system performance evaluations, any other information used to demonstrate compliance, and any other information, as appropriate, required to be included in the Notification of Compliance Status under 40 CFR part 63, subpart SS and subpart WW, as referred to in § 63.1404 for storage vessels; under 40 CFR part 63, subpart SS, as referred to in § 63.1405 for continuous process vents; under § 63.1416(f)(1) through (3), (5)(i) and (ii), and (6)(i) and (ii) for continuous process vents; under § 63.1416(d)(1) for batch process vents; and under § 63.1416(e)(1) for aggregate batch vent streams. In addition, each owner or operator shall comply with paragraphs (e)(1)(i) and (ii) of this section.

* * * * *

(f) *Periodic Reports.* Except as specified in paragraph (f)(12) of this section, a report containing the information in paragraph (f)(2) of this section or containing the information in paragraphs (f)(3) through (11) and (13) through (15) of this section, as appropriate, shall be submitted semiannually no later than 60 days after the end of each 180 day period. In addition, for equipment leaks subject to § 63.1410, the owner or operator shall submit the information specified in 40 CFR part 63, subpart UU, and for heat exchange systems subject to § 63.1409, the owner or operator shall submit the information specified in § 63.1409. Section 63.1415 shall govern the use of monitoring data to determine compliance for emissions points required to apply controls by the provisions of this subpart.

(1) Except as specified in paragraph (f)(12) of this section, a report containing the information in paragraph (f)(2) of this section or containing the information in paragraphs (f)(3) through (11) and (13) through (15) of this section, as appropriate, shall be submitted semiannually no later than 60 days after the end of each 180 day period. The first report shall be submitted no later than 240 days after the date the Notification of Compliance Status is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status is due. Subsequent reports shall cover each preceding 6-month period.

(2) If none of the compliance exceptions specified in paragraphs (f)(3) through (11) and (13) through (15) of this section occurred during the 6-month period, the Periodic Report required by paragraph (f)(1) of this section shall be a statement that the affected source was in compliance for the preceding 6-month period and no activities specified in paragraphs (f)(3) through (11) and (13) through (15) of this section occurred during the preceding 6-month period.

* * * * *

(5) If there is a deviation from the mass emission limit specified in § 63.1406(a)(1)(iii) or (a)(2)(iii), § 63.1407(b)(2), or § 63.1408(b)(2), the following information, as appropriate, shall be included:

* * * * *

(12) * * *

(ii) The quarterly reports shall include all information specified in paragraphs (f)(3) through (11) and (13) through (15) of this section applicable to the emission point for which quarterly reporting is required under paragraph (f)(12)(i) of this section. Information applicable to other emission points within the affected source shall be submitted in the semiannual reports required under paragraph (f)(1) of this section.

* * * * *

(14) If there is a deviation from the mass emission limit specified in § 63.1405(b)(2)(i), the report shall include the daily average emission rate calculated for each operating day for which a deviation occurred.

(15) If there is a deviation from the emission rate limit specified in § 63.1405(b)(2)(ii) or (iii), the report shall include the following information for each operating day for which a deviation occurred:

(i) The calculated average hourly emission rate.

(ii) The individual hourly emission rate data points making up the average hourly emission rate.

* * * * *

(h) * * *

(7) Whenever a continuous process vent becomes subject to control requirements under § 63.1405, as a result of a process change, the owner or operator shall submit a report within 60 days after the performance test or applicability assessment, whichever is sooner. The report may be submitted as part of the next Periodic Report required by paragraph (f) of this section.

* * * * *

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 20 and 43

[WC Docket No. 11–10; FCC 17–103]

Modernizing the FCC Form 477 Data Program

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks comment on how to revise the current FCC Form 477 collection of voice and broadband subscription and deployment data to increase its usefulness to the Commission, Congress, the industry, and the public.

DATES: Comments are due on or before September 25, 2017 and reply comments are due on or before October 10, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this document, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit comments, identified by WC Docket No. 11–10, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- *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, Office of the Secretary, Federal Communications Commission.

○ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

▪ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

▪ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th St. SW., Washington, DC 20554.

• *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

FOR FURTHER INFORMATION CONTACT: Thomas Parisi, Wireline Competition Bureau, (202) 418–1356 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Further Notice of Proposed Rulemaking (FNPRM or Further Notice) in WC Docket No. 11–10; FCC 17–103, adopted on August 3, 2017 and released on August 4, 2017. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th St. SW., Washington, DC 20554 or at the following Internet address: *https://www.fcc.gov/document/fcc-proposes-improvements-broadbandvoice-services-data-collection.*

I. Introduction

1. The Commission initiates a further proceeding to take a focused look at the Commission's Form 477—the principal tool used by the Commission to gather data on communications services, including broadband services, to help inform policymaking. The Commission's goal in this Further Notice of Proposed Rulemaking is two-pronged: To examine its experience based its current data collection in order to collect better and more accurate information on Form 477; and, to explore how the Commission can revise other aspects of the data collection to increase its usefulness to the Commission, Congress, the industry, and the public. These steps continue the Commission's efforts to improve the value of the data the Commission continues to collect, while also identifying and eliminating unnecessary or overly burdensome filing requirements.

II. Discussion

2. Accurate and reliable data on fixed and mobile broadband and voice services are critical to the Commission's ability to meet its goal of decision-making based on sound and rigorous data analysis. Others, including Congressional and state and Tribal policymakers, researchers, and consumers, also rely on the data the Commission collects for a variety of purposes. In support of these efforts, the Commission seeks comment first on ways in which it might change aspects of the Form 477 to increase the quality and accuracy of the information the Commission will continue to collect. The Commission also seeks comment on ways in which the Commission might streamline its current Form 477 requirements and thereby reduce the burdens on filers. The Commission begins below with its proposals for improving and streamlining the Form 477 data collection for mobile services, before turning to a discussion of fixed services.

3. In undertaking this examination of the Form 477 data collection, one of the primary objectives is to ensure that the data the Commission collects are closely aligned with the uses to which they will be put, both by the Commission and by outside stakeholders. As a preliminary issue, the Commission seeks comment on those uses to inform its analysis. For each of the issues considered below, the Commission asks for comment on the relationship between potential changes to the collection and the current or expected need for, and use of, the data. Specifically, the Commission asks for comment on whether and how revisions to the collection would better support an existing or expected use of data. In addition to the Commission's many uses for the data, the Commission understands that external stakeholder uses of the data include state public utility commission regulatory and program analysis, academic research, and state and local broadband deployment and adoption analysis. Are there other external uses of the data for which the Commission should account if the Commission makes changes to the collection? Is the existing data collection well designed for Commission and stakeholder use? Will the revisions under consideration in the FNPRM better align the data the Commission collects with the use of those data? Are there elements of the collection not discussed below that should be considered for elimination because of redundancy or insufficient usefulness?

4. Having accurate and reliable mobile broadband deployment data is critical to policymakers as well as to consumers. However, obtaining meaningful data in the mobile context is challenging. A user's mobile service experience is inherently variable and is affected by various factors, such as terrain, location (*e.g.,* whether the user is indoors or outdoors or distance from a tower), weather, congestion, and the type of connected device. In this Further Notice, the Commission seeks comment on the tradeoffs among the following possible approaches for improving the mobile broadband deployment data the Commission collects. The Commission also seeks input on whether the characteristics or properties of next generation mobile technologies such as 5G may require modifications to the current Form 477 requirements.

5. The current Form 477 data on deployment of mobile broadband services represents a significant improvement over the data that were previously available from earlier data sources. The *2013 Form 477 Order,* 78 FR 49126, August 13, 2013, which provides the framework for the current collection, required for the first time that facilities-based mobile broadband providers directly submit deployment data, representing nationwide coverage areas, as well as required minimum advertised or expected speeds for those coverage areas. Coverage areas are broken down by technology and spectrum band. The current data collection is intended to represent where consumers should expect to receive mobile broadband services at the minimum speeds set by the providers in their marketplace, and it was designed to minimize burdens and allow flexibility for providers. Providers, and not the Commission, decide the speeds of service they offer and may choose among different reasonable bases for substantiating their Form 477 filings.

6. The Commission experience in analyzing and working with the Form 477 data has shown, however, that the Form 477 data could be improved further to better understand the mobile broadband service that consumers actually experience. As noted above, service providers are required to file, and certify the accuracy of, shapefiles representing those areas where, for a specified technology, ''users should expect the minimum advertised upload and download data speeds associated with that network technology.'' Questions have arisen in various

contexts regarding the bases for certain filings and the extent to which those filings reflect actual user experience. The Commission to date has not systematically examined the precise underlying methodologies that are used by service providers in generating their data nor has it investigated whether actual consumer experience has diverged substantially from the Form 477 filings. Moreover, providers' minimum advertised or expected speeds have, to date, been treated as confidential, limiting the ability of policymakers and consumers to compare offerings among service providers from this data collection. Also, because service providers select their own methodologies for determining the coverage and speeds provided, these methodologies tend to vary among providers. These varying methodologies make it difficult for the Commission to compare coverage areas and minimum reported speeds, as the underlying meanings of what the coverage and speed information depict may differ among service providers. Also, current Form 477 filings typically do not include meaningful information about the methodologies by which service providers are generating their coverage contours.

7. *Enhancing the Current Data Collection.* The Commission seeks comment on the most appropriate way to retain the benefits of the current Form 477 data collection while introducing certain improvements. Is there a way by which the Commission can improve its current data collection to better understand and evaluate the actual consumer experience? As part of this approach, the Commission proposes to make service providers' minimum advertised or expected speeds publicly available (as described below in Section II.C.1.a.). Should the Commission require that filers submit their mobile deployment files as rasters (raster datasets ''are commonly used for representing and managing imagery, digital elevation models,'' or ''as a way to represent point, line, and polygon features.''), as well as, or instead of, shapefiles? Would the publication of the minimum advertised speed plus a more meaningful disclosure of the methodologies used by individual service providers allow a better reflection of actual consumer experience, and enhance the ability of policymakers and consumers to compare across service providers?

8. *Standardized Predictive Propagation Model.* In addition, the Commission seeks comment on requiring the submission of standardized propagation models for 4G LTE and later-generational technologies. Should the Commission require filers to use predictive propagation models to prepare their Form 477 deployment filings? If so, the Commission seeks comment on the extent to which it should take additional steps to specify possible eligible models for this purpose, and to standardize to some extent the output of those models as well as certain input parameters, with the goal of allowing more meaningful comparisons among service providers' mobile broadband deployment. For instance, should the Commission require that deployment shapefiles represent coverage at median speeds as well as speeds at the cell edge? If so, how should the Commission decide the specified speeds? Or, for instance, the Commission could specify a median download speed of 10 Mbps with an edge speed of 3 Mbps. Would this be appropriate, and if not, why not? Should the Commission also consider setting a cell edge upload speed such as a voice-over-LTE (VoLTE) requirement or an upload speed of 1 Mbps, or would an upload speed lower than 1 Mbps be appropriate, and if so, why?

9. What input parameters would the Commission need to standardize to allow for meaningful comparison among providers' LTE data submissions? As examples, should the Commission standardize, or specify reasonable ranges for, any of the following parameters, and, if so, why: (1) Location of cells in decimal latitude and longitude; (2) channel bandwidth in MHz; (3) signal strength; (4) signal quality with signal to noise ratio; (5) cell loading factors; or (6) terrain provided at a minimum resolution of three arc-seconds? What is the minimum set of parameters the Commission would need to standardize to allow for meaningful comparisons among service providers? To what extent should the providers be free to determine their speeds? To what extent would these predictive models provide the most accurate predictions of actual consumer experience? Would submissions of standardized predictive propagation models with prescribed parameters be too burdensome on smaller service providers? If so, how could the Commission ensure it receives standardized submissions from all providers without unduly burdening small service providers?

10. *Supplement Data Collections with On-The-Ground Data.* To better evaluate the actual consumer experience under the approaches above, the Commission also seeks comment on whether the Commission should require some ''on-the-ground'' data as part of any Form 477 data collection. The previously discussed data collections would be based on the coverage and speeds that theoretically should be achieved based on the service provider's decision on its own submitted propagation model, or some other reasonable methodology of its choosing, or a propagation model with standardized parameters as specified by the Commission. The collection of on-the-ground data would supplement the model-based data, improving the understanding of how the theoretical data relates to actual consumer experience. For instance, comparing results of theoretical propagation models and actual speed test data from Ookla indicate that propagation model parameters such as signal strength and speed may not be as closely correlated to the theoretical prediction when analyzing actual on-the-ground data in a particular geographic area. To more accurately reflect consumer experience, should some actual speed test data, aggregated up to a certain geographic level, be required? How could the Commission impose such a requirement without being unduly burdensome? Are there data of this kind that service providers already generate during the ordinary course of business which would be less burdensome to collect?

11. *Incorporation of New Mobile Wireless Technologies.* The *2013 Form 477 Order* provided for reporting by various existing technologies but did not provide for the reporting of data for new wireless technologies, such as 5G. Should the Commission require separate reporting of 5G mobile broadband deployment? Are there any aspects of 5G mobile broadband services that would suggest a need to represent deployment on Form 477 differently from 4G LTE and other mobile technologies? For instance, what are the specific use cases for mobile 5G service that the Commission should consider when collecting data to accurately represent 5G services being deployed to consumers? Should the Commission define 5G for the purposes of the Form 477 data collection, and, if so, how? Further, the Commission seeks comment on whether and, if so, in what circumstances, should the Form 477 take into account the deployment of facilities used in non-traditional ways in offering wireless services to consumers? For example, while Wi-Fi facilities traditionally have provided consumers with portable, not mobile, wireless connectivity, should the Form 477 track deployment of such facilities when offered to consumers in conjunction with resold mobile service? Might there develop other wireless services based

exclusively on the integration of numerous unlicensed facilities, such as Wi-Fi routers, that might warrant tracking in Form 477? If so, under what circumstances, and how should any such facilities deployment be reported?

12. *Mobile Satellite Broadband Service.* Satellite operators today may provide both fixed and mobile broadband service in the same spectrum. Considering the small but growing market for satellite mobile broadband, would it be appropriate to make additional modifications to Form 477 to include satellite broadband data in the mobile broadband data collection, and, if so, how?

13. The *2013 Form 477 Order,* while modernizing the data collection generally, also ensured that, for the first time, the Form 477 data collection would require the submission of mobile broadband deployment data. Specifically, the *2013 Form 477 Order* required that filers submit their mobile broadband deployment data by unique combinations of technology, spectrum band utilized, and minimum advertised or expected speed.

14. Under the current Form 477 reporting framework, facilities-based providers of mobile wireless broadband service are required to submit shapefiles depicting their broadband network coverage areas for each transmission technology deployed in each frequency band. Although the Commission in the *2013 Form 477 Order* concluded that collecting deployment information by spectrum band would enable it ''to analyze deployment in different spectrum bands'' and ''facilitate the formulation of sound and informed spectrum policies,'' to date the Commission has not used the spectrum band information from Form 477 in its mobile broadband coverage analysis.

15. The Commission proposes to eliminate the requirement that mobile broadband providers submit their broadband deployment data by spectrum band. The Commission anticipates that eliminating the requirement to provide spectrum band information would greatly streamline and reduce the burdens on providers by reducing the number of shapefiles (and the amount of the associated underlying data processing) they are required to submit. For example, a provider currently providing LTE in four spectrum bands would only have to submit one shapefile representing its coverage rather than four shapefiles. Moreover, currently the Commission is not aware of any significant purpose for which these data might be used, although the Commission seeks comment on whether to continue to collect these data as they might be helpful for analysis in future proceedings. The Commission also seeks comment on any alternative approaches it should consider in lieu of adopting the streamlining proposal. For example, should the Commission consider adopting an alternative process under which providers might provide a list of bands and the associated amount of spectrum used to provision various mobile technologies by some geography, such as the CMA? Would this approach be less burdensome than the requirement to submit shapefiles for each spectrum band, particularly for smaller providers? Would this approach be beneficial by providing data that would allow the Commission to track more easily new spectrum deployments? Would it, for instance, provide a valuable source of information regarding the timing and provision of LTE on 3.5 GHz spectrum as well as the deployment of 5G services in the various low, mid, and high spectrum bands?

16. Additionally, the Commission seeks comment about whether to eliminate or modify the requirement that mobile broadband providers report coverage information for each technology deployed in their networks. The Commission seeks comment on whether the Commission should simplify the filing process by requiring that coverage maps be provided for four categories of technology—3G, 4G non-LTE, 4G LTE, and 5G—rather than by each specific broadband technology, and how these categories should be defined. Are these categories defined and distinct enough to ensure accurate and meaningful reporting? Are the distinctions between categories, such as 4G versus 5G, clear enough for the data to be meaningful and for respondents to accurately submit data? Will the Commission need to specify which technologies correspond to which category? Currently, the Form 477 instructions set out specific technology codes for nine different mobile technologies. In the Commission's experience, the separate reporting of coverage information by every one of these nine specific mobile technologies has not added useful information for the purposes of Commission decision-making, and such information is not currently used in its analysis of the data received. The Commission seeks comment on whether eliminating the requirement or modifying the information required to be reported in this manner would be a significant reduction in the filing burden.

17. The Commission turns next to its consideration of mobile broadband service availability data. Currently, mobile broadband providers are required to submit data where their service is ''available.'' To comply with this requirement, mobile broadband providers must submit a comma separated values (CSV) file of all census tracts where the provider's mobile wireless broadband service is advertised and available to actual and potential subscribers. This requirement was designed to identify those geographic areas where a service provider has coverage but is not affirmatively offering service to subscribers through a local retail presence.

18. The Commission's experience with the collection of this information, however, has shown that the mobile broadband service availability data that providers submit generally do not reflect their local retail presence. Instead, the Commission has found that filers claim that their service is available beyond where they may have a local retail presence. In view of its experience with these data, the Commission seeks comment about the continued significance of local retail presence information. The Commission proposes eliminating the requirement to submit mobile broadband service availability data, as it is not producing accurate information about where services are affirmatively available to American consumers.

19. Next, the Commission seeks comment about how the Commission might revise its data collection on the deployment of mobile voice services. The *2013 Form 477 Order* required filers to submit the voice coverage boundaries ''where providers expect to be able to make, maintain, and receive voice calls.'' The Order also required that providers submit voice deployment shapefiles representing geographic coverage nationwide for each technology and frequency band. The Commission seeks comment about whether to revise these requirements.

20. The Commission continues to view the collection of mobile voice deployment data as important for tracking changes in the mobile landscape and informing the Commission's analysis of mobile voice services that are available to consumers. The Commission seeks comment, however, on whether there are ways that it may refine its collection of this information to reduce burdens for providers. Specifically, the Commission seeks comment on whether to eliminate the requirement to submit voice coverage data by technology and spectrum band. Does the Commission still need these data to accurately evaluate the mobile voice services that

are available to subscribers? Is the distinction between voice and broadband coverage significant, or do providers most often include mobile voice coverage wherever they have some form of broadband coverage? If providers include mobile voice coverage wherever they have broadband coverage, should the Commission revise its requirements to allow providers to simply check a box indicating that they provide voice coverage wherever they have a particular mobile broadband technology? How would the Commission account for areas in which a provider provides only mobile voice services?

21. To the extent that the collection of mobile voice deployment data by technology is still necessary, should the Commission continue to collect GSM, CDMA and Analog voice data separately? Should the Commission collect separate voice deployment data for VoLTE and mobile switched voice? The Commission anticipates that revising the data collection in this manner would help the Commission assess where providers claim to have VoLTE coverage and assist efforts in the areas of emergency response. The Commission seeks comment on the importance of collecting information about VoLTE coverage.

22. The Commission seeks comment on how it can improve the data collected on mobile broadband and voice subscription. Form 477 currently requires that mobile voice and broadband subscriber information be submitted at the state level. Given the aggregate nature of the current data collection, the Commission currently uses telephone number-based Number Resource Utilization/Forecast (NRUF) data for its subscriber and market share analysis in secondary market transaction review and other proceedings. The NRUF data, however, have certain limitations; for example, NRUF data are more a measure of the number of mobile wireless connections than subscribers. It is increasingly more difficult to determine the number of mobile subscribers through the use of NRUF data because consumers are more likely to use more than one mobile device that have been assigned telephone numbers—particularly non-voice devices, such as Internet access devices (*e.g.,* wireless modem cards and mobile Wi-Fi hotspots), e-readers, tablets, and telematics systems. Also, predicting the number of devices using this dataset is difficult as some mobile devices do not have telephone numbers assigned to them. Moreover, because a subscriber can move and retain the same mobile number, subscribers may not be attributed to the state in which the subscriber receives or pays for service in some cases (someone with an 812 Southern Indiana area code may live in California, for example, but is attributed to Indiana for NRUF purposes.).

23. With respect to the existing Form 477 subscription data, because subscriber data are collected at the state level, they are not sufficiently granular for meaningful evaluation of mobile service subscribership, as noted. Subscription data at a more disaggregated geographic level would significantly improve the Commission's ability to provide more accurate mobile competition analyses, particularly in the secondary market transactions review.

24. While the Commission's *2011 Form 477 NPRM,* 76 FR 10827, February 28, 2011, raised the issue of requiring mobile subscribership reporting at a more granular level, the *2013 Form 477 Order* did not change the state-level reporting requirement. In this FNPRM, the Commission proposes requiring mobile providers to aggregate their subscribership data to the census tract level, based on each subscriber's billing address. This information would be collected as CSV files and would provide a more granular understanding of where consumers are subscribing to service.

25. Would collecting subscribership data at the census-tract level be sufficient to improve the quality of the Commission's data on subscribership? Are subscribers' billing addresses sufficiently correlated with the areas in which subscribers use their mobile wireless devices to be meaningful in the Commission's competitive analyses, and if not, what else should the Commission consider? Does the answer differ for residential and business accounts? Should the Commission consider requiring subscribership data for a different geographic area? For example, while reporting subscribership at the census-tract level would parallel the requirement for fixed service, what are the costs and benefits of reporting at a different geographic level? Whatever the geographic level adopted, the Commission seeks comment on whether using the billing address to assign subscribers to a census tract would be appropriate or, in the alternative, whether using the customer place of primary use address would be preferable as it may be less burdensome for providers. How should filers assign resold lines and broadband-only lines to the more granular geographic level? How should the Commission consider subscribership with respect to 5G services and the IoT? What metrics might the Commission consider in measuring subscribership?

26. For each census block in which providers submit fixed broadband deployment data, providers must report whether they deploy ''mass market/consumer'' service and/or ''business/enterprise/government'' service. All facilities-based fixed broadband providers, including cable operators, must report the census blocks where they make fixed broadband services available to residential and business customers at bandwidths exceeding 200 kbps in at least one direction. The Commission currently requires providers offering business/enterprise/government services to report the maximum downstream and upstream contractual or guaranteed data throughput rate (committed information rate (CIR)) available in each reported census block. If, in a particular block, providers offer business/enterprise/government services that do not have a contractual or guaranteed data throughput rate (*i.e.,* they are ''best efforts'' services), then the maximum downstream and upstream contractual or guaranteed data throughput rates should be reported as ''zero.''

27. The Commission seeks comment on whether to eliminate the separate reporting of available contractual or guaranteed data throughput rates for business/enterprise/government services, while maintaining separate indicators for mass market/consumer service and/or business/enterprise/government deployment. The Commission uses the Form 477 data in connection with many of its proceedings and programs, including the Broadband Progress Report, Universal Service Fund proceedings, the *2017 BDS Order,* 82 FR 25660, June 2, 2017, as well as mergers and other transactions. In the Commission's experience, the information collected for consumer/residential/mass market data already provides the necessary bandwidth data in each of these cases. The added CIR data for business/enterprise/government services do not appear to provide additional useful insight, while collecting these data as a separate category imposes an additional burden on filers. The Commission therefore proposes to discontinue the collection of CIR data and seeks comment on this proposal. The Commission also seeks comment on the best way to collect data reflecting the speeds offered to business/enterprise/government end-users in the absence of CIR data. Will the maximum advertised down- and upload speeds used for mass-market work for business best-efforts data collection? How can the

Commission capture speeds for business/enterprise/government end-users that are not best-efforts?

28. In interactions with filers, staff also have found that filers may be reporting CIR data incorrectly in some cases. It is not unusual for filers to report speeds as contractually guaranteed, when in fact they are best-efforts services. As the technology for providing business/enterprise/government services continues to evolve, along with the demand for them, providers increasingly use a variety of technologies in addition to TDM and fiber to serve customers, including mass market service, HFC, UNEs, and Dark Fiber—with and without contractual service level guarantees. If commenters believe that the Commission should continue to separately collect bandwidth information specific to contractually guaranteed business/enterprise/government services, how can the Commission ensure that providers accurately characterize their offerings? Should the Commission require filers to report the maximum bandwidths of business service offered in a given census block and indicate whether the service is best efforts and/or contractually guaranteed? Alternatively, should the Commission require fixed broadband providers to continue to report whether they offer business/enterprise/government services, but no longer report any speed data associated with such services? The Commission notes that this approach would lessen the burden on filers, but would it also help ensure more accurate reporting? Would information about business/enterprise/government services still be valuable in the absence of speed data, or would it be better to remove the requirement to report these data altogether?

29. Facilities-based providers of fixed broadband must provide in their Form 477 submissions a list of all census blocks where they make broadband connections available to end-user premises, along with the last-mile technology or technologies used. These deployment data represent the areas where a provider does, *or could,* without an extraordinary commitment of resources, provide service. Thus, the meaning of ''availability'' in each listed census block can be multifaceted, even within the data of a single filer. In a particular listed block, the provider may have subscribers or it may not. At the same time, the provider may be able to take on additional subscribers or it may not. The various combinations have varying implications that make it difficult to understand availability. Specifically, if a block was listed by a provider, it is impossible to tell whether residents of that block seeking service could turn to that provider for service or whether the provider would be unable or unwilling to take on additional subscribers. This may limit the value of these data to inform policy-making and as a tool for consumers and businesses to determine the universe of potential Internet service providers at their location.

30. The Commission seeks comment on whether to require fixed broadband providers to indicate whether total customers served on a particular technology could be increased in each census block listed when they report deployment data. It seeks comment on whether all fixed broadband providers should be required to identify on Form 477 three categories of service areas for each technology code: (1) Areas where there are both existing customers served by a particular last-mile technology, and total number of customers using that technology can, and would, be readily increased within a standard interval upon request; (2) areas where existing customers are served but no net-additional customers using that technology will be accommodated; and (3) areas where there are no existing customers for a particular technology but new customers will be added within a standard interval upon request. If it determines to add such a requirement, the Commission seeks comment on how providers would identify the relevant geographic units. For example, if a satellite provider could not increase the total number of new subscribers in a spot beam, would they be able to indicate the speed and/or the capacity to increase the total number of subscribers at various locations in the beam at the block or sub-block level? Would this modification to the current requirements elicit data that are more accurate and useful to the Commission, other policymakers, and the public than the deployment data currently collected? These distinctions could help policymakers understand which areas may be limited for service expansion using specific technologies and which areas may be capable of increasing the total number of subscribers using specific technologies. Doing so would offer the Commission, as well as other users of these data, a more nuanced picture of deployment. It would be possible to see, for example, where providers are building capacity, using which technologies, and similarly where they are not.

31. The Commission seeks comment on the specific costs for fixed broadband providers to report such data, and how to ensure that reporting the data would be as minimally burdensome on filers as possible. Is it reasonable, for example, to assume that fixed broadband providers are aware of whether they have the capacity in place to make their service available and add new subscribers in a particular location? Do providers routinely maintain information about their service areas that would enable them to provide this information readily, or would this proposal require them to develop new information? The Commission seeks comment on the estimated time required to produce the data and ask commenters to provide the incremental costs of any new software development in addition to the average wage rate estimate. Commenters should also address whether technical or other features of particular transmission technologies would raise issues that would make this information more or less difficult to report.

32. As previously stated, Form 477 collects fixed broadband deployment data on the census-block level. In the *2013 Form 477 Order,* the Commission considered and rejected collecting the data on a more granular level. Although recognizing that more granularity may be beneficial in the context of many of its proceedings, the Commission concluded at that time that the administrative and data-quality challenges to collecting data below the census-block level likely would make such an endeavor impractical.

33. More recently, the Commission has requested that specific providers involved in certain of its proceedings provide fixed broadband deployment data on a more granular basis than by census block. For example, the Commission currently collects location-level data from recipients of USF funding to assess whether they are meeting their buildout requirements. The Commission has found this more granular data to be extremely useful in understanding issues surrounding fixed broadband deployment in these contexts and believes that it could be useful if residential deployment data in particular were more generally available to the Commission. The Commission notes that stakeholders have recommended collecting and reporting deployment data at various sub-census block geographies, including at the street-address or parcel level.

34. The Commission seeks comment on giving fixed-broadband providers the option of reporting their deployment data by filing geospatial data showing coverage areas (*i.e.,* polygons of coverage filed via shapefiles or rasters) as providers of mobile broadband and voice service currently are required to do—instead of reporting a list of census

blocks. This could reduce the burden on filers. Since the current Form 477 interface can accept geospatial data, accepting similar data from fixed broadband providers should not present a significant technical burden for the Commission. The Commission seeks comment on whether providers of wired, fixed-terrestrial or fixed-satellite broadband routinely store their broadband footprints as geospatial coverage data. To the extent providers do not routinely store data in such a format, or to ensure comparability among different providers' data, the Commission also seeks comment on how to specify a single methodology for determining the coverage area of a network. What burdens would be associated with creating such geospatial data? In addition, since the Commission lacks the locations of individual homes (or businesses), knowing the areas served does not provide information about the location or number of homes that have or lack service (*i.e.,* it provides information on the areas that have or lack service, not the homes that lack service). Should the Commission assume that all homes within a block have service even if only a fraction of a block's area has service? Should the Commission assume that the fraction of a partially served block with the service correlates with a fraction of homes within that block that have service? This would mean determining what fraction of people or homes (*e.g.,* tenths or hundredths) have had broadband deployed. Over larger areas, such fractional people or homes would likely tend to reflect overall coverage; but over smaller areas would reflect a probabilistic estimate of coverage rather than an accurate count of people or homes lacking coverage. The Commission seeks comment about how it could make the best use of such geospatial data to find the number and location of the unserved, and the value of such data compared to the burden of such a filing.

35. The Commission also seeks comment on collecting data at a sub-census-block level. While collection of data by street address, for example, could increase the complexity and burden of the collection for both the Commission and the filers, the Commission seeks comment on the scope of this burden and potential corresponding benefits. For example, having national, granular broadband deployment data could greatly assist with any future disbursement of high-cost funds or universal service reverse auctions, assist consumers with locating broadband competition in their area, and with other broad public policy goals. With more than 130 million housing units in the country, an address-level dataset could have as many as roughly 750 million records for each filing; based on the scale of this dataset, a household-level collection could require significant additional time and other resources to establish and carry out. The Commission also seeks comment on whether there is a publicly available, nationwide data set containing the address and location (latitude and longitude; and for Multiple Dwelling Units (MDUs), possibly altitude information to distinguish data about units on different floors) for each housing unit in the country, such that filers, or the Commission could geocode street addresses. And, given that the number of housing units changes each year, the Commission is similarly unaware of a means to update such a data set or of publicly available and annually updated source of housing units or population counts in each block that is publicly available and updated annually. The Commission additionally seeks comment on whether the Commission should require providers to submit the service address for every housing unit at which service is available. While this approach would require the Commission to take on the cost of geocoding all the filings, it would potentially relieve burden on the industry. If the Commission requires service address reporting, the Commission seeks comment on ways it could make the reporting less burdensome on providers and the Commission. For example, should the Commission require specific formatting for submission of address-level data? In addition, how could Commission staff find latitude and longitude for addresses that do not provide a full match from a geocoding service?

36. As an alternative, the Commission seeks comment on whether it should require providers to geocode all the addresses at which service is available. The Commission seeks comment on the costs and benefits associated with this approach, and on ways that the Commission could ease the burden on filers. For example, should the Commission specify a single geocoding methodology to be used by all providers (*e.g.,* require all providers to use a single geocoding service, and specify how to handle any geocoding partial matches or failures), or require that providers file a latitude and longitude measured in the field? If the Commission accepts multiple geocoding methodologies, or a mix of geocoding and field geolocating, can Commission staff determine when two points filed by different providers represent the same location? Do providers typically know every address to which they could provision service? Are there ways that the Commission could improve its submission portal to make filing this kind of data less burdensome on providers?

37. The Commission also seeks comment on other sub-census block alternatives, such as collecting data about what street segments providers cover. This approach could avoid some of the problems with address-level collections—providers would not need to know every address they cover, only the geographic areas; and there would be no need for geocoding. Such a collection would provide an indication of the road segments where service is available (or, perhaps, road segments along which facilities run), and by extension, road segments along which there is no service or facilities. However, without a data set of housing-unit locations, this method would not yield information on how many homes are along road segments with service and how many are along road segments that lack service. Service might be concentrated in areas where people live in some blocks but not available to all homes in other blocks. A street-segment data collection would not allow the Commission to differentiate those two very different possibilities. In short, lacking a data set with the location of each housing unit, this approach would provide a map of roads that lack fixed-broadband service or facilities, not an indication of the number or location of homes or people that lack service. The Commission seeks comment on these conclusions, and on suggestions for resolving these concerns. What are the costs and benefits of adopting a street segment approach for data collection?

38. The Commission notes that NTIA collected sub-block level data for blocks larger than two square miles for the National Broadband Map, but also that such data did not provide an indication of where homes lacked broadband availability. For such large blocks, some providers filed data indicating road lengths along which they stated their service was available, others provided points where service was available, and fixed wireless providers supplied geospatial data indicating their coverage areas. However, because no database indicated where the housing units were actually located within these large blocks, the number of housing units that could actually receive service could not be determined. In other words, while the data indicated what *areas* did not have service available, the data did not provide information on whether any

homes or *people* in the areas lacked service, or whether the parts of the census blocks with service available included all homes. The National Broadband Map took different approaches to dealing with this uncertainty over time, for example, treating partially served blocks as being half served plus-or-minus half (*i.e.,* indicating a literal uncertainty); or creating a random distribution of housing units within a block and determining the fraction of those random points that were covered by the reported service (*i.e.,* creating pseudo-data to fill in for what was not known). In short, the sub-block level data provided a statistical estimate, at best, of coverage.

39. Another approach to understanding sub-block coverage would be to require broadband providers to identify blocks that they can fully serve. Under this approach, in addition to filing data on technology and download and upload speed, providers would submit data indicating, for each block, whether they can make service available to all locations (residential and business) within the block. The Commission seeks comment on whether fixed broadband providers, particularly providers of wired broadband services, know whether any locations within each block are beyond the reach of their facilities, such that they could not make service available within a typical service interval. How burdensome would it be for providers to make such a determination for each block in their footprint? Would such data be more useful to the Commission than the fixed deployment data currently collected? If the Commission had information about fully covered blocks, it would also know, for each provider, which blocks are *not* fully covered. Should the Commission collect geocoded deployment data for blocks that are less-than-fully covered from each provider? Collecting sub-block geocoded data for only a subset of blocks would address some of the challenges outlined above simply by reducing the amount of data to be collected and filed, but would not address other challenges, such as the accuracy of geocoding, or the challenge of determining where locations lie along road segments. The Commission seeks comment on how to overcome the challenges identified in collecting sub-block data, as well as the benefits and burdens of seeking more granular data for a subset of blocks.

40. In sum, the Commission seeks comment on whether it should move to a more granular basis for reporting deployment data and, if so, what basis would be appropriate. For each basis they support, commenters should explain in detail the methodology or approach they propose for capturing the data in a sufficiently uniform format to facilitate processing (*e.g.,* geocoding, latitude/longitude, address). Commenters also should address the expected burden to filers and to the Commission. Commenters should also articulate the relative benefits of each approach. For example, do filers routinely maintain the data needed to comply with the reporting requirements and, if not, what costs will be associated with obtaining them, both at the outset and on an ongoing basis? Are there other methodologies for collecting fixed broadband deployment data that have lower associated costs relative to the expected benefit?

41. The Commission also seeks comment on whether the Commission should modify the Form 477 requirements relating to satellite broadband deployment data to address issues unique to satellite broadband service. Since satellite providers initially reported that they could provide service to millions of census blocks, the *Form 477 Instructions* were amended to reduce burden on such filers by giving them the opportunity to streamline their data under certain circumstances. Specifically, the *Form 477 Instructions* state that ''[s]atellite providers that believe their deployment footprint can be best represented by every block in a particular state or set of states may abbreviate their upload file by submitting only one block-level record for each state included in the footprint and providing a note in the Explanations and Comments section.'' Through the use of that method, one or more satellite providers have indicated on Form 477 that they deploy satellite broadband at certain speeds ubiquitously across the United States. The Commission seeks comment on how to minimize burdens for providers with large footprints to report while maintaining variation in the data.

42. The Commission seeks comment specifically on eliminating the option to file abbreviated fixed broadband deployment data for each state. Will removing the option of filing abbreviated fixed broadband deployment data improve the accuracy of the data? Should satellite broadband providers instead report a list of all census blocks, similar to other fixed broadband providers? What if any incremental burden on satellite providers is likely to result from eliminating the abbreviated option? Are there any other options for satellite broadband providers?

43. The Commission notes that satellite-based broadband networks, like all fixed-broadband networks, have capacity limits in some parts of the network, and that networks are not generally capable of serving all potential customers across a large footprint (such as the continental United States) at once. The Commission seeks comment on whether satellite's unique characteristics (*e.g.,* the relatively large area over which satellite providers state they provide coverage, the inherent flexibility of wide-area beams and spot beams, or the difficulty of adding new satellite capacity beyond current space station limits) make satellite coverage, in particular, more difficult for providers to characterize at the census block level. Would revising deployment reporting for all fixed providers, as discussed above, address issues that may affect the accuracy of satellite reporting? If the Commission determines not to revise the deployment reporting obligations for all fixed broadband providers, are there steps it should take to address specific issues relating to satellite deployment, such as capacity constraints in areas in which service is currently reported as ''available''? If satellite does face unique challenges, how can the Commission change the data collection to improve data for satellite while maintaining comparability to other fixed-broadband data? In the future, the Commission will also need to account for large Non-Geostationary Orbit (NGSO) satellite constellations that plan to provide broadband services. The Commission seeks comment on what steps it can take to achieve this.

44. The Commission also seeks comment on whether, if it does not revise deployment reporting requirements to allow all providers of fixed broadband service to file shapefiles or rasters in lieu of census blocks, it should allow satellite providers to do so. Would satellite providers face lower burdens and/or would the data quality improve if the Commission accepted geospatial data rather than block-level data from satellite providers? The Commission notes, as discussed in the *2013 Form 477 Order,* that satellite broadband providers already submit coverage-area information as part of a satellite application or letter of intent. While information submitted at the application phase is extremely useful to that process, the Commission continues to believe that it is essential to gather data regularly via Form 477 to reflect as-built, rather than as-planned, network deployment. Given satellite providers'

experience in developing geospatial data, the Commission seeks comment on whether requiring satellite deployment data to be filed in that format would significantly reduce filer burden.

45. Are there other issues unique to satellite that affect the accuracy or utility of the data the Commission collects and, if so, what approaches could it take to address them? What are the costs and benefits of these approaches?

46. Rate-of-return carriers currently submit their fixed voice subscription (FVS) counts by study area to USAC on an annual basis, and the FCC publishes those data. The Commission believes these data provide useful information to the public about the extent of voice subscriptions in each carrier's study area. However, under a rule recently adopted in the CAF proceeding, rate-of-return carriers switching to the Alternative Connect America Cost Model and Alaska Plan carriers may no longer report such data to USAC for their legacy study area boundaries. In order to maintain the reporting of this information, the Commission proposes to use the Form 477 FVS data, in conjunction with Study Area Boundary data, to develop and publish aggregated voice line counts for every study area, to mirror the approach used to collect these data from price-cap carriers. The Commission seeks comment on this proposal and on the methodology for generating this metric. While the Commission has generally determined not to routinely release filer-specific data collected on Form 477, in this case, the information, collected via another source, has been routinely publicized. Accordingly, the Commission believes that the value of using the Form 477 data for this purpose outweighs any associated confidentiality interest in the confidentiality of the data. The Commission seeks comment on this and on whether the use of Form 477 data is the most efficient and effective means for collecting data.

47. The Commission proposes that certain collected data that are currently treated as confidential be made public. First, the Commission proposes that minimum advertised or expected speed data for mobile broadband services should not be treated as confidential and it proposes releasing such data for all subsequent Form 477 filings going forward. The Commission notes that, in the context of the Mobility Fund II proceeding, several parties have expressed opposition to a proposal to release minimum advertised or expected 4G LTE speed data. Currently, the providers' Form 477 minimum advertised speeds have been treated as confidential and consumers and policy makers have been limited in their ability to compare offerings from this collection. This information, however, is already available from other sources. For example, providers routinely make available on their Web sites information about the typical upload and download speeds their network offers in particular geographic areas. Because speed data information is publicly available, the Commission believes that it is not commercially sensitive, and its release will not cause competitive harm. In addition, the Commission expects that dissemination of minimum advertised or expected speed data to the public would promote a more informed, efficient market by providing information that can aid in independent analyses. Making such data available to the public provides consumers, states, and experts the opportunity to review the data to ensure the accuracy of the information. The Commission seeks comment on this proposal. To the extent the Commission collects any other speed data that are currently treated as confidential, it seeks comment on whether such data should also be made available to the public, again to promote a more informed, efficient market and aid in independent competitive analyses.

48. Similarly, the Commission proposes that, if detailed propagation model parameters are submitted in the Form 477 filings, some of these parameters should be treated as public information, as the Commission believes that such parameters are not competitively sensitive. For example, terrain resolution, signal strength, and the loading factor are higher-level aggregate parameters and should not be treated as confidential. The Commission seeks comment on this proposal. If filers believe that certain propagation model parameters should be treated as confidential for competitive reasons, then they should provide a list of those parameters, and explain the underlying reasons why.

49. *National-Level, Fixed Broadband Subscriber Counts.* The Commission has historically determined not to make filer-specific broadband subscription data collected on Form 477 routinely available to the public. Consistent with this determination, the Commission has redacted and aggregated data as necessary to prevent indirect disclosure of filer-specific data. The Commission has noted, however, that increased public access to disaggregated subscription data could have significant benefits. The Commission believes that these benefits may outweigh any confidentiality interests for some disaggregated subscription data. In particular, the Commission believes that making public the number of subscribers at each reported speed on a national level would provide a meaningful metric of the state of broadband adoption in the U.S. Although this change would not involve expressly identifying the specific filers submitting the information, it might be possible to infer with reasonable certainty the provider or providers reporting subscribers at higher speeds, for which fewer providers offer service. The Commission believes however, that any competitive harm to the affected providers is likely to be slight, because the numbers would be aggregated to the national level and similar information is routinely made public by these entities through the Securities and Exchange Commission (SEC) and other disclosures. The Commission seeks comment on whether disclosure of this information would be beneficial and, if so, whether any measures are necessary to ensure that the interests of the filers are protected.

50. *Release of Disaggregated Subscriber Data.* As another avenue for realizing the potential benefits of greater public access to subscription data, the Commission seeks comment on whether certain types of disaggregated subscriber data should be made public after a certain period of time has passed. The Commission believes that, over time, the potential for competitive harm from the release of filer-specific subscription data likely diminishes. The Commission seeks comment on whether this is the case in connection with specific types of subscriber information collected on Form 477 and, if so, what period of time provides adequate protection from harm for each. What factors should be weighed in determining which categories of raw data files to release? What would be the public interest and legal justifications for releasing or not releasing different types of raw data files?

51. *Other Data.* The Commission also seeks comment on whether there are other Form 477 data that the Commission should consider making public. While the Commission understands confidentiality concerns associated with making aspects of these data public, there are also significant potential benefits to consumers and public policy. The Commission invites comment on what data should be made publicly available, and how to mitigate competitive and other concerns.

52. Form 477 is currently a semi-annual collection. In the *2011 Form 477 NPRM,* the Commission sought comment on other time frames, and on

different time frames for providers based upon size, but did not address those issues in the *2013 Report and Order.* The Commission seeks to refresh the record on whether to shift to an annual collection for all filers, for certain filers (such as smaller filers), or for certain parts of the form. Are there some types of data (*e.g.,* the speed of fixed-broadband-deployment subscriptions, or the coverage of mobile broadband deployment) that change so quickly that an annual filing would obscure significant developments that should be captured by the Commission's reports? The Commission specifically seeks comment on the potential impacts of switching to annual, instead of semi-annual, reporting for all Form 477 filers, both in terms of the utility of the data collected and the burden on filers. While the overall burden associated with Form 477 likely would decrease by switching to annual filing, the Commission seeks comment on whether the per-round burden on an annual basis would increase to some degree and whether this would be manageable. The Commission seeks comment on whether it is more efficient for a filer's employees to undertake this collection once a year given employee turnover and the greater amount of change to the data on an annual basis compared to a more routine semi-annual filing with a smaller amount of change to the data.

53. The Commission also seeks comment on whether collecting on a twelve-month cycle would render the data less useful for its purposes, given the rate of broadband deployment and uptake, particularly at higher speeds, industrywide. For example, how would an annual collection affect Commission policymaking? Would it be more difficult to analyze industry trends—such as competition, entry/expansion, adoption of newer technologies and faster speeds—with only annual data? On a one-year cycle, the most recently filed data available for analysis may be up to six months older than it is now. Would the lack of more recent data unduly impair the Commission's ability to carry out transaction review effectively or generate comprehensive and up-to-date Broadband Progress reports?

54. As part of its examination of the Form 477 collection, the Commission also seeks input on how it make the Form 477 data available to the public and stakeholders. How would the proposals described in this FNPRM affect the Commission's ability to process the data and make them available? Given current data and the proposals above, what approach should the Commission take with regard to the National Broadband Map (NBM) (*www.broadbandmap.gov*)? The Commission currently maintains access to the NBM, which relies on data collected by the National Telecommunications and Information Administration via the State Broadband Initiative (SBI) for data as of June, 2014. In addition, the Commission makes a number of maps available to help visualize more recent Form 477 data and makes Form 477 data available for download in various formats. The Commission believes that a searchable national map of the most recently available Form 477 broadband deployment data can have significant value for the public, industry, researchers and others. Such a map could also provide significant support for the Commission's own efforts in tracking broadband. The Commission therefore seeks input on whether, and how, it can use the Form 477 data most effectively to update the NBM.

III. Procedural Matters

55. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980 (RFA), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) for this *Notice of Proposed Rulemaking,* of the possible significant economic impact on small entities of the policies and rules addressed in this document. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed on or before the dates identified above. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this FNPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

56. With this FNPRM, the Commission initiates a further proceeding to examine the effectiveness of the Commission's Form 477—the principal tool used by the Commission to gather data on communications services, including broadband services, to help inform policymaking. In establishing Form 477, the Commission envisioned that the data collected would help it better assess the availability of broadband services, such as high-speed Internet access service, and the development of competition for local telephone service, materially improving its policymaking in those areas. From the outset, the Commission sought to minimize the burden the collection requirements would impose on filers. The Commission's goal in this FNPRM is to eliminate the collection of certain information on Form 477 that the Commission believes is not sufficiently useful when compared with the burden imposed on filers in providing it and to explore how the Commission can revise other aspects of the data collection to increase its usefulness to the Commission, Congress, the industry, and the public. These steps continue the Commission's efforts since the creation of Form 477 to identify and eliminate unnecessary or overly-burdensome filing requirements while improving the value of the data the Commission continues to collect. This FNPRM proposes several ways to streamline the information collected in Form 477 as well as suggests ways to ensure Form 477 data are as accurate and reliable as possible.

57. The legal basis for any action that may be taken pursuant to the FNPRM is contained in sections 3, 10, 201(b), 230, 254(e), 303(r), and 332 of the Communications Act of 1934, as amended 47 U.S.C. 153, 160, 201(b), 254(e), 303(r), 332.

58. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

59. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three comprehensive small entity size standards that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States which translates to 28.8 million businesses. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.''

Nationwide, as of 2007, there were approximately 1,621,215 small organizations. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data published in 2012 indicate that there were 89,476 local governmental jurisdictions in the United States. The Commission estimates that, of this total, as many as 88,761 entities may qualify as ''small governmental jurisdictions.'' Thus, the Commission estimates that most governmental jurisdictions are small.

60. The potential modifications proposed in this FNPRM if adopted, could, at least initially, impose some new reporting, recordkeeping, or other compliance requirements on some small entities. In order to evaluate any new or modified reporting, recordkeeping, or other compliance requirements that may result from the actions proposed in this FNPRM, the Commission has sought input from the parties on various matters. As indicated above, the FNPRM seeks comment on modifications to the Commission's existing Form 477 to minimize burdens on carriers while enhancing the utility of the data the Commission collects. The proposals include removing some previous Form 477 reporting requirements, altering some existing requirements, and supplementing the Form 477 collection with some additional, directed proposals to improve the data collected. For example, the Commission proposes to remove some requirements that do not appear to provide salient data, but the Commission also proposes collecting new or different data to ensure the data capture the most relevant new advances in service offerings and availability. Nevertheless, the Commission anticipates that the removal or modification of some Form 477 reporting requirements will lead to a long-term reduction in reporting, recordkeeping, or other compliance requirements on some small entities.

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

62. To evaluate options and alternatives should there be a significant economic impact on small entities as a result of actions that have been proposed in this FNPRM, the Commission has sought comment from the parties. The FNPRM seeks comment on ways in which the Commission might streamline its current requirements and thereby reduce the burdens on small providers and other filers. The Commission also seeks comment on ways in which the Commission might improve the usefulness of other aspects of the Form 477 to maximize the utility of the information the Commission continues to collect. For example, the Commission asks whether the Commission needs to collect mobile voice deployment data by technology and spectrum band, and whether the Commission should revise mobile voice deployment reporting requirements to allow a simple check instead of detailed information for some existing voice deployment reporting requirements. Steps such as these seek to reduce the types and amount of information the Commission collects, which results in more useful information, and also reduces burdens placed on small entities and others. In addition, other proposals the Commission outlines could, for example, limit the number of shapefiles (and the amount of the associated underlying data processing) providers are required to submit.

63. The Commission expects to more fully consider the economic impact on small entities following its review of comments filed in response to the FNPRM and this IRFA. In particular, the Commission seeks comment herein on the effect the various proposals described in the FNPRM, and summarized above, will have on small entities, and on what effect alternative Form 477 reporting requirements would have on those entities. The Commission also seeks comment from interested parties on any potential additional methods of reducing compliance burdens for small providers and ensuring the most useful information based on the Form 477 collection. The Commission's evaluation of the comments filed on these topics as well as on other proposals and questions in the FNPRM that seek to reduce the burdens placed on small providers in both the mobile and fixed contexts will shape the final conclusions the Commission reaches, the final significant alternatives the Commission considers, and the actions the Commission ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities.

64. This document contains proposed modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

65. *Permit-But-Disclose.* The proceeding this FNPRM initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system

available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

IV. Ordering Clauses

66. Accordingly, it is ordered, pursuant to sections 4(i), 201(b), 214, 218–220, 251–252, 254, 303(r), 310, 332, 403, and 706 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 201(b), 214, 218–220, 251–252, 254, 303(r), 310, 332, 403, and 1302 this Further Notice of Proposed Rulemaking is adopted.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–17901 Filed 8–23–17; 8:45 am]

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Notices

Federal Register

Vol. 82, No. 163

Thursday, August 24, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 21, 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 and other forms of information technology.

Comments regarding this information collection received by September 25, 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 20503. Commentors 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) 720–8681.

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.

Forest Service

Title: National Visitor Use Monitoring, and Customer and Use Survey Techniques for Operations, Management, Evaluation and Research.

OMB Control Number: 0596–0110.

Summary of Collection: The National Forest Management Act (NFMA) of 1976 (16 U.S.C., Sec. 1600–1614) and the Government Performance and Results Act of 1993 (GPRA) (Pub. L. 103–62) require a comprehensive assessment of present and anticipated uses, demand for and supply of renewable resources from the nation's public and private forests and rangelands. An important element in the reporting is the number of visits to National Forests and Grasslands, as well as to Wilderness Areas that the agency manages. The Forest Service will use the National Visitor Use Monitoring (NVUM) survey to collect the information.

Need and Use of the Information: The Customer and Use Survey Techniques for Operations, Management, Evaluation and Research (CUSTOMER) study combines several different survey approaches to gather data describing visitors to and users of public recreation lands, including their trip activities, satisfaction levels, evaluations, demographic profiles, trip characteristics, spending, and annual visitation patterns. FS will use face-to-face interviewing for collecting information on-site as well as English and Spanish written survey instruments to be mailed back by respondents. The NVUM results and data are a source of data and information in addressing forest land management planning, national strategic planning, service to minorities, and identification of a forest's recreation niche. Conducting the collection less frequently puts information updates out of cycle with forest planning and other data preparations and reporting activities.

Description of Respondents: Individuals or households.

Number of Respondents: 45,000.

Frequency of Responses: Reporting; Quarterly; Annually.

Total Burden Hours: 6,386.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–17966 Filed 8–23–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0064]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of certain fruits and vegetables into the United States.

DATES: We will consider all comments that we receive on or before October 23, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0064.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0064, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0064* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on regulations associated with the importation of fruits and vegetables, contact Mr. Tony Roman, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2242. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Fruits and Vegetables.

OMB Control Number: 0579–0128.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service (APHIS) regulates the importation of certain fruits and vegetables in accordance with the regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–78).

Section 319.56–25 provides the requirements for the importation of papayas from certain regions of Brazil, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama into the continental United States, Alaska, Puerto Rico, and the U.S. Virgin Islands. The importation of these papayas requires the use of certain information collection activities, including phytosanitary certificates, maintaining fruit fly monitoring records, and labeling of boxes.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 0.025 hours per response.

Respondents: Importers of fruits and vegetables and national plant protection organizations of exporting countries.

Estimated Annual Number of Respondents: 119.

Estimated Annual Number of Responses per Respondent: 163.81.

Estimated Annual Number of Responses: 19,493.

Estimated Total Annual Burden on Respondents: 480 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 17th day of August 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–17875 Filed 8–23–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0047]

Notice of Request for Approval of an Information Collection; Citrus Black Spot

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request approval of an information collection associated with the requirements for the interstate movement of regulated articles to prevent the spread of citrus black spot.

DATES: We will consider all comments that we receive on or before October 23, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0047.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0047, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0047* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on citrus black spot, contact Dr. Robert Baca, Assistant Director, Permitting and Compliance Coordination, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737; (301) 851–2292. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Citrus Black Spot.

OMB Control Number: 0579–XXXX.

Type of Request: Approval of a new information collection.

Abstract: As authorized by the Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture, either independently or in cooperation with States, may carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests that are new to or not widely distributed within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, which administers regulations to implement the PPA. Under the PPA, the Secretary may also issue regulations requiring plants and plant products moved in interstate commerce to be subject to remedial measures determined necessary to prevent the spread of the pest.

APHIS issued Federal Orders for citrus black spot (CBS, *Guignardia citricarpa*) and established requirements for the movement of regulated articles such as citrus (*Citrus* spp.) fruit, all

citrus plants and plant parts, including leaves for consumption, and any other products, articles, or means of conveyance that an inspector determines presents a risk of spreading CBS.

CBS, a fungal disease marked by dark, speckled spots or blotches on the rinds of fruit, is an economically significant citrus disease. It causes early fruit drop, reduces crop yield, and renders the highly blemished fruit unmarketable. While all commercial citrus cultivars are susceptible to CBS, the most vulnerable are lemons and late-maturing varieties of oranges like Valencia. These varieties are widely grown commercially in Florida and in other citrus-producing areas of the United States. The greatest risk of transmission of CBS is associated with infected nursery stock and decomposing citrus leaves that have fallen in groves. There is also a risk of disease transmission if infected leaves, plant debris, or fruit are not adequately covered or secured during transport.

To safeguard U.S. agriculture, APHIS requires the respondents listed below to complete information collection activities, such as compliance agreements, certificates, limited permits, individually numbered trip tickets, disposal site approvals, and inspections.

We are asking the Office of Management and Budget to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.26 hours per response.

Respondents: U.S. producers, growers, packers, inspectors, individuals, and State officials.

Estimated Annual Number of Respondents: 265.

Estimated Annual Number of Responses per Respondent: 94.

Estimated Annual Number of Responses: 25,038.

Estimated Total Annual Burden on Respondents: 6,712 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 17th day of August 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–17877 Filed 8–23–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0051]

Notice of Request for Approval of an Information Collection; Systems Approach for the Interstate Movement of Fresh, Mature Kaffir Lime, Curry, and Bael Leaves for Consumption From Areas Quarantined for Citrus Greening and Asian Citrus Psyllid

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request approval of an information collection associated with the requirements for the interstate movement of fresh, mature Kaffir lime, curry, and bael leaves for consumption from areas quarantined for citrus greening and Asian citrus psyllid.

DATES: We will consider all comments that we receive on or before October 23, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0051*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0051, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0051* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on fresh, mature Kaffir lime, curry, and bael leaves for consumption from areas quarantined for citrus greening and Asian citrus psyllid, contact Dr. Robert Baca, Assistant Director, Permitting and Compliance Coordination, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road Unit 150, Riverdale, MD 20737; (301) 851–2292. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Systems Approach for the Interstate Movement of Fresh, Mature Kaffir Lime, Curry, and Bael Leaves for Consumption From Areas Quarantined for Citrus Greening and Asian Citrus Psyllid.

OMB Control Number: 0579–XXXX.

Type of Request: Approval of a new information collection.

Abstract: As authorized by the Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture, either independently or in cooperation with States, may carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests that are new to or not widely distributed within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, which administers regulations to implement the PPA. Under the PPA, the Secretary may also issue regulations and orders requiring plants and plant products moved in interstate commerce to be subject to remedial measures determined necessary to prevent the spread of the pest.

The regulations in ''Subpart—Citrus Greening and Asian Citrus Psyllid'' (7 CFR 301.76 through 301.76–11) restrict the interstate movement of regulated articles from quarantined areas to control the artificial spread of citrus greening and Asian citrus psyllid (ACP)

to noninfested areas. Citrus greening, also known as Huanglongbing disease of citrus, is considered to be one of the most serious citrus diseases in the world. Citrus greening is a bacterial disease that attacks the vascular system of host plants. This bacterial pathogen can be transmitted by grafting and, under laboratory conditions, by parasitic plants. The pathogen can also be transmitted by two insect vectors in the family Psyllidae, one of which is *Diaphorina citri* Kuwayama, ACP. ACP can also cause economic damage to citrus in groves and nurseries by direct feeding. Both adults and nymphs feed on young foliage, depleting the sap and causing galling or curling of leaves. High populations feeding on a citrus shoot can kill the growing tip.

APHIS issued a Federal Order to allow the interstate movement of fresh, mature Kaffir lime, curry, and bael leaves intended for consumption if the listed requirements are followed. The requirements include information collection activities, such as compliance agreements (including a protocol document), limited permits, Federal certificates, inspections, and labeling requirements.

We are asking the Office of Management and Budget to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.18 hours per response.

Respondents: U.S. producers, packers, and distributors of fresh, mature Kaffir lime, curry, and bael leaves.

Estimated annual number of respondents: 6.

Estimated Annual Number of Responses per Respondent: 73.

Estimated Annual Number of Responses: 483.

Estimated Total Annual Burden on Respondents: 81 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 17th day of August 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–17876 Filed 8–23–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

ACTION: Notice and request for comments.

SUMMARY: GIPSA intends to request that the Office of Management and Budget (OMB) approve a 3-year extension of a currently approved information collection for the ''Reporting and Recordkeeping Requirements under the United States Grain Standards Act (USGSA) and under the Agricultural Marketing Act of 1946 (AMA).'' This approval is required under the Paperwork Reduction Act of 1995 (PRA).

DATES: GIPSA will consider comments received by October 23, 2017.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- *Submit Comments Using the Internet:* Go to *http://www.regulations.gov* and follow the on-line instructions for submitting comments.
- *Mail, Courier or Hand Delivery:* Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530–S, Washington, DC 20250–3604.

Instructions: All comments should be identified as ''FGIS Information Collection,'' and should reference the date and page number of this issue of the **Federal Register**. The information collection package and other documents relating to this action will be available for public inspection in Room 2530–S, 1400 Independence Avenue SW., Washington, DC 20250–3604 during regular business hours. All comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)). Please call the Management and Budget Services Staff of GIPSA at (202) 720–8479 to arrange to inspect comments.

FOR FURTHER INFORMATION CONTACT: Irene Omade, 202–720–8479.

SUPPLEMENTARY INFORMATION: Congress enacted the United States Grain Standards Act (USGSA) (7 U.S.C. 71–87k) and the Agricultural Marketing Act (AMA) (7 U.S.C. 1621–1627) to facilitate the marketing of grain, oilseeds, pulses, rice, and related commodities. These statutes provide for the establishment of standards and terms that accurately and consistently measure the quality of grain and related products, provide for uniform official inspection and weighing, provide regulatory and service responsibilities, and furnish the framework for commodity quality improvement incentives to both domestic and foreign buyers. GIPSA's Federal Grain Inspection Service (FGIS) establishes policies, guidelines, and regulations to carry out the objectives of the USGSA and the AMA. Regulations appear at 7 CFR 800, 801, and 802 for the USGSA and 7 CFR 868 for the AMA.

The USGSA, with few exceptions, requires official inspection of export grain sold by grade. Official services are provided, upon request, for grain in domestic commerce. The AMA authorizes similar inspection and weighing services, upon request, for rice, pulses, flour, corn meal, and certain other agricultural products. Conversely, the regulations promulgated under the USGSA and the AMA require specific information collection and recordkeeping necessary to carry out requests for official services. Applicants for official services must specify the kind and level of service, the identification of the product, the location, the amount, and other pertinent information in order that official personnel can efficiently respond to their needs.

Official services under the USGSA are provided through FGIS field offices and delegated and/or designated State and private agencies. Delegated agencies are State agencies delegated authority under the USGSA to provide official inspection service, Class X or Class Y weighing services, or both, at one or more export port locations in the State.

Designated agencies are State or local governmental agencies or persons designated under the USGSA to provide official inspection services, Class X or Class Y weighing services, or both, at locations other than export port locations. State and private agencies, as a requirement for delegation and/or designation, must comply with all regulations, procedures, and instructions in accordance with provisions established under the USGSA. FGIS field offices oversee the performance of these agencies and provide technical guidance as needed.

Official services under the AMA are performed, upon request, on a fee basis for domestic and export shipments either by FGIS employees, individual contractors, or cooperators. Contractors are persons who enter into a contract with FGIS to perform specified sampling and inspection services. Cooperators are agencies or departments of the Federal Government which have an interagency agreement, State agencies, or other entities which have a reimbursable agreement with FGIS.

Title: Reporting and Recordkeeping Requirements (United States Grain Standards Act and Agricultural Marketing Act of 1946).

OMB Number: 0580–0013.

Expiration Date of Approval: January 31, 2018.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The USGSA and the AMA authorize USDA to inspect, certify and identify the class, quality, quantity and condition of agricultural products shipped or received in interstate and foreign commerce.

Estimate of Burden: Public reporting and record keeping burden for this collection of information is estimated to average .13 hours per response.

Respondents: Grain producers, buyers, and sellers, elevator operators, grain merchandisers, and official grain inspection agencies.

Estimated Number of Respondents: 8,610.

Estimated Number of Responses per Respondent: 144.30.

Estimated Total Annual Burden on Respondents: 158,144 hours.

As required by the PRA (44 U.S.C. 3506(c)(2)(A)) and its implementing regulations (5 CFR 1320.8(d)(1)(i)), GIPSA specifically requests comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) 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) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Randall D. Jones,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2017–17887 Filed 8–23–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security.

Title: Procedures for Acceptance or Rejection of a Rated Order.

Form Number(s): N/A.

OMB Control Number: 0694–0092.

Type of Review: Regular submission.

Estimated Total Annual Burden Hours: 21,380.

Estimated Number of Respondents: 734,650.

Estimated Time per Response: 1 to 15 minutes.

Needs and Uses: This collection involves the exchange of rated order information between customers and suppliers. Recordkeeping is necessary for administration and enforcement of delegated authority under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, *et seq.*) and the Selective Service Act of 1948 (50 U.S.C. App. 468). Any person (supplier) who receives a priority rated order under DPAS regulation (15 CFR 700) must notify the customer of acceptance or rejection of that order within a specified period of time.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov *http://www.reginfo.gov/public/*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–17972 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Proposed Information Collection; Comment Request; the Reporting Process for Complaint of Employment Discrimination Used by Permanent Employees and Applicants for Employment at the Department of Commerce

AGENCY: Office of the Secretary, Office of Civil Rights, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 23, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *PRAcomments@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathryn Anderson, 202–482–3680, or *KAnderson@doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Equal Employment Opportunity Commission (EEOC) regulations at 29 CFR 1614.106 require that a Federal employee or applicant for Federal employment alleging discrimination based on race, color, sex, national origin, religion, age, disability, or reprisal for protected activity must submit a signed statement that is

sufficiently precise to identify the actions or practices that form the basis of the complaint. Although complainants are not required to use the proposed form to file their complaints, the Office of Civil Rights strongly encourages its use to ensure efficient case processing and trend analyses of complaint activity.

II. Method of Collection

A paper form, signed by the complainant or his or her designated representative, must be submitted by mail or delivery service, email, in person, or by facsimile transmission.

III. Data

OMB Control Number: 0690–0015.

Form Number(s): CD–498, CD–498A.

Type of Review: Regular. Extension of a currently approved information collection.

Affected Public: Households and Individuals.

Estimated Number of Respondents: 700.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 350.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–17979 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–BP–P

DEPARTMENT OF COMMERCE

Proposed Information Collection; Comment Request; the Reporting Process for Complaint of Employment Discrimination Based on Sexual Orientation Against the Department of Commerce

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 23, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kathryn Anderson, 202–482–3680, or *KAnderson@doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Pursuant to Executive Order 11478 and Department of Commerce Administrative Order (DAO) 215–11, an employee or applicant for employment with the Department of Commerce who alleges that he or she has been subjected to discriminatory treatment based on sexual orientation by the Department of Commerce or one of its sub-agencies, must submit a signed statement that is sufficiently precise to identify the actions or practices that form the basis of the complaint.

The complainant is also required to provide an address and telephone number where the complainant or his or her representative may be contacted. Through use of the standardized form (CD–545), the Office of Civil Rights proposes to collect the information required by the Executive Order and DAO in a uniform manner that will increase the efficiency of complaint processing and trend analyses of complaint activity.

II. Method of Collection

A paper form, signed by the complainant or his/her designated representative, must be submitted by mail or delivery service, in person, or by facsimile transmission.

III. Data

OMB Control Number: 0690–0024.

Form Number: CD–545.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 20.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 10.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–17974 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–BP–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security, Commerce.

Title: Competitive Enhancement Needs Assessment Survey Program.

Form Number(s): N/A.

OMB Control Number: 0694–0083.

Type of Review: Regular submission.

Estimated Total Annual Burden Hours: 2,400.

Estimated Number of Respondents: 2,400.

Estimated Time per Response: 1 hour.

Needs and Uses: The information collected from this surveys will be used to assist small- and medium-sized firms in defense transition and in gaining access to advanced technologies and manufacturing processes available from Federal Laboratories. The goal is to improve regions of the country adversely affected by cutbacks in defense spending and military base closures.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov *http://www.reginfo.gov/public/*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–17975 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Annual Report From Foreign-Trade Zones

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 23, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Christopher Kemp, Office of Foreign-Trade Zones, (202) 482–0862, or email, *Christopher.Kemp@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Foreign-Trade Zone Annual Report is the vehicle by which Foreign-Trade Zone grantees report annually to the Foreign-Trade Zones Board, pursuant to the requirements of the Foreign-Trade Zones Act (19 U.S.C. 81a–81u). The annual reports submitted by grantees are the only complete source of compiled information on FTZs. The data and information contained in the reports relates to international trade activity in FTZs. The reports are used by the Congress and the Department to determine the economic effect of the FTZ program. The reports are also used by the FTZ Board and other trade policy officials to determine whether zone activity is consistent with U.S. international trade policy, and whether it is in the public interest. The public uses the information regarding activities carried out in FTZs to evaluate their effect on industry sectors. The information contained in annual reports also helps zone grantees in their marketing efforts. This is a request for a renewal of a currently approved information collection.

II. Method of Collection

The Foreign-Trade Zone Annual Report is collected from zone grantees in a web-based, electronic format.

III. Data

OMB Control Number: 0625–0109.

Form Number(s): ITA 359P.

Type of Review: Regular submission.

Affected Public: State, local, tribal governments, or not-for-profit institutions that have been granted foreign-trade zone authority.

Estimated Number of Respondents: 263.

Estimated Time per Response: 1 to 76 hours (depending on size and structure of foreign-trade zone).

Estimated Total Annual Burden Hours: 10,784.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–17978 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–871, A–475–835]

Finished Carbon Steel Flanges From India and Italy: Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC), the Department is issuing antidumping duty orders on finished carbon steel flanges from India and Italy.

DATES: Applicable August 24, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Baker at (202) 482–2924 (India), Edythe Artman at (202) 482–3931 or Moses Song at (202) 482–5041 (Italy), AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR

351.210(c), on June 29, 2017, the Department published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of finished carbon steel flanges from India and Italy.[1] On August 14, 2017, the ITC notified the Department of its final affirmative determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of finished carbon steel flanges from India and Italy.[2] On August 17, 2017, the ITC published its final determination in the **Federal Register**.[3]

Scope of the Orders

The merchandise covered by these orders is finished carbon steel flanges from India and Italy. For a complete description of the scope of these orders, see Appendix of this notice.

Antidumping Duty Orders

As stated above, on August 14, 2017, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determinations that an industry in the United States is materially injured by reason of imports of finished carbon steel flanges from India and Italy.[4] Therefore, in accordance with section 735(c)(2) of the Act, we are issuing these antidumping duty orders. Because the ITC determined that imports of finished carbon steel flanges from India and Italy are materially injuring a U.S. industry, unliquidated entries of such merchandise from India and Italy, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

As a result of the ITC's final affirmative determination, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of finished carbon steel flanges from India and Italy. Antidumping duties will be assessed on unliquidated entries of finished carbon steel flanges from India and Italy entered, or withdrawn from warehouse, for consumption on or after February 8, 2017, the date of publication of the preliminary determinations,[5] but will not include entries occurring after the expiration of the provisional measures period and before publication in the **Federal Register** of the ITC's injury determination, as further described below.

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on all relevant entries of finished carbon steel flanges from India and Italy. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits for estimated antidumping duties equal to the estimated weighted-average dumping margins indicated below. Accordingly, applicable August 17, 2017, the date of publication in the **Federal Register** of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average dumping margins listed below.[6] The relevant ''all-others'' rates apply to all producers or exporters not specifically listed, as appropriate.

Provisional Measures

Section 733(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of exporters that account for a significant proportion of finished carbon steel flanges from India and Italy, the Department extended the four-month period to six months in each case.[7] In the underlying investigations, the Department published the preliminary determinations on February 8, 2017. Therefore, the extended period, beginning on the date of publication of the preliminary determinations, ended on August 6, 2017. Furthermore, section 737(b) of the Act states that the collection of final cash deposits will begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of finished carbon steel flanges from India and Italy entered, or withdrawn from warehouse, for consumption after August 6, 2017, until and through August 16, 2017, the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins for each antidumping order are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
India		
Norma (India) Limited[8]	11.32	8.56.[9]

[1] *See Finished Carbon Steel Flanges from India: Final Determination of Sales at Less Than Fair Value,* 82 FR 29483 (June 29, 2017) (*India Final Determination*); *see also Finished Carbon Steel Flanges from Italy: Final Determination of Sales at Less Than Fair Value,* 82 FR 29481 (June 29, 2017) (*Italy Final Determination*).

[2] *See* section 735(d) of the Act (requiring notification); *see also* Letter from the ITC regarding ''Antidumping and Countervailing Duty Investigations of Finished Carbon Steel Flanges from India, and Antidumping Investigation of Finished Carbon Steel Flanges from Italy,'' dated August 14, 2017 (ITC Letter). *See also Finished Carbon Steel Flanges from India and Italy: Investigation Nos. 701–TA–563 and 731–TA–1331–1332 (Final),* USITC Publication 4717 (August 2017) (ITC Report).

[3] *See Finished Carbon Steel Flanges From India and Italy; Determinations,* 82 FR 39133 (August 17, 2017).

[4] *See* ITC Letter and ITC Report.

[5] *See Finished Carbon Steel Flanges From India: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 82 FR 9719 (February 8, 2017) (*Italy Preliminary Determination*); *Finished Carbon Steel Flanges from Italy: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 82 FR 9711 (February 8, 2017) (*India Preliminary Determination*).

[6] *See* section 736(a)(3) of the Act.

[7] *See India Preliminary Determination,* 82 FR at 9721 and *Italy Preliminary Determination,* 82 FR at 9713.

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
R. N. Gupta & Co., Ltd	12.58	9.27.[10]
All-Others	11.95	8.91.[11]
Italy		
Metalfar Prodotti Industriali S.p.A	204.53	Not Applicable.
Officine Ambrogio Melesi & C. S.r.l[12]	204.53	Not Applicable.
All-Others	79.17	Not Applicable.

Notification to Interested Parties

This notice constitutes the antidumping duty orders with respect to finished carbon steel flanges from India and Italy pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are published in accordance with section and 736(a) of the Act and 19 CFR 351.211(b).

Dated: August 21, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The scope of these orders covers finished carbon steel flanges. Finished carbon steel flanges differ from unfinished carbon steel flanges (also known as carbon steel flange forgings) in that they have undergone further processing after forging, including, but not limited to, beveling, bore threading, center or step boring, face machining, taper boring, machining ends or surfaces, drilling bolt holes, and/or de-burring or shot blasting. Any one of these post-forging processes suffices to render the forging into a finished carbon steel flange for purposes of these orders. However, mere heat treatment of a carbon steel flange forging (without any other further processing after forging) does not render the forging into a finished carbon steel flange for purposes of this order.

While these finished carbon steel flanges are generally manufactured to specification ASME B16.5 or ASME B16.47 series A or series B, the scope is not limited to flanges produced under those specifications. All types of finished carbon steel flanges are included in the scope regardless of pipe size (which may or may not be expressed in inches of nominal pipe size), pressure class (usually, but not necessarily, expressed in pounds of pressure, *e.g.,* 150, 300, 400, 600, 900, 1,500, 2,500, *etc.*), type of face (*e.g.,* flat face, full face, raised face, *etc.*), configuration (*e.g.,* weld neck, slip on, socket weld, lap joint, threaded, *etc.*), wall thickness (usually, but not necessarily, expressed in inches), normalization, or whether or not heat treated. These carbon steel flanges either meet or exceed the requirements of the ASTM A105, ASTM A694, ASTM A181, ASTM A350 and ASTM A707 standards (or comparable foreign specifications). The scope includes any flanges produced to the above-referenced ASTM standards as currently stated or as may be amended. The term ''carbon steel'' under this scope is steel in which:

(a) Iron predominates, by weight, over each of the other contained elements:

(b) The carbon content is 2 percent or less, by weight; and

(c) none of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 0.87 percent of aluminum;
(ii) 0.0105 percent of boron;
(iii) 10.10 percent of chromium;
(iv) 1.55 percent of columbium;
(v) 3.10 percent of copper;
(vi) 0.38 percent of lead;
(vii) 3.04 percent of manganese;
(viii) 2.05 percent of molybdenum;
(ix) 20.15 percent of nickel;
(x) 1.55 percent of niobium;
(xi) 0.20 percent of nitrogen;
(xii) 0.21 percent of phosphorus;
(xiii) 3.10 percent of silicon;
(xiv) 0.21 percent of sulfur;
(xv) 1.05 percent of titanium;
(xvi) 4.06 percent of tungsten;
(xvii) 0.53 percent of vanadium; or
(xviii) 0.015 percent of zirconium.

Finished carbon steel flanges are currently classified under subheadings 7307.91.5010 and 7307.91.5050 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also be entered under HTSUS subheadings 7307.91.5030 and 7307.91.5070. The HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope is dispositive.

[FR Doc. 2017–18056 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–DS–P

[8] The Department has determined that Norma (India) Limited and USK Exports Private Limited and Uma Shanker Khandelwal & Co. and Bansidhar Chiranjilal are a single entity. *See* Memorandum, ''Less-Than-Fair-Value Investigation of Finished Carbon Steel Flanges from India: Preliminary Affiliation and Collapsing Memorandum for Norma (India) Limited,'' dated January 26, 2017, at 8–9, unchanged in *India Final Determination.*

[9] *See India Final Determination,* 82 FR at 29484.

[10] *Id.*

[11] *Id.*

[12] The Department has determined that Officine Ambrogio Melesi & C. S.r.l and ASFO S.p.A. are a single entity. *See* Memorandum, ''Less-Than-Fair-Value Investigation of Finished Carbon Steel Flanges from Italy: Affiliation and Collapsing Memorandum for Officine Ambrogio Melesi & C. S.r.l.,'' dated January 26, 2017, at 7, unchanged in *Italy Final Determination.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–872]

Finished Carbon Steel Flanges From India: Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the ITC), the Department is issuing a countervailing duty order on finished carbon steel flanges from India.

DATES: Applicable August 24, 2017.

FOR FURTHER INFORMATION CONTACT: Davina Friedmann at (202) 482–0698 or Erin Kearney at (202) 482–0167, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 705(d) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on June 29, 2017, the Department published its affirmative final determination in the countervailing duty investigation of finished carbon steel flanges from India.[1] On August 14, 2017, the ITC notified the Department of its final affirmative determination, pursuant to

[1] *See Finished Carbon Steel Flanges from India: Final Affirmative Countervailing Duty Determination,* 82 FR 29479 (June 29, 2017) (*Final Determination*).

section 705(d) of the Act, that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act, by reason of subsidized imports of finished carbon steel flanges from India.[2] On August 17, 2017, the ITC published its final determination in the **Federal Register**.[3]

Scope of the Order

The merchandise covered by this order is finished carbon steel flanges from India. For a complete description of the scope of this order, see Appendix of this notice.

Countervailing Duty Order

As stated above, on August 14, 2017, in accordance with section 705(d) of the Act, the ITC notified the Department of its final determination that an industry in the United States is materially injured by reason of subsidized imports of finished carbon steel flanges from India.[4] Therefore, in accordance with section 705(c)(2) of the Act, we are issuing this countervailing duty order. Because the ITC determined that imports of finished carbon steel flanges from India are materially injuring a U.S. industry, unliquidated entries of such merchandise from India, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

As a result of the ITC's final determination, in accordance with section 706(a) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, countervailing duties on unliquidated entries of finished carbon steel flanges from India. Countervailing duties will be assessed on unliquidated entries of finished carbon steel flanges entered, or withdrawn from warehouse, for consumption on or after November 29, 2016, the date of publication of the *Preliminary Determination,*[5] but will not include entries occurring after the expiration of the provisional measures period and before publication in the **Federal Register** of the ITC's final injury determination.

Section 703(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. In the underlying investigation, the Department published the *Preliminary Determination* on November 29, 2016. Therefore, the four-month period beginning on the date of the publication of the *Preliminary Determination* ended on March 28, 2017. Furthermore, section 737(b) of the Act states that the collection of final cash deposits will begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 703(d) of the Act and our practice, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to duties, unliquidated entries of finished carbon steel flanges from India made on or after March 29, 2017. Suspension of liquidation will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Suspension of Liquidation

In accordance with section 706 of the Act, the Department will instruct CBP to reinstitute the suspension of liquidation on all entries of subject merchandise from India, applicable the date of publication of the ITC's notice of final affirmative injury determination in the **Federal Register,** and to assess, upon further instruction by the Department pursuant to 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise. We will also instruct CBP to require cash deposits for each entry of subject merchandise equal to the amounts as indicated below. These instructions suspending liquidation will remain in effect until further notice. The all-others rate applies to all producers or exporters not specifically listed, as appropriate.

Exporter/manufacturer	Subsidy rate (percent)
Norma (India) Limited[6]	5.66
R.N. Gupta & Co., Ltd	9.11
All Others	7.39

Notifications to Interested Parties

This notice constitutes the countervaling duty order with respect to finished carbon steel flanges from India pursuant to section 706(a) of the Act. Interested parties can find a list of countervailing duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order is published in accordance with section and 706(a) of the Act and 19 CFR 351.211(b).

Dated: August 21, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Order

The scope of this order covers finished carbon steel flanges. Finished carbon steel flanges differ from unfinished carbon steel flanges (also known as carbon steel flange forgings) in that they have undergone further processing after forging, including, but not limited to, beveling, bore threading, center or step boring, face machining, taper boring, machining ends or surfaces, drilling bolt holes, and/or de-burring or shot blasting. Any one of these post-forging processes suffices to render the forging into a finished carbon steel flange for purposes of this order. However, mere heat treatment of a carbon steel flange forging (without any other further processing after forging) does not render the forging into a finished carbon steel flange for purposes of this order.

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(a) Iron predominates, by weight, over each of the other contained elements:

(b) The carbon content is 2 percent or less, by weight; and

(c) none of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 0.87 percent of aluminum;

(ii) 0.0105 percent of boron;

(iii) 10.10 percent of chromium;

(iv) 1.55 percent of columbium;

(v) 3.10 percent of copper;

(vi) 0.38 percent of lead;

[2] *See* ITC Letter dated August 14, 2017 (ITC Letter); *see also Finished Carbon Steel Flanges from India and Italy, Investigation No. 701–TA–563 and 731–TA–1331–1332 (Final)* USITC Publication 4714 (August 2017) (ITC Report).

[3] *See Finished Carbon Steel Flanges from India and Italy; Determinations,* 82 FR 39133 (August 17, 2017).

[4] *See* ITC Letter and ITC Report.

[5] *See Finished Carbon Steel Flanges From India: Preliminary Affirmative Countervailing Duty Determination,* 81 FR 85928 (November 29, 2016) (*Preliminary Determination*).

[6] As discussed in the *Final Determination,* the Department found the following companies to be cross-owned with Norma (India) Limited: Uma Shanker Khandelwal & Co., USK Exports Private Limited, and Bansidhar Chiranjilal.

(vii) 3.04 percent of manganese;
(viii) 2.05 percent of molybdenum;
(ix) 20.15 percent of nickel;
(x) 1.55 percent of niobium;
(xi) 0.20 percent of nitrogen;
(xii) 0.21 percent of phosphorus;
(xiii) 3.10 percent of silicon;
(xiv) 0.21 percent of sulfur;
(xv) 1.05 percent of titanium;
(xvi) 4.06 percent of tungsten;
(xvii) 0.53 percent of vanadium; or
(xviii) 0.015 percent of zirconium.

Finished carbon steel flanges are currently classified under subheadings 7307.91.5010 and 7307.91.5050 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also be entered under HTSUS subheadings 7307.91.5030 and 7307.91.5070. The HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope is dispositive.

[FR Doc. 2017–18057 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Participant Application, Participant Exit Questionnaire, Alumni Success Story Report

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 23, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Department of Commerce, International Trade Administration, SABIT, Attn: Tracey Rollins, 1401 Constitution Ave. NW., 20230, (202) 482–0073, *tracy.rollins@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Special American Business Internship Training (SABIT) Program of the Department of Commerce's International Trade Administration (ITA), is a key element in the U.S. Government's efforts to support the economic transition of Eurasia (the former Soviet Union) and to support economic growth in other regions of the world, including Pakistan, South Asia, and the Middle East, et al. SABIT develops and implements two- to three-week training programs for groups of up to 20 business and government professionals from Eurasia and other regions. These professionals meet with U.S. government agencies, non-governmental organizations and private sector companies in order to learn about various business practices and principles. This unique private sector-U.S. Government partnership was created in order to tap into the U.S. private sector's expertise and to assist developing regions in their transition to market-based economies while simultaneously boosting trade between the United States and other countries. Participant applications are needed to enable SABIT to find the most qualified participants for the training programs. Participant exit questionnaires provide insight as to what the participants have learned, and they are used to improve the content and administration of future programs. Alumni success story reports track the success of the program as regards to business ties between the U.S. and the countries SABIT covers.

The closing date for participant applications is based upon the starting date of the program and is published with the application, on the program's English-language Web site at *www.trade.gov/sabit,* and also on the Russian-language Web site at *www.sabitprogram.org,* if applicable. Pursuant to section 632(a) of the Foreign Assistance Act of 1961, as amended, funding for the programs will be provided by the Agency for International Development (AID).

The SABIT Program has revised the collection instruments. The instruments are very similar to those used by SABIT in past years. However, some wording has been changed to reflect the changing needs of SABIT over time. The changes are relatively minor and most of them are rephrasing of wording. Instructions for filling out the form, methods of submission, and the order of questions have been revised on the Participant Application. These revisions are not expected to increase the response time to complete the instruments.

II. Method of Collection

Participant applications are available for download from the SABIT English and Russian language Web sites at *www.trade.gov/sabit* and *www.sabitprogram.org.* Applications may be sent to program candidates via email or fax upon request. Applications are collected via email. Participant exit questionnaires are given to program participants at the completion of programs in by email and are collected by email, although in rare situations, a paper questionnaire may be completed and submitted. Alumni success story reports are used internally by SABIT staff to record success information, but at times they may be sent to alumni to fill out and submit via email or fax.

III. Data

OMB Control Number: 0625–0225.

Form Number(s): ITA–4143P–3.

Type of Review: Regular submission (revision of a currently approved information collection).

Affected Public: Individuals or households; Business or other for-profit organizations.

Estimated Number of Respondents: 3,500.

Estimated Time per Response: Participant application, 3 hours; participant exit questionnaire, 1 hour; alumni success story report, 1 hour.

Estimated Total Annual Burden Hours: 7,000.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection;

they also will become a matter of public record.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–17976 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–HE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE467

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Testing and Training Activities Conducted in the Eglin Gulf Test and Training Range

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

ACTION: Notice; receipt of application for Letter of Authorization; request for comments and information.

SUMMARY: NMFS has received a request from the United States Air Force (USAF), Eglin Air Force Base (AFB) 96th Test Wing (AFMC) for authorization to take marine mammals incidental to conducting testing and training activities in the Eglin Gulf Test and Training Range (EGTTR) in the Gulf of Mexico over the course of five years, from February 4, 2018 through February 3, 2023. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of Eglin AFB's request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on Eglin AFB's application and request.

DATES: Comments and information must be received no later than September 25, 2017.

ADDRESSES: Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. 1315 East-West Highway, Silver Spring, MD 20910–3225 and electronic comments should be sent *ITP.Pauline@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments sent via email, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted to *www.nmfs.noaa.gov/pr/permits/military.htm* without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

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

SUPPLEMENTARY INFORMATION:

Availability

An electronic copy of Eglin AFB's application may be obtained online at: *www.nmfs.noaa.gov/pr/permits/incidental/military.htm.* In case of problems accessing the document, please call the contact listed above.

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings for marine mammals 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 permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such taking are set forth. 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 NDAA of 2004 (Pub. L. 108–136) 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): (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). Eglin AFB has identified these testing and training activities as military readiness activities.

On April 23, 2012, NMFS promulgated a rulemaking and issued a Letter of Authorization (LOA) for takes of marine mammals incidental to Eglin AFB's Naval Explosive Ordnance Disposal School (NEODS) training operations at Eglin AFB. This rule expired on April 24, 2017 (77 FR 16718, March 22, 2012). On March 5, 2014, NMFS promulgated rulemaking and issued a LOA for takes of marine mammals incidental to Eglin AFB's Air Force Special Operations Command (AFSOC) precision strike weapons (PSW) and air-to-surface (AS) gunnery activities in the EGTTR, which is valid through March 4, 2019 (79 FR 13568, March 11, 2014). In addition to these rules and LOAs, NMFS has issued Incidental Harassment Authorizations (IHA) for take of marine mammals incidental to Eglin AFB's Maritime Strike Operations (78 FR 52135, August 22, 2013; valid August 19, 2013 through August 18, 2014) and Maritime Weapons Systems Evaluations Program (WSEP) annually in 2015 (81 FR 7307) and 2016 (82 FR 10747). Eglin AFB complied with all conditions of the LOAs and IHAs issued, including submission of final reports. Based on these reports, NMFS has determined that impacts to marine mammals were not beyond those anticipated. On November 10, 2015, Eglin Natural Resources submitted an LOA request to consolidate all EGTTR activities into one authorization for five years. NMFS Office of Protected Resources planned to issue the EGTTR LOA by January 2017. However, it became apparent that the LOA would not be issued in time to cover February 2017 Maritime WSEP missions based on concerns associated with the acoustic model methodology and mission-day scenario versus per-detonation approach. Eglin Natural Resources requested and received a separate IHA (82 FR 10747, February 15, 2017) valid from February 4, 2017 through February 3, 2018 for those

WSEP missions that incorporated such methodology revisions, which has also served as interim coverage for a small number of other 2017 missions while the EGTTR LOA was being revised.

Eglin AFB's current rulemaking/LOA application would also supersede the existing PSW and AS gunnery rule that is in effect until March 4, 2019, and would include all of Eglin AFB's testing and training activities, including WSEP activities, into one new rule with the exception of NEODS training activities. Eglin AFB has never conducted any NEODS training activities and is not including these activities as part of the new rulemaking.

Summary of Request

On May 3, 2017, NMFS received an adequate and complete application from Eglin AFB requesting authorization for the take of marine mammals incidental to testing and training activities in the EGTTR (defined as the area and airspace over the Gulf of Mexico controlled by Eglin AFB, beginning at a point three nautical miles (nmi) off the coast of Florida) for a period of five years. These testing and training activities have the potential to result in take of marine mammals in the waters of the EGTTR. Therefore, Eglin AFB requests authorization to take two species of marine mammals that may occur in this area, Atlantic bottlenose dolphins (*Tursiops truncatus*) and Atlantic spotted dolphins (*Stenella frontalis*).

Specified Activities

Eglin AFB proposes the following actions in the EGTTR: (1) 86th Fighter Weapons Squadron (FWS) Maritime WSEP test missions that involve the use of multiple types of live and inert munitions (bombs and missiles) detonated above, at, or slightly below the water surface; (2) Advanced Systems Employment Project actions that involve deployment of a variety of pods, air-to-air missiles, bombs, and other munitions (all inert ordnances in relation to EGTTR); (3) AFSOC training, including air-to-surface gunnery missions involving firing live gunnery rounds at targets on the water surface in EGTTR, small diameter bomb (SDB) and Griffin/Hellfire missile training involving the use of live missiles and SDBs in the EGTTR against small towed boats, and CV–22 training involving the firing of 0.50 caliber (cal.)/7.62 mm ammunition at flares floating on the EGTTR water surface; (4) 413th Flight Test Squadron (FLTS) Precision Strike Program (PSP) activities involving firing munitions at flare targets on the EGTTR water surface and Stand-Off Precision Guided Munitions (SOPGM) testing involving captive-carry, store separation, and weapon employment tests; (5) 780th Test Squadron (TS) activities involving PSW test missions (launch of munitions against targets in the EGTTR) and Longbow Littoral Testing (data collection on tracking and impact ability of the Longbow missile on small boats); (6) 96th Test Wing Inert Missions (developmental testing and evaluation for wide variety of air-delivered weapons and other systems using inert bombs); and (7) 96 Operations Group (OG) missions, which involve the support of air-to-surface missions for several user groups within EGTTR.

During these activities, ordnances may be delivered by multiple types of aircraft, including bombers and fighter aircraft. The actions include air-to-ground missiles (AGM); air intercept missiles (AIM); bomb dummy units (BDU); guided bomb units (GBU); projectile gun units (PGU); cluster bomb units (CBU); wind-corrected munitions dispensers (WCMD); (SDB) and laser small diameter bombs (LSDB); high explosive incendiary units (HEI); joint direct attack munitions (JDAM) and laser joint direct attack munitions (LJDAM); research department explosives (RDX); joint air-to-surface stand-off missiles (JASSM); high altitude anti-submarine warfare weapons (inert); high-speed maneuverable surface targets; and gunnery rounds. Net explosive weight (NEW) of the live munitions ranges from 0.1 to 945 pounds (lb).

Eglin AFB testing and training activities involving live munitions are summarized in Table 1.

TABLE 1—LIVE MUNITIONS PLANNED FOR TESTING AND TRAINING ACTIVITIES IN THE EGTTR

Mission Groups	Mission category day	Munition	NEW (lb)	Detonation type	Munitions/day	Mission days/yr	Munitions/yr
86 FWS Maritime WSEP.	A	GBU–10/–24/–31	945	Subsurface *	1	2	2
		GBU–49	300	Surface	2		4
		AGM–158 (JASSM)	240	Surface	2		4
		GBU–12/–54 (LJDAM/–38/–32 (JDAM).	192	Subsurface *	5		10
	B	AGM–65 (Maverick)	86	Surface	2	4	8
		GBU–39 (SDB)	37	Surface	1		4
		AGM–114 (Hellfire)	20	Subsurface *	5		20
	C	AGM–176 (Griffin)	13	Surface	5	2	10
		2.75 rocket	12	Surface	50		100
		AIM–9X	7.9	Surface	1		2
		PGU–12 HEI 30 mm	0.1	Surface	500		1,000
AFSOC AS gunnery	D	105 mm HE (FU)	4.7	Surface	30	25	750
		40 mm HE	0.87	Surface	64		1,600
		30 mm HE	0.1	Surface	500		12,500
		25 mm HE	0.067	Surface	560		14,000
	E	105 mm HE (TR)	0.35	Surface	30	45	1,350
		40 mm HE	0.87	Surface	64		2,880
		30 mm HE	0.1	Surface	500		22,500
		25 mm HE	0.067	Surface	560		25,200
413 FLTS PSP gunnery.	F	30 mm HE	0.1	Surface	33	3	99
	G	105 mm FU	4.7	Surface	15	4	60
	H	105 mm TR	0.35	Surface	15	4	60
413 FLTS SOPGM	I	AGM–176 (Griffin)	4.58	Surface	5	2	10

TABLE 1—LIVE MUNITIONS PLANNED FOR TESTING AND TRAINING ACTIVITIES IN THE EGTTR—Continued

Mission Groups	Mission category day	Munition	NEW (lb)	Detonation type	Munitions/day	Mission days/yr	Munitions/yr
	J	AGM–114 (Hellfire)	20	Surface	5	2	10
	K	GBU–39 (SDB I)	36	Surface	3	2	6
	L	GBU–39 (LSDB)	36	Surface	5	2	10
780 TS PSW	M	AGM–158 (JASSM)	240	Surface	2	1	2
	N	GBU–39 (SDB I)	37	Surface	2	1	2
		GBU–39 (SDB I) Double shot*.	74	Surface	2		2
	O	GBU–53 (SDB II)	22.84	Surface	2	1	2
780 TS other tests	P	Joint air-ground missile.	27.41	Surface	1	1	1
	Q	LSDB and SDB II (live fuse only).	0.4	Surface	2	4	8
96 OG Future Missions.	R	GBU–10/–24	945	Subsurface*	1	1	1
		AGM–158 (JASSM)	240	Surface	1		1
		GBU–12 or –54	192	Subsurface*	1		1
	S	AGM–65 (Maverick)	86	Surface	1	2	2
		GBU–39 (SDB I or LSDB).	37	Subsurface*	2		4
		AGM–114 (Hellfire)	29	Subsurface*	10		20
	T	105 mm HE (FU)	4.7	Surface	13	10	130
		40 mm HE	0.9	Surface	60		60
		Live fuse	0.4	Surface	20		200
		30 mm HE	0.1	Surface	500		5,000

FU = Full Up; TR = Training Round (lessened NEW).
*Subsurface detonations occur at 10 feet water depth.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning Eglin AFB's request (see **ADDRESSES**). Comments should be supported by data or literature citations as appropriate. We will consider all relevant information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by Eglin AFB, if appropriate.

Dated: August 21, 2017.

Cathryn E. Tortorici,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–17938 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF624

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (conference call).

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Coastal Pelagic Species Advisory Subpanel (CPSAS) will hold a meeting via conference call that is open to the public.

DATES: The conference call will be held Wednesday, September 6, 2017, from 2 p.m. to 4 p.m. or until business for the day has been completed.

ADDRESSES: The meeting will be held via conference call. To attend the conference call, dial this toll free number: (866) 692–4538; enter participant code 2366028. A public listening station is available at the Pacific Council office (address below).

Council Address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Pacific Council; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss items on the Pacific Council's September 2017 meeting agenda. Major topics include, but are not limited to, (1) a draft Terms of Reference for the 2018 review of the National Oceanic and Atmospheric Administration's *Acoustic-Trawl Survey Methodology Review Terms of Reference* for coastal pelagic species stocks; and (2) the Ecosystem Workgroup Report on *Fishery Ecosystem Plan Initiatives: Scoping and Selection.* Both topics are to be considered at the September Council meeting, and the CPSAS may develop supplemental reports on these topics. The CPSAS may also address one or more of the Pacific Council's scheduled Administrative Matters including future meeting planning. Public comment may be taken at the discretion of the CPSAS Co-Chairs.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2411 at least 10 days prior to the meeting date.

Dated: August 21, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–17943 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF620

Marine Mammals; File No. 21486

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the British Broadcasting Corporation (BBC) Worldwide Americas, Inc., on behalf of BBC Natural History Unit, 28 Whiteladies Rd, Bristol, UK, has applied in due form for a permit to conduct commercial or educational photography on Weddell Seals (*Leptonychotes weddellii*) in Antarctica.

DATES: Written, telefaxed, or email comments must be received on or before September 25, 2017.

ADDRESSES: These documents are available 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.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Lisa Lierheimer or Sara Young, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film Weddell seals at various locations in McMurdo Sound, Antarctica, between October and December 2017. Up to 16 Weddell seals (8 mother pup-pairs from birth through weaning) could be targeted and disturbed during filming activities on the sea ice, underwater (scuba divers), and by air (drone). Up to 80 Weddell seals (non-targeted animals in the colony) could be incidentally disturbed during the filming activities. Footage would be used for the BBC television series ''Seven Worlds,'' to showcase Antarctica and will include a segment featuring Weddell seals. The permit would be valid through December 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 18, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–17932 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF623

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Bering Sea Fishery Ecosystem Plan Team (BS FEP) will meet September 5–7, 2017.

DATES: The meeting will be held on Tuesday, September 5 through Thursday, September 7, 2017. The meeting will be held on September 5, from 1 p.m. to 5 p.m.; September 6, from 9 a.m. to 5 p.m. and September 7, from 9 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Alaska Fisheries Science Center, 4600 Sand Point Way, Building 4, Room 2039, Seattle, WA 98115. It will also be held via teleconference: (907) 271–2896. Listening only for non-team members.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, September 5–Thursday, September 7

The BS FEP agenda will consist of continuing to develop the Bering Sea Fishery Ecosystem Plan, including (a) review sections of the core FEP document, (b) review progress on action modules, and (c) discuss next steps. A full agenda is available at *www.npfmc.org/wp-content/PDFdocuments/conservation_issues/BSFEP/BSFEPTagenda917.pdf* and background information can be found at *www.npfmc.org/bsfep.*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: August 21, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–17944 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Management Plan for South Slough, Oregon National Estuarine Research Reserve

AGENCY: Stewardship Division, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of Approval for the South Slough, Oregon National Estuarine Research Reserve Management Plan revision.

SUMMARY: The notice is hereby given that the Stewardship Division, Office for

Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce approves the revised Management Plan for South Slough, Oregon National Estuarine Research Reserve Management Plan. In accordance, the South Slough Reserve revised its Management Plan, which will replace the plan previously approved in 2006.

SUPPLEMENTARY INFORMATION: The National Estuarine Research Reserve System (NERRS) is a federal-state partnership administered by NOAA. The system protects more than 1.3 million acres of estuarine habitat for long-term research, monitoring, education, and stewardship throughout the coastal United States. Established by the Coastal Zone Management Act of 1972, as amended, each Reserve is managed by a lead state agency or university, with input from local partners. NOAA provides funding and national programmatic guidance.

The revised Management Plan outlines the administrative structure; the Reserve's science and education programs; public uses; resource protection plan; and the plans for future land acquisition and facility development to support Reserve operations.

The South Slough Reserve takes an integrated approach to management, linking research, education, coastal training, public involvement, and stewardship functions. The Reserve has outlined how it will manage administration and its core program providing detailed actions that will enable it to accomplish specific goals and objectives. Since the last Management Plan, the Reserve has built out its core programs and monitoring infrastructure; conducted an educational market analysis and needs assessment to better meet teacher needs; developed a Reserve Disaster Response Plan; and improved public access to the Reserve through construction of a new paddle launch, enhancements to the visitor center, and new water and land trails.

On April 14, 2017, NOAA issued a notice of a thirty (30) day public comment period for the South Slough Reserve revised plan (82 FR 17974). Responses to the public comments received, and an explanation of how comments were incorporated into the final revised plan, are available in Appendix H of the revised plan.

The revised Management Plan will serve as the guiding document for the 4,771-acre South Slough Reserve. View the South Slough, Oregon Reserve Management Plan at *http://www.oregon.gov/dsl/SS/Documents/SouthSloughReserve2017-2022ManagementPlan.pdf*. The impacts of the revised Management Plan have not changed and the initial Environmental Impact Statement prepared at the time of designation is still valid. NOAA has made the determination that the revision of the Management Plan will not have a significant effect on the human environment and therefore qualifies for a categorical exclusion under NOAA Administrative Order 216–6A. An environmental assessment will not be prepared.

FOR FURTHER INFORMATION CONTACT: Bree Turner at (206) 526–4641 or Erica Seiden at (301) 563–1172 of NOAA's National Ocean Service, Stewardship Division, Office for Coastal Management, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910.

Dated: August 18, 2017.

Paul M. Scholz,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

Federal Domestic Assistance Catalog 11.420 Coastal Zone Management Program Administration

[FR Doc. 2017–17946 Filed 8–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2017–0009; OMB Control Number 0704–0245]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Transportation

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the 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 the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement under Control Number 0704–0245 for use through November 30, 2017. DoD proposes that OMB extend its approval for the requirements now included under Control Number 0704–0245 for use for three additional years.

DATES: DoD will consider all comments received by October 23, 2017.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0245, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0245 in the subject line of the message.
- *Fax:* 571–372–6094.
- *Mail:* Defense Acquisition Regulations System, Attn: Mr. Tom Ruckdaschel, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Instructions: Search for ''Docket Number: DARS–2017–0009.'' Select ''Comment Now'' and follow the instructions provided to submit a comment. All submissions received must include the agency name and docket number for this notice. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Tom Ruckdaschel, 571–372–6088.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 247, Transportation, and related clauses at DFARS 252.247; OMB Control Number 0704–0245.

Needs and Uses: DoD contracting officers use this information to verify that prospective contractors have adequate insurance prior to award of stevedoring contracts; to provide appropriate price adjustments to stevedoring contracts; to assist the Maritime Administration in monitoring compliance with requirements for use of U.S.-flag vessels in accordance with the Cargo Preference Act of 1904 (10 U.S.C. 2631); and to provide appropriate and timely shipping documentation and instructions to contractors.

Type of Collection: Revision of a currently approved collection.

Obligation To Respond: Required to obtain or retain benefits.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Frequency: On occasion.

Number of Respondents: 33,372.

Responses per Respondent: 12.57, approximately.

Annual Responses: 419,537.

Average Hours per Response: .4, approximately.

Annual Burden Hours: 168,496.

Summary of Information Collection

The clause at DFARS 252.247–7000, Hardship Conditions, is prescribed at DFARS 247.270–4(a) for use in all solicitations and contracts for the acquisition of stevedoring services. Paragraph (a) of the clause requires the contractor to notify the contracting officer of unusual conditions associated with loading or unloading a particular cargo, for potential adjustment of contract labor rates; and to submit any associated request for price adjustment to the contracting officer within 10 working days of the vessel sailing time.

The clause at DFARS 252.247–7001, Price Adjustment, is prescribed at DFARS 247.270–4(b) for use in solicitations and contracts when using sealed bidding to acquire stevedoring services. Paragraphs (b) and (c) of the clause require the contractor to notify the contracting officer of certain changes in the wage rates or benefits that apply to its direct labor employees. Paragraph (g) of the clause requires the contractor to include with its final invoice a statement that the contractor has experienced no decreases in rates of pay for labor or has notified the contracting officer of all such decreases.

The clause at DFARS 252.247–7002, Revision of Prices, is prescribed at DFARS 247.270–4(c) for use in solicitations and contracts when using negotiation to acquire stevedoring services. Paragraph (c) of the clause provides that, at any time, either the contracting officer or the contractor may deliver to the other a written demand that the parties negotiate to revise the prices under the contract. Paragraph (d) of the clause requires that, if either party makes such a demand, the contractor must submit relevant data upon which to base negotiations.

The clause at DFARS 252.247–7007, Liability and Insurance, is prescribed at DFARS 247.270–4(g) for use in all solicitations and contracts for the acquisition of stevedoring services. Paragraph (f) of the clause requires the contractor to furnish the contracting officer with satisfactory evidence of insurance.

The provision at DFARS 252.247–7022, Representation of Extent of Transportation by Sea, is prescribed at DFARS 247.574(a) for use in all solicitations except those for direct purchase of ocean transportation services or those with an anticipated value at or below the simplified acquisition threshold. Paragraph (b) of the provision requires the offeror to represent whether or not it anticipates that supplies will be transported by sea in the performance of any contract or subcontract resulting from the solicitation.

The clause at DFARS 252.247–7023, Transportation of Supplies by Sea, is prescribed at DFARS 247.574(b) for use in all solicitations and contracts except those for direct purchase of ocean transportation services. Paragraph (d) of the clause requires the contractor to submit any requests for use of other than U.S.-flag vessels in writing to the contracting officer. Paragraph (e) of the clause requires the contractor to submit one copy of the rated on board vessel operating carrier's ocean bill of landing. Paragraph (f) of the clause, if the contract exceeds the simplified acquisition threshold, requires the contractor to represent, with its final invoice, that: (1) No ocean transportation was used in the performance of the contract; (2) only U.S.-flag vessels were used for all ocean shipments under the contract; (3) the contractor had the written consent of the contracting officer for all non-U.S.-flag ocean transportation; or (4) shipments were made on non-U.S.-flag vessels without the written consent of the contracting officer. Contractors must flow down these requirements to noncommercial subcontracts and certain types of commercial subcontracts. Subcontracts at or below the simplified acquisition threshold are excluded from the requirements of paragraph (f) stated above.

The clause at DFARS 252.247–7024, Notification of Transportation of Supplies by Sea, is prescribed at DFARS 247.574(c) for use in all contracts, for which the offeror represented, by completion of the provision at DFARS 252.247–7022, that it did not anticipate transporting any supplies by sea in performance of the contract. Paragraph (a) of the clause requires the contractor to notify the contracting officer if the contractor learns, after award of the contract, that supplies will be transported by sea.

The clause at DFARS 252.247–7026, Evaluation Preference for Use of Domestic Shipyards—Applicable to Acquisition of Carriage by Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade, is prescribed at DFARS 247.574(e) in solicitations that require a covered vessel for carriage of cargo for DoD. Paragraph (c) of the clause requires the offeror to provide information with its offer, addressing all covered vessels for which overhaul, repair, and maintenance work has been performed during the period covering the current calendar year, up to the date of proposal submission, and the preceding four calendar years.

The clause at DFARS 252.247.7028, Application for U.S. Government Shipping Documentation/Instructions, is prescribed at DFARS 247.207(2) for inclusion in all solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when shipping under Bills of Lading and Domestic Route Order under FOB origin contract, Export Traffic Release regardless of FOB terms, or foreign military sales shipments. Paragraph (a) of the clause requires contractors to complete DD Form 1659, Application for U.S. Government Shipping Documentation/Instructions to request shipping instructions, unless an automated system is available (paragraph (b) of the clause).

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–17948 Filed 8–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2017–0008; OMB Control Number 0704–0497]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Part 15 Negotiation

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the 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 the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through November 30, 2017. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD will consider all comments received by October 23, 2017.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0497, using any of the following methods:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

○ *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0245 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Mr. Mark Gomersall, OUSD(AT&L)DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Instructions: Search for ''Docket Number: DARS–2017–0008.'' Select ''Comment Now'' and follow the instructions provided to submit a comment. All submissions received must include the agency name and docket number for this notice. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Mark Gomersall, 571–372–6099.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 15 Negotiation; OMB Control Number 0704–0497.

Needs and Uses: Defense Federal Acquisition Regulation Supplement (DFARS) 215.403–5 provides contractors with guidance for the submittal of forward pricing rate proposals, and includes a checklist for contractors to use in preparing their proposals. The checklist is submitted to DoD with the forward pricing rate proposal.

Type of Collection: Revision of a currently approved collection.

Obligation to Respond: Required to obtain or retain benefits.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Number of Respondents: 277

Responses per Respondent: 1

Annual Responses: 277

Average Burden per Response: 4 hours

Annual Burden Hours: 1,108

Frequency: On Occasion.

Summary of Information Collection

The purpose of this information collection is to improve the efficiency of the negotiations process by ensuring the submission of thorough, accurate, and complete forward pricing rate proposals. If the contracting officer determines that a forward pricing rate proposal should be obtained pursuant to FAR 42.1701, then contractors following the commercial contract cost principles in FAR subpart 31.2 will be required to submit a forward pricing rate proposal that complies with FAR 15.408, Table 15–2, and DFARS 215.403–5 and 215.407–5–70. The forward pricing rate proposal adequacy checklist at Table 215.403–5(b)(3) is used by the contracting officer and the contractor to ensure the proposal is complete. The completed forward pricing rate proposal adequacy checklist will be submitted to DoD with the forward pricing rate proposal.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–17956 Filed 8–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Environmental Management Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Advisory Board (EMAB). The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Tuesday, September 12, 2017, 9:00 a.m.–4:00 p.m.

ADDRESSES: Hilton Alexandria Mark Center, 5000 Seminary Road, Alexandria, VA 22311.

FOR FURTHER INFORMATION CONTACT: Jennifer McCloskey, Federal Coordinator, EMAB (EM–4.3), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. Phone (301) 903–7427; fax (202) 586–0293 or email: *jennifer.mccloskey@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of EMAB is to provide the Assistant Secretary for Environmental Management (EM) with advice and recommendations on corporate issues confronting the EM program. EMAB contributes to the effective operation of the program by providing individual citizens and representatives of interested groups an opportunity to present their views on issues facing EM and by helping to secure consensus recommendations on those issues.

Tentative Agenda Topics

- EM Program Update
- Lessons Learned from EM Closed Sites/Rocky Flats Discussion
- Hanford Closure Discussion
- Public Comment Period
- Subcommittee Reports

Public Participation: EMAB welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer McCloskey at least seven days in advance of the meeting at the phone number or email address listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda should contact Jennifer McCloskey at the address or telephone number listed above. Requests must be received five days

prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Jennifer McCloskey at the address or phone number listed above. Minutes will also be available at the following Web site: *http://energy.gov/em/services/communication-engagement/environmental-management-advisory-board-emab.*

Issued at Washington, DC, August 18, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–17902 Filed 8–23–17; 8:45 am]

BILLING CODE 6450–01–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: ER16–1832–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.19a(b): Refund Report (ER16–1832–000, 001, 002 and 003) to be effective N/A.
Filed Date: 8/17/17.
Accession Number: 20170817–5136.
Comments Due: 5 p.m. ET 9/7/17.

Docket Numbers: ER17–210–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.19a(b): Refund Report (ER17–210–002 and 004) to be effective N/A.
Filed Date: 8/17/17.
Accession Number: 20170817–5135.
Comments Due: 5 p.m. ET 9/7/17.

Docket Numbers: ER17–2324–000.
Applicants: NSTAR Electric Company.
Description: Initial rate filing: LCC Services and Telemetering Services Agreements—RMLD to be effective 8/17/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5003.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2325–000.
Applicants: Colonial Eagle Solar, LLC.
Description: Compliance filing: Order No. 819 Compliance Filing to be effective 10/18/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5030.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2326–000.
Applicants: Conetoe II Solar, LLC.
Description: Compliance filing: Order No. 819 Compliance Filing to be effective 10/18/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5031.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2327–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 205 filing re: cost recovery for regulated transmission facilities to be effective 10/18/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5034.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2328–000.
Applicants: Duke Energy Kentucky, Inc.
Description: Compliance filing: Order No. 819 Compliance Filing to be effective 10/18/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5035.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2329–000.
Applicants: Duke Energy Ohio, Inc.
Description: Compliance filing: Order No. 819 Compliance Filing to be effective 10/18/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5036.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2330–000.
Applicants: Laurel Hill Wind Energy, LLC.
Description: Compliance filing: Order No. 819 Compliance Filing to be effective 10/18/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5038.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2331–000.
Applicants: North Allegheny Wind, LLC.
Description: Compliance filing: Order No. 819 Compliance Filing to be effective 10/18/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5042.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2332–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to OATT Schedule RE: New Black Start Unit Revenue Requirements Process to be effective 11/16/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5044.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2333–000.
Applicants: Duke Energy Beckjord Storage, LLC.
Description: Compliance filing: Order No. 819 Compliance Filing to be effective 10/18/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5059.
Comments Due: 5 p.m. ET 9/8/17.

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 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17949 Filed 8–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR17–22–000]

Sendero Carlsbad NGL, LLC; Notice of Request for Temporary Waiver

Take notice that on August 17, 2017, pursuant to Rule 202 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.202 (2017), Sendero Carlsbad NGL, LLC filed a petition for temporary waiver of the tariff filing and reporting requirements for liquids pipelines the Commission regulates under sections 6 and 20 of the Interstate Commerce Act, 49 U.S.C. app 6, 20 (1988), and 18 CFR parts 341 and 357 of the Commission's regulations, 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 September 15, 2017.

Dated: August 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17954 Filed 8–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2660–029]

Woodland Pulp LLC; Notice of Petition for Declaratory Order and Soliciting Comments, Protests, and/or Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Petition for Declaratory Order.

b. *Project No:* 2660–029.

c. *Date Filed:* July 27, 2017.

d. *Applicant:* Woodland Pulp, LLC.

e. *Name of Project:* Forest City Project.

f. *Location:* On the East Branch of the St. Croix River in Washington and Aroostook Counties, Maine.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b) (2012).

h. *Applicant Contact:* Mr. Scott Beal, Woodland Pulp, LLC, 144 Main Street, Baileyville, ME 04694, Tel: 207–427–4004.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. M. Joseph Fayyad, (202) 502–8759, or email: *Mo.Fayyad@ferc.gov.*

j. *Deadline for filing comments, protests, and motions to intervene is:* 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2660–029.

k. *Description of Project:* The Forest City Project is located at river mile 58 of the East Branch of the St. Croix River on the international boundary between the United States and Canada. The existing project as licensed includes only the lands, waters, and structures that are located in the United States, which consist of: (a) A 147-foot-long section of the 540-foot-long, 12-foot-high earthen Forest City Dam that includes: (i) A 110-foot-long west earthen embankment, and (ii) a 37-foot-long section of the timber-crib spillway section with two 8.3-foot-wide, 10-foot-high spillway gates on the west side of the spillway, which control the impoundment between a minimum elevation of 427.94 feet mean sea level (msl) and a maximum elevation of 434.94 feet msl; (b) a 9,141-acre portion of the 17,040-acre multi-lake impoundment (North Lake and East Grand Lake); and (c) appurtenant facilities. The project does not occupy federal lands and there are no generating facilities located at the project. The Forest City Project supplies water to the unlicensed downstream Grand Falls and Woodland hydroelectric projects.

In November 2015, the Commission issued Woodland Pulp a new license to operate and maintain the Forest City Project. In December 2016, Woodland Pulp filed an application to surrender its new license and decommission the project by removing the gates located on the United States side of the spillway. The Commission is considering the licensee's surrender and decommissioning proceeding in Project No. 2660–028.

On July 24, 2017, Governor LePage of Maine signed into law a resolve authorizing Maine Department of Inland Fisheries and Wildlife (Maine DIFW) to assume ownership of the Forest City Dam pursuant to two conditions: (1) The Commission finds that the Forest City Project will not require a license from the Commission if Maine DIFW owns the U.S. portion of the dam; and (2) Maine DIFW executes an agreement with Woodland Pulp that provides that Woodland Pulp and its successors will operate and maintain the Forest City Dam consistent with the manner in which the dam was operated in most recent 12 months, at the direction of the State, and at no cost to the State, for a period of 15 years. On July 27, 2017, Maine DIFW and Woodland Pulp executed an operation and management agreement.

l. *Description of Request:* The licensee requests the Commission to find that the Forest City Project will not be necessary or appropriate for any downstream unit of development if the licensee transfers the dam to the Maine Department of Inland Fisheries and Wildlife, and will therefore no longer be required to be licensed pursuant to section 23(b)(1) of the Federal Power Act.

m. *Locations of the Application:* This filing may be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above and in the Commission's Public Reference Room located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: August 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17955 Filed 8–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–140–000.
Applicants: Middle Daisy, LLC.
Description: Self-Certification of EG of Middle Daisy, LLC.
Filed Date: 8/17/17.
Accession Number: 20170817–5129.
Comments Due: 5 p.m. ET 9/7/17.

Docket Numbers: EG17–141–000.
Applicants: Shoreham Solar Commons LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Shoreham Solar Commons LLC.
Filed Date: 8/18/17.
Accession Number: 20170818–5135.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: EG17–142–000.
Applicants: Shoreham Solar Commons Holdings LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Shoreham Solar Commons Holdings LLC.
Filed Date: 8/18/17.
Accession Number: 20170818–5137.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: EG17–143–000.
Applicants: Golden Hills North Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Golden Hills North Wind, LLC.
Filed Date: 8/18/17.
Accession Number: 20170818–5140.
Comments Due: 5 p.m. ET 9/8/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–2217–000.
Applicants: Logan Generating Company, L.P.
Description: Report Filing: Refund Report to be effective N/A.
Filed Date: 8/18/17.
Accession Number: 20170818–5126.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2334–000.
Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.
Description: § 205(d) Rate Filing: Joint filing of an executed LGIA among NYISO, NMPC and Arkwright Summit Wind Far to be effective 8/10/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5092.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2335–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original Service Agreement No. 4762, Queue No. AC1–018 to be effective 7/19/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5129.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2336–000.
Applicants: Shoreham Solar Commons LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization to be effective 10/18/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5136.
Comments Due: 5 p.m. ET 9/8/17.

Docket Numbers: ER17–2337–000.
Applicants: Shoreham Solar Commons Holdings LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization to be effective 10/18/2017.
Filed Date: 8/18/17.
Accession Number: 20170818–5138.
Comments Due: 5 p.m. ET 9/8/17.

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 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17950 Filed 8–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2343–086]

PE Hydro Generation, LLC; Notice of Availability of Draft Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed the application for a new license for the Millville Hydroelectric Project, located on the Shenandoah River, near the town of Harpers Ferry in Jefferson County, West Virginia, and has prepared a draft Environmental Assessment (draft EA) for the project. The project does not occupy federal land.

In the draft EA, Commission staff analyze the potential environmental effects of relicensing the project and conclude that continued project operation under a new license, with appropriate measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the draft EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free number at 1–866–208–3676, or for TTY, 202–502–8659.

You may also register online at *www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, please contact Michael Spencer by telephone at (202) 502–6093 or by email at *michael.spencer@ferc.gov.*

Dated: August 16, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–17965 Filed 8–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EF17–2–000; EF17–3–000; EF17–4–000]

Notice of Filing; Bonneville Power Administration

Take notice that on August 10, 2017, Bonneville Power Administration submitted a Second Errata to its July 31, 2017 tariff filing per: BP–18 Power and Transmission Rates.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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 30, 2017.

Dated: August 16, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–17964 Filed 8–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–46–000]

Southern Natural Gas Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed Fairburn Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Fairburn Expansion Project, proposed by Southern Natural Gas Company, LLC (Southern) in the above-referenced docket. Southern requests authorization to acquire, upgrade, construct, and operate certain natural gas pipeline and compression facilities in Clayton, Cobb, Fayetteville, Fulton, and Monroe Counties, Georgia. The project would provide approximately 343 million cubic feet per day of new firm transportation capacity to delivery points in Southern's Zone 2 and Zone 3 systems.

The EA assesses the potential environmental effects of the construction and operation of the Fairburn Expansion Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

The proposed Fairburn Expansion Project includes the following facilities in Georgia:

- One new 4.9-mile-long 30-inch-diameter Fairburn Lateral pipeline, extending from the Transcontinental Gas Pipe Line Company interconnect in Fayette County to a new proposed 18,000-horsepower electric Fairburn Compressor Station with pig [1] receiver in Fulton County;

[1] A pig is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

• one 1.6-mile-long 30-inch-diameter South Main 2nd Loop [2] Line Extension pipeline along with pig receiver from mileposts 373.6 to 375.2 on Southern's existing South Main Line System in Monroe County;

• acquisition of the 19.7-mile-long 30-inch-diameter McDonough Lateral pipeline that extends from Southern's existing SNG-to-McDonough Meter Station in Fulton County to the proposed Plant McDonough Meter Station in Cobb County;

• a new Plant McDonough Meter Station in Cobb County; a SNG-to-McDonough Meter Station modification in Fulton County; and a new UPS Meter Station in Fulton County, all located on the McDonough Lateral;

• one new Transco-to-SNG Meter Station with pig launcher in Fayette County; and

• modification of the Jonesboro Meter Station in Clayton County.

The FERC staff mailed copies of the EA to Federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before September 18, 2017.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP17–46–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on eRegister. You must select the type of filing you are making. If you are filing a comment on a particular project, please select Comment on a Filing; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[3] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search, and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP17–46). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: August 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17951 Filed 8–23–17; 8:45 am]

BILLING CODE 6717–01–P

[2] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[3] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–484–000]

Natural Gas Pipeline Company of America LLC; Notice of Amendment

Take notice that on August 1, 2017, Natural Gas Pipeline Company of America LLC (Natural), at 3250 Lacey Road, Downers Grove, IL 60615, filed with the Federal Energy Regulatory Commission in the above referenced docket a petition to amend its certificate of public convenience and necessity in Docket No. CP11–547–000 for its 2012 Storage Optimization Project. Natural proposes to change the abandon of certain facilities at Compressor Station 310 (CS 310) located in Clinton County, Illinois, and Compressor Station 311 (CS 311) located in Piatt County, Illinois. Natural proposes to retain certain compressor units at CS 310 and CS 311 to reserve as redundant compression. These reserve units will only run if other units at these stations experience mechanical problems. Natural has previously received authority to abandon these units in place. Natural's filing is on file with the Commission and open to public inspection. Any questions regarding this petition to amend should be directed Bruce H. Newsome, Vice President, Natural Gas Pipeline Company of America LLC, 3250 Lacey Road, Suite 700, Downers Grove, IL 60515, or by calling (630)725–3070 (telephone) *bruce_newsome@kindermorgan.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental analysis (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for

Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on September 8, 2017.

Dated: August 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–17953 Filed 8–23–17; 8:45 am]

BILLING CODE 6717–01–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 Atlanta (Kathryn Haney, Director of Applications) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *SmartFinancial, Inc., Knoxville, Tennessee;* to merge with Capstone Bancshares, Inc., and thereby indirectly acquire Capstone Bank, both in Tuscaloosa, Alabama.

Board of Governors of the Federal Reserve System, August 18, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–17890 Filed 8–23–17; 8:45 am]

BILLING CODE 6210–01–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 7, 2017.

A. *Federal Reserve Bank of Atlanta* (Kathryn Haney, Director of Applications) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Wirt Adams Yerger, Jr.; Mary Montague Yerger; Wirt Adams Yerger, IV; Wirt Adams Yerger, IV, as custodian for Anny Elizabeth Yerger, Jane Ellen Yerger, and Mary Adams Yerger; Mary Montague Yerger Dunbar; Mary Montague Yerger Dunbar, trustee for Mary Montague Yerger Dunbar Revocable Trust; Mary Montague Yerger Dunbar, as custodian of Mary Montague*

Dunbar, all of Jackson, Mississippi; Wirt Adams Yerger, III and Linda Biggers Yerger, both of Inlet Beach, Florida; John Taylor Yerger, Dallas, Texas; Richard Montague Yerger, Birmingham, Alabama; James David Yerger, Raleigh, North Carolina; Thomas Yerger Dunbar and Wirt Yerger Dunbar, both of Austin, Texas; Frank Montague Yerger; Frank Montague Yerger, trustee for Frank Montague Yerger Revocable Trust; Jane P. Yerger; Jane P. Yerger, trustee for Frank Montague Yerger, Jr., Trust 2; Jane P. Yerger, trustee for Sara Jane Rivers Yerger Trust; and Jane P. Yerger, trustee for Harlan Prater Yerger Trust, all of Oxford, Mississippi; to collectively retain voting shares of PriorityOne Capital Corporation, and thereby indirectly retain voting shares in PriorityOne Bank, both in Magee, Mississippi.

Board of Governors of the Federal Reserve System.

August 18, 2017.

Yao-Chin Chao, Assistant Secretary of the Board.

[FR Doc. 2017–17893 Filed 8–23–17; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend, with revision, the mandatory Banking Organization Systemic Risk Report (FR Y–15; OMB No. 7100–0352).

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

DATES: Comments must be submitted on or before October 23, 2017.

ADDRESSES: You may submit comments, identified by *FR Y–15* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on all aspects of the proposal, including the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposal prior to giving final approval.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Report

Report Title: The Banking Organization Systemic Risk Report.

Agency Form Number: FR Y–15.

OMB Control Number: 7100–0352.

Frequency: Quarterly.

Respondents: U.S. bank holding companies (BHCs), covered savings and loan holding companies (SLHCs), and U.S. intermediate holding companies (IHCs) of foreign banking organizations with $50 billion or more of total consolidated assets, and any BHC designated as a global systemically important bank holding company (G–SIB) that does not otherwise meet the consolidated assets threshold for BHCs.

Estimated Number of Respondents: 40.

Estimated Average Hours per Response: 401 hours.

Estimated Annual Burden Hours: 64,160 hours.

General Description of Report: The FR Y–15 quarterly report collects systemic risk data from U.S. BHCs, covered SLHCs,[1] and U.S. IHCs with total consolidated assets of $50 billion or

[1] Covered SLHCs are those which are not substantially engaged in insurance or commercial activities. See 12 CFR 217.2, ''covered savings and loan holding company.''

more, and any BHC identified as a G–SIB based on its method 1 score calculated as of December 31 of the previous calendar year[2] that does not otherwise meet the consolidated assets threshold for BHCs. The Board uses the FR Y–15 data to monitor, on an ongoing basis, the systemic risk profile of institutions which are subject to enhanced prudential standards under section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).[3] In addition, the FR Y–15 is used to (i) facilitate the implementation of the surcharge for G–SIBs, (ii) identify other institutions which may present significant systemic risk, and (iii) analyze the systemic risk implications of proposed mergers and acquisitions.

Proposed Revisions: The FR Y–15 would be revised by (1) including Mexican pesos in total payments activity on Schedule C and removing it from the Memorandum items; (2) adding securities brokers to the definition of financial institutions in the instructions for Schedule B; (3) expressly including all cleared derivative transactions in Schedule D, item 1; (4) specifying how certain cleared derivatives transactions are reported in Schedule B, items 5(a) and 11(a); and (5) making minor clarifications to the form and instructions. The proposed changes would be effective for reports submitted on or after January 1, 2018, beginning with reports reflecting the December 31, 2017, report date.

Legal Authorization and Confidentiality: The Board has determined that the FR Y–15 is authorized by the Dodd-Frank Act (sections 163, 165, and 604), the International Banking Act, the Bank Holding Company Act, and the Home Owners' Loan Act (12 U.S.C. 1467a, 1844, 3106, and 3108). The obligation to respond to the FR Y–15 is mandatory.

Most of the data collected on the FR Y–15 is made public unless a specific request for confidentiality is submitted by the reporting entity, either on the FR Y–15 or on the form from which the data item is obtained.[4] Such information will be accorded confidential treatment under exemption 4 of the Freedom of Information Act (FOIA), (5 U.S.C. 552(b)(4)), if the submitter substantiates its assertion that disclosure would likely cause substantial competitive harm. To the extent confidential data collected under the FR Y–15 will be used for supervisory purposes, it may be exempt from disclosure under Exemption 8 of FOIA, (5 U.S.C. 552(b)(8)).

Consultation Outside the Agency: The FR Y–15 was derived from data collections developed by the Basel Committee on Banking Supervision (BCBS) to assess the global systemic importance of banks. The BCBS revised its data collations in January 2017 after consultation with representatives from numerous national supervisory authorities, including the Board.[5] Many of the proposed revisions to the FR Y–15 would correspond to changes made to the BCBS data collection.

Board of Governors of the Federal Reserve System, August 21, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–17939 Filed 8–23–17; 8:45 am]

BILLING CODE 6210–01–P

[2] See 12 CFR 217.402.

[3] 12 U.S.C. 5365.

[4] A number of the items in the FR Y–15 are retrieved from the FR Y–9C and certain items may be retrieved from the FFIEC–101 and FFIEC 009. Confidential treatment will also extend to any automatically-calculated items on the FR Y–15 that have been derived from confidential data items and that, if released, would reveal the underlying confidential data.

[5] See *Instructions for the end-2016 G–SIB assessment exercise,* January 2017, available at *www.bis.org/bcbs/gsib/instr_end16_gsib.pdf.*

FEDERAL TRADE COMMISSION

[File No. 151 0138]

National Association of Animal Breeders, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 19, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''In the Matter of National Association of Animal Breeders, Inc. File No. 1510138'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/cattleartificialinseminationconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of National Association of Animal Breeders, Inc. File No. 1510138'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Armando Irizarry (202–326–2964), Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 18, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 19, 2017. Write ''In the Matter of National Association of Animal Breeders, Inc. File No. 1510138'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/cattleartificialinseminationconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, write ''In the Matter of National

Association of Animal Breeders, Inc. File No. 1510138'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC. 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Web site to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 19, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Order (''Consent Agreement'') from the National Association of Animal Breeders, Inc. (''NAAB''). NAAB is a trade association of cattle artificial insemination firms.

Dairy production in the United States is dependent on volume from more than 9.3 million cows, the market for which relies on services provided by NAAB member breeders. In 2008, the U.S. Department of Agriculture, with partial funding from the NAAB through a Cooperative Research and Development Agreement (''CRADA''), developed a new technology that is the best indicator of genetic merit of dairy bulls for use in artificial insemination in so far as yielding higher producing dairy cows. The Commission's complaint (''Complaint'') alleges that NAAB violated Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by restraining competition among its regular members in the use of this new technology, which dampened competition in the market for dairy bulls used for semen production.

This matter reaffirms the longstanding rule that trade associations composed of members that compete among themselves, while typically serving important and procompetitive functions, must not adopt rules or regulations that unreasonably limit competition among their members. It also illustrates that industry groups that obtain valuable and unique technology from the government may not establish rules or regulations regarding that technology that unreasonably restrain competition.

The Consent Agreement has been placed on the public record for 30 days for receipt of comments from interested members of the public. Comments received during this period will become part of the public record. After 30 days, the Commission will review the Consent Agreement and comments received, and decide whether it should withdraw, modify, or make the Consent Agreement final.

The Consent Agreement is for settlement purposes only and does not constitute an admission by NAAB that it has violated the law as alleged in the Complaint or that the facts alleged in the Complaint, other than jurisdictional facts, are true.

The purpose of this Analysis to Aid Public Comment is to invite and facilitate public comment. It is not intended to constitute an official interpretation of the proposed Consent Agreement and the accompanying Proposed Order, or in any way modify their terms.

I. The Complaint

The Complaint makes the following allegations.

NAAB is a non-profit corporation with about 24 regular members that compete among themselves and with others in the business of collecting, processing, freezing, marketing or selling dairy cattle semen for artificial insemination. NAAB's members buy dairy bulls from dairy farmers and breeders to produce semen for artificial insemination. NAAB members together account for more than 90 percent of dairy cattle semen sales in the United States.

In September 2006, NAAB entered into a CRADA with the United States Department of Agriculture (''USDA'') to cooperate with a USDA laboratory in a project for developing the genomic testing technology described above. The CRADA granted NAAB exclusive access to the results of the CRADA project until February 2013. The CRADA did not restrain in any way the ability of NAAB or its members to use the new technology or to sell access to it, nor did it authorize NAAB or its members to adopt rules that restrain in any way the ability of its members to use the new technology or to sell access to it.

By April 2008, the USDA laboratory had developed the new technology, known as the Genomic Predicted Transmitting Ability (''GPTA''), which analyzes the genetics of a dairy bull to predict the ability of the bull to transmit commercially important traits, such as milk yield, to its daughters. This new technology is superior to the traditional method of evaluating dairy bulls for semen production, and it became the best indicator of a dairy bull's

commercial value for transmitting genetic traits.

In October 2008, more than two years after entering into the CRADA, NAAB approved a resolution that regulated its members' access to the new technology during the exclusivity period granted by the CRADA (through February 2013). NAAB acted as a combination of its members when it approved the resolution.

The resolution required that for a NAAB member to obtain the GPTA of a dairy bull, the Member had to have one of the following interests in the bull: (a) Own the bull, (b) have an agreement to purchase at least a 30 percent interest in the bull, (c) have a lease on the bull, or (d) have an exclusive marketing agreement for the bull. The USDA laboratory was the only source of GPTAs during the exclusivity period.

The Complaint alleges that NAAB's resolution harmed competition by diminishing competition for dairy bulls used for semen production. First, it impeded the development of a market in which dairy farmers and breeders could pay NAAB members to obtain GPTAs for their dairy bulls. Second, the resolution limited NAAB members from obtaining the GPTA of bulls in which they did not already have a financial interest. Access to a bull's GPTA prior to buying or selling it would tend to increase competition and drive the price of the bull toward a value that more accurately reflects its ability to yield higher producing dairy cows. After the exclusivity period expired in February 2013, GPTAs became available for a fee through an industry organization.

The Complaint alleges that the purpose, effect, tendency or capacity of the resolution was to restrain competition unreasonably among NAAB's Members, and that this conduct injured dairy farmers and breeders by depriving them of the benefits of free and open competition. Therefore, the resolution constitutes an unfair method of competition that violates Section 5 of the Federal Trade Commission Act.

II. The Proposed Order

The Proposed Order has the following substantive provisions. Paragraph II requires NAAB to cease and desist from restraining the ability of its members to obtain, disclose, provide, use or sell any technology or information resulting from research projects conducted by, or pursuant to, an agreement to which NAAB is a party. The Proposed Order also prohibits NAAB from restraining price-related competition among its members relating to the sale or acquisition of bulls or bull semen.

A proviso to Paragraph II specifies that the Proposed Order does not prohibit NAAB from engaging in any conduct that is reasonably necessary to achieve procompetitive benefits or efficiencies relating to NAAB's operation or to the operation of its members, provided that such benefits or efficiencies likely would offset the anticompetitive harms.

Paragraph III requires that, for five years, NAAB notify the Commission if it adopts or modifies any regulation that restrains the ability of its members to obtain disclose, provide, sell or use any technology or information resulting from any research project.

Paragraph V of the Proposed Order requires that NAAB implement an antitrust compliance program to ensure compliance with the Proposed Order and the antitrust laws.

Paragraphs IV and VI–VIII of the Proposed Order impose certain standard reporting and compliance requirements on NAAB.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–17880 Filed 8–23–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10371, CMS–10507, CMS–10558 and CMS–10650]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by September 25, 2017.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, *Attention:* CMS Desk Officer, *Fax Number:* (202) 395–5806 *OR Email: OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes

the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of an existing information collection request; *Title of Information Collection:* Cooperative Agreements to Support Establishment of State-Operated Health Insurance Exchanges; *Use:* All States (including the 50 States, consortia of States, and the District of Columbia herein referred to as States) had the opportunity under Section 1311(b) of the Affordable Care to apply for three types of grants: (1) Planning grants; (2) Early Innovator grants for early development of information technology; and (3) Establishment grants to develop, implement and start-up Marketplaces. As of January 1st, 2017, the Secretary has disbursed over $5.4 billion under this grant program and, as of that date, there were 19 active establishment grants awarded to 12 states. As the State-Based Marketplaces (SBM) and Small Business Health Options Program (SHOP) have matured and moved from the developmental phases to full-operation, the reporting requirements for the states have been modified and streamlined to insure only information necessary to provide effective oversight of their operations by CMS is collected.

Given the innovative nature of Exchanges and the statutorily-prescribed relationship between the Secretary and States in their development and operation, it is critical that the Secretary work closely with States to provide necessary guidance and technical assistance to ensure that States can meet the prescribed timelines, federal requirements, and goals of the statute and the grants awarded to them. *Form Number:* CMS–10371 (OMB Control Number: 0938–1119); *Frequency:* Once; *Affected Public:* State Government agencies, non-profit entities; *Number of Respondents:* 17; *Total Annual Responses:* 37; *Total Annual Hours:* 12,328. (For policy questions regarding this collection contact Nickom Sukachevin at (301) 492–4400).

2. *Type of Information Collection Request:* Reinstatement without change of a previously approved information collection; *Title of Information Collection:* State-based Marketplace Annual Reporting Tool (SMART); *Use:* The annual report is the primary vehicle to insure comprehensive compliance with all reporting requirements contained in the Affordable Care Act (ACA). It is specifically called for in Section 1313(a)(1) of the Act which requires an SBM to keep an accurate accounting of all activities, receipts, and expenditures, and to submit a report annually to the Secretary concerning such accounting. CMS will use the information collected from States to assist in determining if a State is maintaining a compliant operational Exchange. *Form Number:* CMS–10507 (OMB Control Number: 0938–1244); *Frequency:* Annually; *Affected Public:* State, Local, or Tribal governments; *Number of Respondents:* 17; *Total Annual Responses:* 17; *Total Annual Hours:* 1,173. (For policy questions regarding this collection contact Christy Woods at 301–492–5140).

3. *Title of Information Collection:* Machine Readable Data for Provider Network and Prescription Formulary Content for FFM QHPs; *Type of Information Collection Request:* Extension without change of a currently approved collection; *Use:* Under 45 CFR 156.122(d)(1)(2) and 156.230(c) and in the final rule, *Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2018* (CMS–9934–F), standards for qualified health plan (QHP) issuers are established for the submission of provider and formulary data in a machine-readable format to the Department of Health and Human Services (HHS) and for posting on issuer Web sites. These standards provide greater transparency for consumers, including by allowing software developers to access formulary and provider data to create innovative and informative tools. This Information Collection Request (ICR) serves as a formal request for 3-year OMB approval. On September 30, 2015, the Office of Management and Budget (OMB) granted approval to the data collection *Information Collection for Machine Readable Data for Provider Network and Prescription Formulary Content for FFM QHPs.*

The burden estimates for the data collection requirements included in this package reflect the time and effort for QHP issuers to update and publish the appropriate data, and submit it to CMS. *Form Number:* CMS–10558 (OMB) control number: 0938–1284); *Frequency:* Annually; *Affected Public:* Private Sector, State, Business, and Not-for Profits; *Number of Respondents:* 397; *Number of Responses:* 397; *Total Hours:* 208. (For questions regarding this collection, contact Joshua Annas at (301) 492–4407).

4. *Title of Information Collection:* State Permissions for Enrollment in Qualified Health Plans in the Federally Facilitated Exchange & Non-Exchange Entities; *Type of Information Collection Request:* Request for a new OMB control number; *Use:* The Patient Protection and Affordable Care Act, Public Law 111–148, enacted on March 23, 2010, and the Health Care and Education Reconciliation Act, Public Law 111–152, enacted on March 30, 2010 (collectively, ''Affordable Care Act''), expand access to health insurance for individuals and employees of small businesses through the establishment of new Affordable Insurance Exchanges (Exchanges), also called Marketplaces, including the Small Business Health Options Program (SHOP). The Exchanges, which became operational on January 1, 2014, enhance competition in the health insurance market, expand access to affordable health insurance for millions of Americans, and provide consumers with a place to easily compare and shop for health insurance coverage.

This Information Collection Request (ICR) serves as the formal request for a new data collection associated with the HHS Notice of Benefit and Payment Parameters for 2018 Final Rule (2018 Payment Notice). This ICR includes information collection requirements related to the ability of states to permit agents and brokers to assist qualified individuals, qualified employers, or qualified employees enrolling in Qualified Health Plans in the Federally Facilitated Exchange (§ 155.220) and ICRs related to non-exchange entities (§ 155.260). *Form Number:* CMS–10650 (OMB control number 0938–NEW); *Frequency:* Annually; *Affected Public:* Private Sector, State, Business, and Not-for Profits; *Number of Respondents:* 107,207; *Number of Responses:* 107,207; *Total Annual Hours:* 512,141. (For questions regarding this collection, contact Joshua Annas at (301–492–4407).

Dated: August 18, 2017.

Martique Jones,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–17918 Filed 8–23–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: Grant Reviewer Recruitment.

Title: Grant Reviewer Recruitment Form.

OMB No.: 0970–0455.

Description: The Administration for Children and Families' Children's

Bureau (CB) is responsible for administering the review of eligible grant applications submitted in response to funding opportunity announcements issued by CB. CB ensures that the objective review process is independent, efficient, effective, economical, and complies with the applicable statutes, regulations, and policies. Applications are reviewed by subject experts knowledgeable in child welfare and related fields. Review findings are advisory to CB; CB is responsible for making award decisions.

This announcement is a request for continued approval of the information collection system, the Reviewer Recruitment Module (RRM). CB uses a web-based data collection form and database to gather critical reviewer information in drop down menu format for data such as: Degree, occupation, affiliations with organizations and institutions that serve special populations, and demographic information that may be voluntarily provided by a potential reviewer.

These data elements help CB find and select expert grant reviewers for objective review committees. The web-based system permits reviewers to access and update their information at will and as needed. The RRM is accessible by the general public via *https://rrm.grantsolutions.gov/AgencyPortal/cb.aspx.*

Respondents: Generally, our reviewers are current or retired professionals with backgrounds in child welfare and related fields and in some instances current or former foster care parents or clients.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Reviewer Recruitment Module	500	1	.25	125

Estimated Total Annual Burden Hours: 125.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–17935 Filed 8–23–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–1956]

Identifying Trading Partners Under the Drug Supply Chain Security Act; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Identifying Trading Partners Under the Drug Supply Chain Security Act'' (draft trading partner guidance). FDA is issuing this guidance to assist industry and State and local governments in understanding how to categorize the entities in the drug supply chain in accordance with the Drug Supply Chain Security Act (DSCSA). This guidance explains how to determine when certain statutory requirements will apply to entities that may be considered trading partners in the drug supply chain. FDA is also soliciting public input specific to the activities of ''private-label distributors'' of drug products and whether those activities fall within the definitions under DSCSA of the various trading partners.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by October 23, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and

Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–1956 for ''Identifying Trading Partners Under the Drug Supply Chain Security Act; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Melissa Mannion, Office of Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3130, *drugtrackandtrace@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Identifying Trading Partners Under the Drug Supply Chain Security Act.'' The DSCSA (Title II of Pub. L. 113–54) establishes new requirements to develop and enhance drug distribution security by 2023. It does this, in part, by defining different types of entities in the drug supply chain as *trading partners* (*i.e.,* manufacturers, repackagers, wholesale distributors, third-party logistics providers, and dispensers). Among other things, the DSCSA requires that trading partners of manufacturers, wholesale distributors, dispensers, and repackagers must meet the applicable requirements for being ''authorized trading partners.'' In addition, the DSCSA outlines requirements for specific trading partners, including drug product tracing and licensure requirements. FDA has received questions about which types of entities are included in each of the trading partner definitions and this guidance is intended to help clarify and explain the relevant statutory provisions. The guidance covers who is considered to be a manufacturer, a repackager, a wholesale drug distributor, a third-party logistics provider, and a dispenser for purposes of certain DSCSA requirements.

II. Additional Issues for Consideration: Specific Request for Comments and Information

In addition to comments on the draft guidance generally, FDA is requesting comments specifically related to the activities of private-label distributors (PLDs), and whether those activities fall within the definitions under DSCSA of the various trading partners. FDA considers a PLD to be an entity that owns and distributes a manufactured product under its own label or trade name. Because there are many different business models for PLDs, resulting in situations where a PLD could be considered a manufacturer, wholesale distributor, or dispenser, we are asking for comments on how the different business models might impact a PLD's status as an authorized trading partner under the DSCSA.

This draft guidance is being issued consistent with FDA's good guidance practices (see 21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Identifying Trading Partners under the Drug Supply Chain Security Act.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *https://www.regulations.gov.*

Dated: August 18, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–17919 Filed 8–21–17; 11:15 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Supplemental Awards to the Territorial Health Departments of Puerto Rico, American Samoa, and U.S. Virgin Islands for the Zika Maternal and Child Health Services Program

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of Supplemental Award.

SUMMARY: HRSA announces the award of supplemental grants under the Zika Response and Preparedness Act to the territorial health departments of Puerto Rico, American Samoa, and U.S. Virgin Islands to address the unmet needs of women, children, and families who are or may be affected by Zika virus (ZIKV) infection.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Territorial health departments of Puerto Rico, American Samoa, and U.S. Virgin Islands.

Amount of Non-Competitive Awards: Approximately $1,050,000.

CFDA Number: 93.110.

Authority: Zika Response and Preparedness Act (Pub. L. 114–223) and Section 501(a)(2) of the Social Security Act (42 U.S.C. 701(a)(2)).

Justification: The current spread of ZIKV poses a significant threat to public health, including the health of women, children, and families who are affected by ZIKV infection. ZIKV infection during pregnancy can cause serious birth defects, especially affecting the neurological system of the infant.

Funding for these awards is available under the Zika Response and Preparedness Act through Special Projects of Regional and National Significance (SPRANS) funds.

The needs of infants and children affected by ZIKV are complex. Families, health care providers, and public health professionals will be required to work together to assure that community-based, comprehensive, high quality health and social services are available to these children. The support system must address the medical needs of these children, such as regularly screening children who may not be symptomatic at birth; coordinate care through a medical home; finance care needed by children and families; link to community-based services; partner with families; and eventually address transition to adult services. Following HRSA's December 2016 grant awards to the territorial health departments of Puerto Rico, American Samoa, and U.S. Virgin Islands, recipients continued to identify pregnant women and infants with lab evidence of ZIKV infection that led them to refine their response to ZIKV. HRSA's Maternal and Child Health Bureau (MCHB) received information from the territorial health departments of unmet needs in their response to ZIKV through monitoring site visits, regular communication, and prior approval requests. Needs identified by recipients included additional equipment, personnel, and transportation services. With further analysis of other federal funding and the current epidemiologic data, MCHB confirmed additional funding is essential to ensure access to services and a comprehensive medical home for women, children, and families who are or may be affected by ZIKV infection. Disease burden and the significant increase in pregnant women and children with lab evidence of ZIKV infection in American Samoa and the U.S. Virgin Islands was also considered as a factor in determining the allocation of funds to the territories to address unmet needs. The period of performance of the supplemental award will be September 2017 through December 2019.

FOR FURTHER INFORMATION CONTACT: Maria Paz Carlos, Division of State and Community Health, Maternal and Child Health Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 18N104A, Rockville, Maryland 20857; *MCarlos@hrsa.gov.*

Grantee/organization name	Territory	FY 2017 supplemental awards
Puerto Rico Health Department	Puerto Rico	$52,850
American Samoa Health Department	American Samoa	423,142
U.S. Virgin Islands Health Department	U.S. Virgin Islands	574,008

Dated: August 18, 2017.

George Sigounas,

Administrator.

[FR Doc. 2017–17883 Filed 8–23–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval: Public Comment Request; Information Collection Request Title: Federal Tort Claims Act (FTCA) Program Deeming Applications for Health Center Volunteer Health Professionals, OMB No. 0906–XXXX, New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR must be received no later than September 25, 2017.

ADDRESSES: Submit your comments, including the ICR Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Federal Tort Claims Act (FTCA) Program Deeming Applications for Health Center Volunteer Health Professionals OMB No. 0906–XXXX—New.

Abstract: Section 224(q) of the Public Health Service (PHS) Act (42 U.S.C. 233(q)), as amended, authorizes the ''deeming'' of certain individuals as PHS employees for the purposes of receiving Federal Tort Claims Act (FTCA) coverage. Section 224(q) relates to volunteer health professionals (VHPs) of Health Center Program grantees that have been deemed as PHS employees. The Health Center FTCA Program is administered by HRSA's Bureau of Primary Health Care (BPHC). Sponsoring health centers are required

by law to submit deeming applications in the specified form and manner on behalf of named individuals for review and approval, resulting in a ''deeming determination'' that includes associated FTCA coverage for these individuals.

Need and Proposed Use of the Information: Deeming applications must address certain specified criteria required by law in order for deeming determinations to be issued, and FTCA application forms are critical to BPHC's deeming determination process. These forms provide BPHC with the information essential for application evaluation and determination of whether an individual meets the requirements for deemed PHS employee status for the purposes of FTCA coverage. Because the 21st Century Cures Act extended FTCA coverage to VHPs, BPHC will add new FTCA application forms for use by health centers applying to sponsor volunteers to become volunteer health professionals with associated FTCA coverage for their activities within the scope of deemed employment on behalf of the health center.

Likely Respondents: Respondents include Health Center Program funds recipients seeking deemed PHS employee status on behalf of their sponsored individuals for purposes of FTCA coverage.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. 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. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
FTCA Health Center Volunteer Health Professional Program Application	1375	3	4125	2	8250
Total	1375		4125		8250

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2017–17926 Filed 8–23–17; 8:45 am]

BILLING CODE 4165–15–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 NIAID 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: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Julio Aliberti, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC-9823, Rockville, MD 20852, 301–761–7322, *alibertijc@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID Investigator Initiated Program Project Applications (P01).

Date: September 27, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Raymond R. Schleef, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3E61, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5019, *schleefrr@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 18, 2017.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17892 Filed 8–23–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant and/or contract proposals applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant and/or contract proposals applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel SEER Program.

Date: September 26–27, 2017.
Time: 8:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate contract proposals.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue Bethesda, MD 20814.
Contact Person: Clifford W. Schweinfest, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W108, Bethesda, MD 20892–9750, 240–276–6343, *schweinfestcw@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel Emerging Questions in Cancer Systems Biology.
Date: September 28, 2017.
Time: 8:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at Chevy Chase Pavilion, 4300 Military Road, Washington, DC 20015.
Contact Person: Eun Ah Cho, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W104, Bethesda, MD 20892–9750, 240–276–6342, *choe@mail.nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group Subcommittee J—Career Development.
Date: October 17–18, 2017.
Time: 6:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Tushar Deb, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Bethesda, MD 20892–9750, 240–276–6132, *tushar.deb@nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group Subcommittee F—Institutional Training and Education.
Date: October 23–24, 2017.
Time: 7:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Timothy C. Meeker, M.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Bethesda, MD 20892–9750, 240–276–6464, *meekert@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: August 18, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–17891 Filed 8–23–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) Drug Testing Advisory Board (DTAB) will meet in person and via web conference on September 19, 2017, from 9:30am to 5:00pm EDT and September 20, 2017, from 9:30am to 2:00pm EDT.

The Board will meet in open session on September 19, 2017, from 9:30am to 12:45pm to provide updates on the Mandatory Guidelines for Federal Workplace Drug Testing Programs, present a study on the degradation of deoxyribose nucleic acid (DNA) in urine and oral fluid specimens, results from the opioid implementation performance testing (PT) samples, lessons learned from the pilot PT program for oral fluid, and the detection of opioid glucuronides in drug user hair. Public comments are welcome. If you intend to provide public comments, please register and provide a summary of your comments to the contact listed below. The Division of Workplace Programs will review public comments to ensure that they address the topics scheduled to be discussed during the meeting and adhere to the meeting's established time limits for public comments.

The board will meet in closed session on September 19, 2017, from 2:00pm to 5:00pm EDT and on September 20, 2017, from 9:30am to 2:00pm EDT to hear about current confidential practices in the hair testing industry and to discuss proposed revisions of the Oral Fluid Mandatory Guidelines for Federal Workplace Drug Testing Programs. These portions of the meeting are closed to the public as determined by the Administrator, SAMHSA, in accordance with 5 U.S.C. 552b(c)(4) and (9)(B), and 5 U.S.C. App. 2, Section 10(d).

To obtain the web conference call-in numbers and access codes, registration can be completed online at *http://snacregister.samhsa.gov/MeetingList.aspx.*

Meeting information and a roster of DTAB members may be obtained by accessing the SAMHSA Advisory Committees Web site, *http://www.samhsa.gov/about-us/advisory-councils/drug-testing-advisory-board-dtab,* or by contacting Brian Makela.

Committee Name: Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention Drug Testing Advisory Board
Dates/Time/Type: September 19, 2017, from 9:30am to 12:45pm, EDT: Open, September 19, 2017, from 2:00pm to 5:00pm, EDT: Closed, September 20, 2017, from 9:30am to 2:00pm, EDT: Closed
Place: Parklawn Building, Rooom 5E29, 5600 Fishers Lane, Rockville, Maryland 20857
Contact: Brian Makela, Division of Workplace Programs, 5600 Fishers Lane, Room 16N02B, Rockville, Maryland 20857, *Telephone:* 240–276–2600, *Fax:* 240–276–2610, *Email: brian.makela@samhsa.hhs.gov.*

Brian Makela,

Chemist, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2017–17963 Filed 8–23–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0723]

Public Workshop on Marine Technology and Standards

AGENCY: Coast Guard, DHS.

ACTION: Notice; correction.

SUMMARY: The Coast Guard is correcting a notice that appeared in the **Federal Register** of August 8, 2017. The document announced an upcoming Public Workshop on Marine Technology and Standards to be held on October 16 and 17, 2017 in Washington, DC. The document had an incorrect amount for the registration fee.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, contact Wayne Lundy, Office of Design and Engineering Standards, USCG, by telephone at (202) 372–1379 or email: *Wayne.M.Lundy@uscg.mil.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 8, 2017 (82 FR 37104), the Coast Guard published a notice announcing a Public Workshop on Marine Technology and Standards.

Correction

In FR Notice Doc. No. 2017–16694, published August 8, 2017, at 82 FR 37104, make the following corrections:

1. On page 37105 in the second column under ''Registration'', correct the phrase ''$325 USD if submitted on or before October 2, 2017 and $375 USD if submitted after October 2, 2017'' to read ''$490 USD if submitted on or before October 15, 2017 and $540 USD if registering on-site.''

2. Following the words ''if registering on-site'', from the correction in paragraph 1 above, add the following sentence:

''In addition, registered attendees may receive a certificate from ASME following the workshop that awards Professional Development Hours for attendance at all sessions over the 2-day period.''

Dated: August 18, 2017.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2017–17889 Filed 8–23–17; 8:45 am]

BILLING CODE 9110–04–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.'')

Dated: July 31, 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	Date of modification	Community No.
Arizona:					
City of Goodyear (16–09–0749P).	The Honorable Georgia Lord Mayor, City of Goodyear 190 North Litchfield Road Goodyear, AZ 85338.	Engineering Department 14455 West Van Buren Street Goodyear, AZ 85338.	May 12, 2017	040046.	
Maricopa (FEMA Docket No.: B–1706).					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Maricopa (FEMA Docket No.: B–1706).	Unincorporated Areas of Maricopa County (16–09–2698P).	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.	May 26, 2017	040037
Pinal (FEMA Docket No.: B–1706).	Town of Florence (16–09–1788P).	The Honorable Tom Rankin Mayor, Town of Florence 775 North Main Street Florence, AZ 85132.	Department of Public Works 425 East Ruggles Street Florence, AZ 85132.	May 12, 2017	040084
California:					
Calaveras (FEMA Docket No.: B–1706).	City of Angels (16–09–3078P).	The Honorable Wes Kulm Mayor, City of Angels 584 South Main Street Angels Camp, CA 95222.	Public Works Department 2990 Centennial Road Angels Camp, CA 95222.	May 17, 2017	060021
Calaveras (FEMA Docket No.: B–1706).	Unincorporated Areas of Calaveras County (16–09–3078P).	The Honorable Michael C. Oliveria Chairman, Board of Supervisors Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249.	Calaveras County Planning Department 891 Mountain Ranch Road San Andreas, CA 95249.	May 17, 2017	060633
Monterey (FEMA Docket No.: B–1706).	Unincorporated Areas of Monterey County (17–09–0070P).	The Honorable Jane Parker Chair, Board of Supervisors Monterey County P.O. Box 1728 Salinas, CA 93902.	Monterey County Water Resources Agency 893 Blanco Circle Salinas, CA 93901.	May 18, 2017	060195
San Diego (FEMA Docket No.: B–1706).	City of Poway (17–09–0196P).	The Honorable Steve Vaus Mayor, City of Poway 13325 Civic Center Drive Poway, CA 92064.	City Hall 13325 Civic Center Drive Poway, CA 92064.	May 26, 2017	060702
Idaho: Ada (FEMA Docket No.: B–1706).	Unincorporated Areas of Ada County (16–10–1405P).	Mr. Jim Tibbs Commissioner, Ada County 200 West Front Street 3rd Floor Boise, ID 83702.	Ada County County Courthouse 200 West Front Street Boise, ID 83702.	May 17, 2017	160001
Illinois: Will (FEMA Docket No.: B–1706).	Village of Romeoville (16–05–5619P).	The Honorable John D. Noak Mayor, Village of Romeoville 1050 West Romeo Road Romeoville, IL 60446.	Village Hall 1050 West Romeo Road Romeoville, IL 60446.	May 19, 2017	170711
Indiana:					
Miami (FEMA Docket No.: B–1706).	City of Peru (16–05–4366P).	The Honorable Gabriel Greer Mayor, City of Peru City Hall 35 South Broadway Peru, IN 46970.	Miami County Courthouse 25 North Broadway Street Peru, IN 46970.	May 17, 2017	180168
Miami (FEMA Docket No.: B–1706).	Unincorporated Areas of Miami County (16–05–4366P).	The Honorable Josh Francis Chairman, Miami County Commissioners Miami County Courthouse 25 North Broadway Peru, IN 46970.	Miami County Courthouse 25 North Broadway Street Room 105 Peru, IN 46970.	May 17, 2017	180409
Iowa: Scott (FEMA Docket No.: B–1706).	City of Davenport (16–07–1205P).	The Honorable Frank Klipsch Mayor, City of Davenport City Hall 226 West 4th Street Davenport, IA 52801.	City Hall 226 West 4th Street Davenport, IA 52801.	May 18, 2017	190242

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Minnesota: Clay (FEMA Docket No.: B–1706).	Unincorporated Areas of Clay County (17–05–0558P).	The Honorable Wayne Ingersoll Vice Chair, Clay County Board of Commissioners 807 11th Street North Moorhead, MN 56560..	Clay County Courthouse 807 11th Street North Moorhead, MN 56560..	May 9, 2017	275235
Missouri:					
St. Charles (FEMA Docket No.: B–1706).	City of O'Fallon (16–07–1736P).	The Honorable Bill Hennessy Mayor, City of O'Fallon 100 North Main Street O'Fallon, MO 63366.	City Hall 100 North Main Street O'Fallon, MO 63366.	May 12, 2017	290316
St. Charles (FEMA Docket No.: B–1706).	Unincorporated Areas of St. Charles County (16–07–1736P).	Mr. Steve Ehlmann County Executive, St. Charles County 100 North 3rd Street Suite 318 St. Charles, MO 63301.	County Administration Building 202 North 2nd Street Suite 420 St. Charles, MO 63301.	May 12, 2017	290315
Ohio:					
Huron (FEMA Docket No.: B–1706).	City of Bellevue (16–05–5908P).	The Honorable Kevin G. Strecker Mayor, City of Bellevue 3000 Seneca Industrial Parkway Bellevue, OH 44811.	Bellevue City Centre 3000 Seneca Industrial Parkway Bellevue, OH 44811.	May 12, 2017	390487
Sandusky (FEMA Docket No.: B–1706).	Unincorporated Areas of Sandusky County (16–05–5908P).	Mr. Charles Schwochow Sandusky County Commissioner 622 Croghan Street Fremont, OH 43420.	Sandusky Regional Planning Office 606 West State Street Fremont, OH 43420.	May 12, 2017	390486
Texas:					
Tarrant (FEMA Docket No.: B–1706).	City of Colleyville (17–06–0726P).	The Honorable David Kelly Mayor, City of Colleyville City Hall 100 Main Street Colleyville, TX 76034.	City Hall 401 Oak Valley Road Colleyville, TX 76034.	Apr. 26, 2017	480590
Tarrant (FEMA Docket No.: B–1706).	City of Euless (17–06–0726P).	The Honorable Linda Martin Mayor, City of Euless City Hall 201 North Ector Drive Euless, TX 76039.	City Hall 201 North Ector Drive Euless, TX 76039.	Apr. 26, 2017	480593
Wisconsin:					
Rock (FEMA Docket No.: B–1706).	City of Evansville (16–05–6630P).	The Honorable Bill Hurtley Mayor, City of Evansville City Hall 31 South Madison Street Evansville, WI 53536.	City Hall 31 South Madison Street Evansville, WI 53536.	May 4, 2017	550366
Rock (FEMA Docket No.: B–1706).	Unincorporated Areas of Rock County (16–05–6630P).	Mr. Joshua M. Smith County Administrator Rock County Rock County Courthouse 51 South Main Street Janesville, WI 53545.	Rock County Courthouse 51 South Main Street Janesville, WI 53545.	May 4, 2017	550363

[FR Doc. 2017–17761 Filed 8–23–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2017–0043]

Meeting of the DHS Data Privacy and Integrity Advisory Committee

AGENCY: Privacy Office, DHS.

ACTION: Committee management; notice of Federal Advisory Committee meeting.

SUMMARY: The DHS Data Privacy and Integrity Advisory Committee will meet on Tuesday, September 19, 2017, in Washington, DC The meeting will be open to the public.

DATES: The DHS Data Privacy and Integrity Advisory Committee will meet on Tuesday, September 19, 2017, from 12:45 p.m. to 3:30 p.m. Please note that the meeting may end early if the Committee has completed its business.

ADDRESSES: The meeting will be held both in person in Washington, DC at 90 K Street NE., 12th Floor, Room 1204 A&B, Washington, DC, 20002, and via online forum (URL will be posted on the Privacy Office Web site in advance of the meeting at *www.dhs.gov/privacy-advisory-committees*). For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact Sandra Taylor, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, as soon as possible.

To facilitate public participation, we invite public comment on the issues to be considered by the Committee as listed in the ''Supplementary Information'' section below. A public comment period will be held during the meeting from 3:20 p.m.—3:30 p.m., and speakers are requested to limit their comments to three minutes. If you would like to address the Committee at the meeting, we request that you register in advance by contacting Sandra Taylor at the address provided below or sign up at the registration desk on the day of the meeting. The names and affiliations, if any, of individuals who address the Committee are included in the public record of the meeting. Please note that the public comment period may end before the time indicated, following the last call for comments. Written comments should be sent to Sandra Taylor, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, by September 11, 2017. Persons who wish to submit comments and who are not able to attend or speak at the meeting may submit comments at any time. All submissions must include the Docket Number (DHS–2017–0043) and may be submitted by any *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: PrivacyCommittee@hq.dhs.gov.* Include the Docket Number (DHS–2017–0043) in the subject line of the message.
- *Fax:* (202) 343–4010.
- *Mail:* Sandra Taylor, Designated Federal Officer, Data Privacy and Integrity Advisory Committee, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0655, Washington, DC 20528.

Instructions: All submissions must include the words ''Department of Homeland Security Data Privacy and Integrity Advisory Committee'' and the Docket Number (DHS–2017–0043). Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

If you wish to attend the meeting, please bring a government issued photo I.D. and plan to arrive at 90 K Street NE., 12th Floor, Room 1204 A&B, Washington, DC no later than 12:35 p.m. The DHS Privacy Office encourages you to register for the meeting in advance by contacting Sandra Taylor, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, at *PrivacyCommittee@hq.dhs.gov.* Advance registration is voluntary. The Privacy Act Statement below explains how DHS uses the registration information you may provide and how you may access or correct information retained by DHS, if any.

Docket: For access to the docket to read background documents or comments received by the DHS Data Privacy and Integrity Advisory Committee, go to *http://www.regulations.gov* and search for docket number DHS–2017–0043.

FOR FURTHER INFORMATION CONTACT: Sandra Taylor, Designated Federal Officer, DHS Data Privacy and Integrity Advisory Committee, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0655, Washington, DC 20528, by telephone (202) 343–1717, by fax (202) 343–4010, or by email to *PrivacyCommittee@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), Title 5, U.S.C., appendix. The DHS Data Privacy and Integrity Advisory Committee provides advice at the request of the Secretary of Homeland Security and the DHS Chief Privacy Officer on programmatic, policy, operational, administrative, and technological issues within DHS that relate to personally identifiable information, as well as data integrity and other privacy-related matters. The Committee was established by the Secretary of Homeland Security under the authority of 6 U.S.C. 451.

Proposed Agenda

During the meeting, the Chief Privacy Officer will provide remarks to the Committee and the Deputy Chief Privacy Officer will provide an update on the activities of the Privacy Office since the last meeting. The Committee will also receive briefings on the U.S. Customs and Border Protection's Biometric Travel Security Initiatives and the DHS Office of Policy's Immigration Data Initiative. The Committee will also receive two taskings. The final agenda will be posted on or before September 5, 2017, on the Committee's Web site at *www.dhs.gov/privacy-advisory-committees.* Please note that the meeting may end early if all business is completed.

Privacy Act Statement: DHS's Use of Your Information

Authority: DHS requests that you voluntarily submit this information under its following authorities: the *Federal Records Act,* 44 U.S.C. 3101; the FACA, 5 U.S.C. appendix; and the *Privacy Act of 1974,* 5 U.S.C. 552a.

Principal Purposes: When you register to attend a DHS Data Privacy and Integrity Advisory Committee meeting, DHS collects your name, contact information, and the organization you represent, if any. We use this information to contact you for purposes related to the meeting, such as to confirm your registration, to advise you of any changes in the meeting, or to assure that we have sufficient materials to distribute to all attendees. We may also use the information you provide for public record purposes such as posting publicly available transcripts and meeting minutes.

Routine Uses and Sharing: In general, DHS will not use the information you provide for any purpose other than the Principal Purposes, and will not share this information within or outside the agency. In certain circumstances, DHS may share this information on a case-by-case basis as required by law or as necessary for a specific purpose, as described in the DHS/ALL–002 Mailing and Other Lists System of Records Notice (November 25, 2008, 73 FR 71659).

Effects of Not Providing Information: You may choose not to provide the requested information or to provide only some of the information DHS requests. If you choose not to provide some or all of the requested information, DHS may not be able to contact you for purposes related to the meeting.

Accessing and Correcting Information: If you are unable to access or correct this information by using the method that you originally used to submit it, you may direct your request in writing to the DHS Deputy Chief FOIA Officer at *foia@hq.dhs.gov.* Additional instructions are available at *http://www.dhs.gov/foia* and in the DHS/ALL–002 Mailing and Other Lists System of Records referenced above.

Dated: August 18, 2017.

Philip S. Kaplan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2017–17980 Filed 8–23–17; 8:45 am]

BILLING CODE 4410–10–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–860 (Third Review)]

Tin- and Chromium-Coated Steel Sheet From Japan; Notice of Commission Determination To Conduct a Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with a full review pursuant to the Tariff Act of 1930 to determine whether revocation of the antidumping duty order on Tin- and Chromium-Coated Steel Sheet from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the review will be established and announced at a later date.

DATES: August 4, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Casanova (202–708–2719), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On August 4, 2017, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that both the domestic and respondent interested party group responses to its notice of institution (82 FR 20378, May 1, 2017) were adequate. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: August 18, 2017.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2017–17884 Filed 8–23–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, U.S. International Trade Commission has submitted a 30-day Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery '' to OMB for approval under the Paperwork Reduction Act (PRA).

DATES: Comments must be submitted September 29, 2017.

ADDRESSES: Written comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Room 10102 (Docket Library), Washington DC 20503, *Attention:* Docket Librarian. Copies of any comments should be provided to Kirit Amin, Chief Information Officer, U.S. International Trade commission, 500 E Street SW., Washington, DC 20436, who is the Commissions' designated Senior Official under the Paperwork Reduction Act. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Secretary at 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal (telephone no. 202–205–1810). Also, general information about the Commission can be obtained from its Internet server (*http://www.usitc.gov*).

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Jeremy Wise at 202–205–3190.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The U.S. International Trade commission received no comments in response to the 60-day notice published in the **Federal Register** of May 26, 2017 (82 FR 24398).

Below we provide the U.S. International trade Commission's projected average estimates for the next three years:

Current Actions: Extension of current clearance.

Type of Review: New Collection.

Affected Public: Businesses and Organizations.

Average Expected Number of Activities (annual): 10.

Average Number of Respondents (per activity): 60.

Annual Responses (annual): 600.

Frequency of Response: Once per request.

Average Minutes per Response: 30.

Average Burden Hours (annual): 300.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

By order of the Commission.

Issued: August 21, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–17969 Filed 8–23–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Renewal of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Agreement and Undertaking (OWCP–1). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: You may submit comments by mail, delivery service, or by hand to Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3323, Washington, DC 20210; by fax to (202) 354–9647; or by Email to *ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail/delivery, fax, or Email). Please note that comments submitted after the comment period will not be considered.

SUPPLEMENTARY INFORMATION: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95).

I. Background: Coal mine operators desiring to be self-insurers are required by law (30 U.S.C. 933 BL) to produce security by way of an indemnity bond, security deposit, a letter of credit, or 501(c)(21) trust. Once a company's application to become self-insured is reviewed by the Division of Coal Mine Workers' Compensation (DCMWC) and it is determined the company is potentially eligible, an amount of security is determined to guarantee the payment of benefits required by the Act. The OWCP–1 form is executed by the self-insurer who agrees to abide by the Department's rules and authorizes the Secretary, in the event of default, to file suit to secure payment from a bond underwriter or in the case of a Federal Reserve account, to sell the securities for the same purpose. A company cannot be authorized to self-insure until this requirement is met. Regulations establishing this requirement are at 20 CFR 726.110 for Black Lung. This information collection is currently approved for use through January 31, 2018.

II. Review Focus: The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval of the extension of this currently approved information collection in order to determine if a coal mine company is potentially eligible to become self-insured. The information is reviewed to insure that the correct amounts of negotiable securities are deposited or indemnity bond is purchased and that in a case of default OWCP has the authority to utilize the securities or bond. If this Agreement and Undertaking were not required, OWCP would not be empowered to utilize the company's security deposit to meet its financial responsibilities for the payment of black lung benefits in case of default.

Type of Review: Extension.

Agency: Office of Workers' Compensation Programs.

Title: Agreement and Undertaking.

OMB Number: 1240–0039.

Agency Number: OWCP–1.

Affected Public: Businesses or other for-profit.

Total Respondents: 17.

Total Responses: 17.

Time per Response: 15 minutes.

Estimated Total Burden Hours: 4.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $9.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 14, 2017.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2017–17525 Filed 8–23–17; 8:45 am]

BILLING CODE 4510–CR–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

DATE AND TIME: The Legal Services Corporation's Finance Committee will meet telephonically on August 31, 2017. The meeting will commence at 3:15 p.m., EDT, and will continue until the conclusion of the Committee's agenda.

LOCATION: John N. Erlenborn Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW., Washington, DC 20007.

PUBLIC OBSERVATION: Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the

telephone call-in directions provided below.

CALL-IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348.
- When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session telephonic meeting of June 21, 2017
3. Approval of minutes of the Committee's Open Session telephonic meeting of June 26, 2017
4. Discussion regarding recommendations for LSC's Fiscal Year (FY) 2019 budget request
5. Public comment regarding FY 2019 budget request
6. Consider and act on FY 2019 Budget Request *Resolution 2017–XXX*
7. Additional public comment
8. Consider and act on other business
9. Consider and act on adjournment of meeting.

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

ACCESSIBILITY: LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: August 21, 2017.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs and General Counsel.

[FR Doc. 2017–18023 Filed 8–22–17; 11:15 am]

BILLING CODE 7050–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2017–060]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

DATES: NARA must receive requests for copies in writing by September 25, 2017. Once NARA finishes appraising the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means:

Mail: NARA (ACRA); 8601 Adelphi Road; College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

Fax: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA); National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001, by phone at (301) 837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice lists the organizational unit(s)

accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of Education, Federal Student Aid (DAA–0441–2016–0001, 4 items, 4 temporary items). Master files of an electronic information system relating to the administration of Federal student loan accounts.

2. Department of Homeland Security, Bureau of Customs and Border Protection (DAA–0568–2017–0013, 1 item, 1 temporary item). Master files of an electronic information system used to detect radiation in shipments and other conveyances arriving in U.S. ports.

3. Department of Homeland Security, Immigration and Customs Enforcement (DAA–0567–2015–0015, 3 items, 2 temporary items). Records related to detention center inspections and sexual abuse prevention policy development. Proposed for permanent retention are national detention center standards.

4. Department of Homeland Security, Immigration and Customs Enforcement (DAA–0567–2017–0002, 6 items, 6 temporary items). Master files of an electronic information system used to manage immigration status inquiries and responses involving Federal, state, local, tribal, and international criminal justice agencies.

5. Department of Homeland Security, Immigration and Customs Enforcement (DAA–0567–2017–0008, 1 item, 1 temporary item). Records related to national detention center standards development and implementation.

6. Commission on Evidence-Based Policymaking, Agency-wide (DAA–0220–2017–0013, 9 items, 3 temporary items). Records related to Commission meetings, hearings, the Commissioner's report, working papers, and daily staff activities. Proposed for permanent retention are records documenting public input, meeting materials, and the final Commissioner's report.

7. National Archives and Records Administration, Research Services (N2–456–16–1, 1 item, 1 temporary item). Records of the Defense Mapping Agency including digital database files and digital radar landmass simulation files. These records were accessioned to the National Archives without the required documentation to access/use data. The records are unreadable and thus lack sufficient historical value to warrant continued preservation.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2017–17923 Filed 8–23–17; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CAPITAL PLANNING COMMISSION

Senior Executive Service; Performance Review Board Members

AGENCY: National Capital Planning Commission.

ACTION: Notice of Members of Senior Executive Service Performance Review Board.

SUMMARY: The current United States Code or its supplement requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards (PRB) to review, evaluate and make a final recommendation on performance appraisals assigned to individual members of the agency's Senior Executive Service (SES). The PRB established for the National Capital Planning Commission also makes recommendations to the agency head regarding SES performance awards, rank awards and bonuses. The current United States Code or its supplement also requires that notice of appointment of Performance Review Board members be published in the **Federal Register**.

The following persons have been appointed to serve as members of the Performance Review Board for the National Capital Planning Commission: Vicki Barber, Mary John, Paige Cottinghamstreater, and Christopher J. Roscetti from October 23, 2017 to October 22, 2019.

FOR FURTHER INFORMATION CONTACT: Deborah Young, Administrative Officer, National Capital Planning Commission, 401 9th Street NW., Suite 500, Washington, DC 20004, (202) 482–7228.

Dated: August 21, 2017.

Barry S. Socks,

Chief Operating Officer.

[FR Doc. 2017–17973 Filed 8–23–17; 8:45 am]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Astronomy and Astrophysics Advisory Committee meeting (#13883).

Date and Time: September 27, 2017 9:00 a.m.–5:00 p.m. September 28, 2017 9:00 a.m.–12:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, Rooms E2020 and E2030.

Type of Meeting: Open.

Contact Person: Dr. Christopher Davis, Program Director, Division of Astronomical Sciences, Suite 1045, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703–292–4910.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies.

Agenda: To hear presentations of current programming by representatives from NSF, NASA, DOE and other agencies relevant to astronomy and astrophysics; to discuss current and potential areas of cooperation between the agencies; to formulate recommendations for continued and new areas of cooperation and mechanisms for achieving them.

Dated: August 21, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–17930 Filed 8–23–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Site visit review of a Science and Technology Center on Real-Time Functional Imaging (STROBE)—Division of Materials Research (DMR) #1203

Date and Time: September 6, 2017; 8:00 a.m.–6:00 p.m. September 7, 2017; 8:00 a.m.–4:00 p.m.

Place: University of Colorado, Boulder—Auditorium C120, Sustainability, Energy and Environment Complex (SEEC), CU Boulder East Campus, Boulder, Colorado 80303.

Type of Meeting: Part Open.

Contact Person: Dr. Charles Ying, Program Director, Division of Materials Research, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–8428.

Purpose of Meeting: To provide advice and recommendations concerning progress of the Science and Technology Center.

Agenda

Wednesday, September 6, 2017

8:00 a.m.–10:30 a.m. Open—Review of STROBE
10:30 a.m.–6:00 p.m. Closed—Executive Session

Thursday, September 7, 2017

8:00 a.m.–4:00 p.m. Closed—Executive Session

Reason for Late Notice: Due to unforeseen scheduling complications and the necessity to proceed with the review.

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C.552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 21, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–17927 Filed 8–23–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for International Science and Engineering—PIRE ''ExTerra Field Institute and Research Endeavor (E–FIRE)'' Site Visit (#10749).

Date/Time: September 6, 2017 8:00 a.m.–9:30 p.m. September 7, 2017 8:00 a.m.–4:30 p.m.

Place: Boise State University, Department of Geosciences, 1910 University Drive, Boise, ID 83725–1135.

Type of Meeting: Part Open.

Contact Person: Charles Estabrook, PIRE Program Manager, National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia 22230; Telephone 703/292–7222.

Purpose of Meeting: NSF site visit during year 2 of the five-year award period to conduct an in-depth evaluation of performance, to assess progress towards goals, and to provide recommendations.

Agenda

Wednesday, September 6, 2017

8:00 a.m.–10:00 a.m. Introductions, PIRE Rationale and Goals, Administration, Management, and Budget Plans, Review of Responses to Issues by Past Reviewers
10:00 a.m.–10:20 a.m. NSF Executive Session/Break (CLOSED)
10:20 a.m.–Noon Research, Facilities and Physical Infrastructure
Noon–12:30 p.m. NSF Executive Session (CLOSED)
12:30 p.m.–1:30 p.m. Lunch—Discussion with Students
1:30 p.m.–3:00 p.m. Integrating Research and Education, Developing Human Resources, Integrating Diversity
3:00 p.m.–3:30 p.m. NSF Executive Session/Break (CLOSED)
3:30 p.m.–4:15 p.m. Partnerships
4:15 p.m.–5:15 p.m. Wrap up
5:15 p.m.–6:15 p.m. Executive Session/Break (CLOSED)
6:15 p.m.–8:00 p.m. Critical Feedback Provided to PI
8:00 p.m.–9:30 p.m. NSF Executive Session/Working Dinner (CLOSED) *Committee organizes on its own*

Thursday, September 7, 2017

8:00 a.m.–9:00 a.m. Institutional Support (Administrators and PI/Co-PIs) (CLOSED)
9:00 a.m.–10:00 a.m. Summary/Proposing Team to Critical Feedback (CLOSED)
10:00 a.m.–4:00 p.m. Site Review Team Prepares Site Visit Report (CLOSED) (Working Lunch Provided)
4:00 p.m.–4:30 p.m. Presentation of Site Visit Report to Principal Investigator (CLOSED)

Reason for Late Notice: Due to unforeseen scheduling complications and the necessity to proceed with the review of proposals.

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C.552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 21, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–17928 Filed 8–23–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for International Science and Engineering—PIRE ''Research and Education in Active Coatings Technologies (REACT) for the Human Habitat'' Site Visit (#10749).

Date/Time: September 18, 2017 8:00 a.m.–9:30 p.m. September 19, 2017 8:00 a.m.–4:30 p.m.

Place: University of Pennsylvania, Department of Materials Science and Engineering, 3231 Walnut Street, Philadelphia, PA 19104–6272.

Type of Meeting: Part open.

Contact Person: Cassandra Dudka, PIRE Program Manager, National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia 22230; Telephone 703/292–7250.

Purpose of Meeting: NSF site visit during year 2 of the five-year award period to conduct an in-depth evaluation of performance, to assess progress towards goals, and to provide recommendations.

Agenda

Monday, September 18, 2017

8:00 a.m.–10:00 a.m. Introductions, PIRE Rationale and Goals, Research, Why GIANT as partner? a) facilities, b) expertise, c) ecosystem/environment
10:00 a.m.–10:20 a.m. NSF Executive Session/Break (CLOSED)
10:20 a.m.–Noon Integrating Research and Education across REACT Adjustments made from original proposal
Noon–12:30 p.m. NSF Executive Session (CLOSED)
12:30 p.m.–2:00 p.m. Lunch—Discussion with Students
2:00 p.m.–2:30 p.m. Tour of Facilities with REACT Fellows
2:30 p.m.–3:00 p.m. REACT Expanded—spinoffs and new opportunities
3:00 p.m.–3:30 p.m. NSF Executive Session/Break (CLOSED)
3:30 p.m.–4:15 p.m. Administration, Management, and Budget Plans
4:15 p.m.–5:15 p.m. Wrap up
5:15 p.m.–6:15 p.m. Executive Session/Break (CLOSED)
6:15 p.m.–8:00 p.m. Critical Feedback Provided to PI
8:00 p.m.–9:30 p.m. NSF Executive Session/Working Dinner (CLOSED) Committee organizes on its own

Tuesday, September 19, 2017

8:00 a.m.–9:00 a.m. Institutional Support (Administrators and PI/Co-PIs) (CLOSED)
9:00 a.m.–10:00 a.m. Summary/Proposing Team to Critical Feedback (CLOSED)
10:00 a.m.–4:00 p.m. Site Review Team Prepares Site Visit Report (CLOSED) (Working Lunch Provided)
4:00 p.m.–4:30 p.m. Presentation of Site Visit Report to Principal Investigator (CLOSED)

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C.552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 21, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–17929 Filed 8–23–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Extension of Call for Nominations for the Advisory Committee on the Medical Uses of Isotopes

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of extension.

SUMMARY: A call for nominations was published by the U.S. Nuclear Regulatory Commission (NRC) in the **Federal Register** on June 22, 2017, for the positions of Agreement State representative, nuclear medicine physicist, and Health Care Administrator on the Advisory Committee on the Medical Uses of Isotopes (ACMUI). The nomination period ended on August 21, 2017. This notice confirms a 45-day extension of the nomination period until October 5, 2017, for only the Health Care Administrator position.

DATES: The nomination period for the notice published June 22, 2017 (82 FR 28533) is extended. Nominations for the Health Care Administrator position are due on or before October 5, 2017.

ADDRESSES: *Nomination Process:* Submit an electronic copy of a resume or curriculum vitae, along with a cover letter, to Ms. Sophie Holiday, *Sophie.Holiday@nrc.gov.* The resume or curriculum vitae for the Health Care Administrator should include the following information, as applicable: Education; certification; professional association membership and committee membership activities; and number of years, recentness, and type of setting for health care administration. The cover letter should describe the nominee's current involvement with health care administration and express the nominee's interest in the position. Nominees for the Health Care Administrator position should have professional or personal experience with or knowledge about health care administration.

FOR FURTHER INFORMATION CONTACT: Ms. Sophie Holiday, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards; (301) 415–7865; *sophie.holiday@nrc.gov.*

Dated at Rockville, Maryland, on August 21, 2017.

For the U.S. Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2017–17957 Filed 8–23–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0183]

Nuclear Criticality Safety Standards for Nuclear Materials Outside Reactor Cores

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–3053, ''Nuclear Criticality Safety Standards for Nuclear Materials Outside Reactor Cores.'' This DG would be published as Revision 3 to Regulatory Guide (RG) 3.71. The proposed revision would provide methods that are acceptable to the NRC staff for criticality safety standards used with nuclear materials outside reactor cores. The revision would provide up-to-date guidance based on changes to American National Standards Institute/American Nuclear Society (ANSI/ANS)-8 standards. The revision would also endorse International Organization for Standardization (ISO) Standard 7753:1987, ''Nuclear Energy—Performance and Testing Requirements for Criticality Detection and Alarm Systems.''

DATES: Submit comments by October 23, 2017. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0183. 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 accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Christopher Tripp, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–8741, email: *Christopher.Tripp@nrc.gov,* and Harriet Karagiannis, telephone: 301–415–2493, email: *Harriet.Karagiannis@nrc.gov,* Office of Nuclear Regulatory Research. Both are staff members 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–2017–0183 when contacting the NRC about the availability of information regarding this action. You may obtain publically-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–2017–0183.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The DG–3053 is available in ADAMS under Accession No. ML17055B591.
- *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–2017–0183 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 enters 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. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled ''Nuclear Criticality Safety Standards for Nuclear Materials Outside Reactor Cores,'' is a proposed revision temporarily identified by its task number, DG–3053. The DG–3053 is proposed Revision 3 of RG 3.71, ''Nuclear Criticality Safety Standards for Nuclear Materials outside Reactor Cores.'' The NRC initially issued RG 3.71 in 1998, and it was revised in 2005 and again in 2010. The three previous versions of RG 3.71 endorsed specific safety standards developed by ANSI/ANS–8 to provide guidance, criteria, and best practices for use in preventing and mitigating criticality accidents during operations that involve handling, processing, storing, or transporting special nuclear material at fuel and material facilities (or a combination of these activities). The proposed Revision 3 would revise the RG based on changes to ANSI/ANS–8 standards, with certain exceptions and clarifications. The revision would also consolidate and replace a number of earlier NRC RGs, thereby incorporating all of the relevant guidance in a single document. This revision would also endorse International Organization for Standardization (ISO) Standard 7753:1987, ''Nuclear Energy—Performance and Testing Requirements for Criticality Detection and Alarm Systems.'' In addition, the scope of this revision is expanded beyond part 70 of title 10 of the *Code of Federal Regulations* (10 CFR), fuel facilities to include transportation and storage facilities under parts 71 and 72.

III. Backfitting

This DG–3053 would update RG 3.71 based on changes to ANSI/ANS standards, as well as endorsing an ISO standard and expanding the scope of the RG to include 10 CFR part 71 and part 72 licensees. Issuance of DG–3053 would not constitute backfitting under 10 CFR part 70 or part 72. As discussed in the ''Implementation'' section of this DG, the NRC has no current intention to impose the DG on current holders of 10 CFR part 70 or part 72 licenses. The DG could be applied to applications for licenses issued under 10 CFR part 70 or part 72 or amendments thereto. Such action would not constitute backfitting as defined in 10 CFR 70.76 or 10 CFR 72.62, inasmuch as such applicants are not within the scope of entities protected by 10 CFR 70.76 or 10 CFR 72.62.

Dated at Rockville, Maryland, on August 18, 2017.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2017–17934 Filed 8–23–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–171 and CP2017–272; MC2017–172 and CP2017–273; MC2017–173; CP2017–274]

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 25, 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:

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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).:* MC2017–171 and CP2017–272; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 341 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 17, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30; *Public Representative:* Timothy J. Schwuchow; *Comments Due:* August 25, 2017.

2. *Docket No(s).:* MC2017–172 and CP2017–273; *Filing Title:* Request of the United States Postal Service to Add First-Class Package Service Contract 78 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 17, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30; *Public Representative:* Timothy J. Schwuchow; *Comments Due:* August 25, 2017.

3. *Docket No(s).:* MC2017–173 and CP2017–274; *Filing Title:* Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 51 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 17, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30; *Public Representative:* Michael L. Leibert; *Comments Due:* August 25, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–17885 Filed 8–23–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* August 24, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 18, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 52 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–174, CP2017–275.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–17894 Filed 8–23–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* August 24, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 18, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 53 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–175, CP2017–276.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–17895 Filed 8–23–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* August 24, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 17, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 51 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–173, CP2017–274.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–17881 Filed 8–23–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* August 24, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 17, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add First-Class Package Service Contract 78 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–172, CP2017–273.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–17879 Filed 8–23–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* August 24, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 18, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 22 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–177, CP2017–278.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–17888 Filed 8–23–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81439; File No. SR–NSCC–2017–015]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Amend and Clarify a Margin Charge Relating to CNS Fails Position

August 18, 2017

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 11, 2017, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend provisions in NSCC's Rules and Procedures (''Rules'')[3] regarding an existing margin charge that is applied when a Member fails to settle a Short Position or a Long Position by the applicable settlement date (''CNS Fails Charge'') and would clarify NSCC's current practices with respect to the assessment and collection of the CNS Fails Charge.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would (1) amend provisions in the Rules regarding the CNS Fails Charge, which NSCC currently imposes on each NSCC member (''Member''),[4] as part of each Member's Required Deposit to the NSCC Clearing Fund, which is due at the start of each business day, when all conditions to the application of the charge, as described below, are met, and (2) clarify NSCC's current practices with respect to the assessment and collection of the CNS Fails Charge.

(i) The Required Deposit and the CNS Fails Charge

NSCC uses a risk-based margin methodology to assess Required Deposits from all Members. The Required Deposit is comprised of a number of risk-based component charges, including the CNS Fails Charge, which are calculated and assessed daily. The objective of the Required Deposit is to mitigate potential losses to NSCC associated with the liquidation of the Member's portfolio if NSCC ceases to act for a Member.[5]

When a Member does not satisfy its obligation to either pay the net settlement proceeds or deliver the securities due by the applicable Settlement Date, NSCC, as a central counterparty, is exposed to credit and market risks. Such exposures generally increase when the Member's risk of default increases, as reflected by the Member's credit rating derived from the Credit Risk Rating Matrix.[6] Therefore, in order to reduce the risk exposures to NSCC and to incentivize Members to satisfy their obligations relating to their outstanding trades on Settlement Date, NSCC currently calculates and collects the CNS Fails Charge from Members with Short Positions and/or Long Positions that did not settle on the Settlement Date (''CNS Fails Positions''). The amount of the CNS Fails Charge imposed on a Member varies based on the Member's credit rating derived from the Credit Risk Rating Matrix to reflect the potential increase in credit risk from Members with higher risk of default.

This proposed rule change would amend the Rules regarding the CNS Fails Charge. Specifically, where certain percentages are used to calculate the CNS Fails Charge for a Member, the proposed rule change would amend the Rules to include such specific percentages. In doing so, the proposed rule change would add transparency as well as clarify NSCC's current practices with respect to the assessment and collection of this existing margin charge.

(ii) Calculation of the CNS Fails Charge

For a Member with CNS Fails Positions, the CNS Fails Charge is calculated by multiplying the Current Market Value for such Member's aggregate CNS Fails Positions by a percentage. For a Member that is rated 1 through 4 on the Credit Risk Rating Matrix, the CNS Fails Charge is 5 percent of the Member's aggregate CNS Fails Positions. For a Member that is rated 5 or 6 on the Credit Risk Rating Matrix, the CNS Fails Charge is 10 percent of the Member's aggregate CNS Fails Positions. For a Member that is rated 7 on the Credit Risk Rating Matrix, NSCC is currently charging such Member 20 percent of the Member's

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms not defined herein are defined in the Rules, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[4] The CNS Fails Charge is currently imposed by NSCC pursuant to Procedure XV, Section I.(A)(1)(f). *Id.*

[5] When NSCC restricts a Member's access to services generally, NSCC is said to have ''ceased to act'' for the Member. Rule 46 (Restrictions on Access to Services) sets out the circumstances under which NSCC may cease to act for a Member and the types of actions it may take. *Supra* note 3.

[6] *See* Exchange Act Release Nos. 80734 (May 19, 2017), 82 FR 24177 (May 25, 2017) (SR–NSCC–2017–002) and 80731 (May 19, 2017), 82 FR 24174 (May 25, 2017) (SR–NSCC–2017–801).

aggregate CNS Fails Positions—10 percent of the charge is imposed pursuant to Procedure XV, Section I.(A)(1)(f) and the remaining 10 percent of the charge is imposed pursuant to Procedure XV, Section I.(B)(1). To improve the transparency of the CNS Fails Charge in the Rules and to clarify NSCC's current practices with respect to the assessment and collection of the CNS Fails Charge, NSCC is proposing to amend the Rules to provide that, for any Member that is rated 7 on the Credit Risk Rating Matrix, the CNS Fails Charge would be 20 percent of the Member's aggregate CNS Fails Positions. Members that are not rated by the Credit Risk Rating Matrix are not subject to the CNS Fails Charge; however, they can be placed on the Watch List as deemed necessary by NSCC to protect itself and its Members.[7] Members that are placed on the Watch List are required to make additional Clearing Fund deposits when deemed necessary by NSCC from time to time.[8]

(iii) Detailed Description of the Proposed Rule Changes

NSCC is proposing to amend Rule 1 to add a definition for CNS Fails Position. The proposed definition would provide that the term ''CNS Fails Position'' means either a Long Position or a Short Position that did not settle on the Settlement Date.

NSCC is also proposing to amend Procedure XV, Section I.(A)(1)(f) to provide that a Member's contribution to the Clearing Fund shall include an amount that is calculated by multiplying the Current Market Value for such Member's aggregate CNS Fails Positions by (i) 5 percent for Members rated 1 through 4 on the Credit Risk Rating Matrix, (ii) 10 percent for Members rated 5 or 6 on the Credit Risk Rating Matrix, or (iii) 20 percent for Members rated 7 on the Credit Risk Rating Matrix.

2. Statutory Basis

NSCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Specifically, NSCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[9] and Rules 17Ad–22(e)(4), (e)(6)(i), and (e)(23)(i),[10] each as promulgated under the Act, for the reasons described below.

Section 17A(b)(3)(F) of the Act requires that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of NSCC or for which it is responsible.[11] The proposed rule changes to clarify NSCC's current practices regarding the assessment and collection of the CNS Fails Charge would provide transparency in the Rules with respect to the charge. By doing so, these proposed rule changes would ensure that the Rules remain transparent, accurate and clear, which would enable all stakeholders to readily understand their respective rights and obligations regarding NSCC's clearance and settlement of securities transactions. Therefore, NSCC believes that these proposed rule changes would promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act. In addition, the proposed rule changes to amend provisions in the Rules regarding the CNS Fails Charge would protect NSCC from potential losses in the event that a Member defaults. Specifically, the CNS Fails Charge is calculated and collected by NSCC from Members with CNS Fails Positions in order to mitigate the credit exposures to NSCC resulting from those positions. Mitigating NSCC's risk exposures from CNS Fails Positions would promote the safeguarding of securities and funds that are within NSCC's custody or control, consistent with the requirements of Section 17A(b)(3)(F) of the Act.

Rule 17Ad–22(e)(4) under the Act requires NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor and manage its credit exposures to participants and those exposures arising from its payment, clearing and settlement processes.[12] The CNS Fails Charge is being imposed on Members with CNS Fails Positions in order to reduce credit exposures to NSCC resulting from those positions. As proposed, it is designed to obtain from such Member financial resources commensurate with the credit exposures posed to NSCC by such Member's CNS Fails Positions. Therefore, NSCC believes that management of its credit exposures to its Members through the CNS Fails Charge is consistent with Rule 17Ad–22(e)(4) under the Act.

Rule 17Ad–22(e)(6)(i) under the Act requires NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its Members by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio and market.[13] When applicable, the CNS Fails Charge is a component of a Member's Required Deposit and is designed to cover NSCC's credit exposures to Members with CNS Fails Positions. As described above, the CNS Fails Charge is determined based on the amount of CNS Fails Positions in a Member's portfolio and is commensurate with the Member's default risk. Therefore, NSCC believes the coverage of its credit exposures to its Members through the CNS Fails Charge is consistent with Rule 17Ad–22(e)(6)(i) under the Act.

Rule 17Ad–22(e)(23)(i) under the Act requires NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to publicly disclose all relevant rules and material procedures.[14] The proposed rule change to clarify NSCC's current practices with respect to the assessment and collection of the CNS Fails Charge would also improve the transparency of the Rules regarding the CNS Fails Charge. As such, NSCC believes that the proposed rule change would promote disclosure of relevant rules and material procedures relating to the CNS Fails Charge and therefore is consistent with Rule 17Ad–22(e)(23)(i) under the Act.

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed rule change to amend the provisions in the Rules relating to the CNS Fails Charge would impose any burden on competition that is not necessary or appropriate in furtherance of the Act.[15] NSCC believes that the CNS Fails Charge is necessary for NSCC to limit its exposures to potential losses from defaults by Members with CNS Fails Positions. Additionally, NSCC believes that the CNS Fails Charge is appropriate because it is imposed on Members on an individualized basis and is reasonably calculated based on the Members' default risks as well as the risks posed to NSCC by the Members'

[7] Section 4(c) of Rule 2B (Ongoing Membership Requirements and Monitoring), *supra* note 3.

[8] Section I.(B)(1) of Procedure XV (Clearing Fund Formula and Other Matters), *supra* note 3.

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 240.17Ad–22(e)(4), (e)(6)(i), and (e)(23)(i).

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 17 CFR 240.17Ad–22(e)(4).

[13] 17 CFR 240.17Ad–22(e)(6)(i).

[14] 17 CFR 240.17Ad–22(e)(23)(i).

[15] 15 U.S.C. 78q–1(b)(3)(I).

CNS Fails Positions. Therefore, NSCC believes any burden on competition imposed by the CNS Fails Charge would be necessary and appropriate in furtherance of the Act in order to limit NSCC's exposures to the risks being mitigated by such charge.

NSCC does not believe that the proposed rule change to clarify NSCC's current practices with respect to the assessment and collection of the CNS Fails Charge would impact competition.[16] The proposed rule change would increase the transparency of the Rules regarding this existing charge and codify NSCC's current practices with respect to the assessment and imposition of the charge. As such, NSCC believes that this proposed rule change would not impact Members or have any impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to this proposed rule change have not been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSCC–2017–015 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–NSCC–2017–015. 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 20549–1090 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 NSCC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–NSCC–2017–015 and should be submitted on or before September 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–17911 Filed 8–23–17; 8:45 am]

BILLING CODE 8011–01–P

[16] *Id.*

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No 34–81442; File No. SR–NYSEArca–2017–54]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend the Generic Listing Criteria Applicable to Equity Index-Linked Securities

August 18, 2017.

I. Introduction

On May 4, 2017, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the generic listing criteria applicable to Equity Index-Linked Securities.[3] The proposed rule change was published for comment in the **Federal Register** on May 23, 2017.[4] On July 6, 2017, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On August 17, 2017, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original proposal in its entirety.[7] The Commission received

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Equity Index-Linked Securities are securities that provide for the payment at maturity (or earlier redemption) based on the performance of an underlying index or indexes of equity securities, securities of closed-end management investment companies registered under the Investment Company Act of 1940 and/or Investment Company Units (''Units''). *See* NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1).

[4] *See* Securities Exchange Act Release No. 80707 (May 17, 2017), 82 FR 23636.

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 81081, 82 FR 32218 (July 12, 2017).

[7] In Amendment No. 1 the Exchange: (1) Revised proposed NYSE Arca Rules-5.2–E(j)(6)(B)(I)(1)(b)(iii) and 5.2–E(j)(6)(B)(I)(2)(a)(i) to provide that the index concentration limit applicable to the five highest dollar-weighted components would apply only to an index with five or more components that are not Derivative Securities Products or Index-Linked Securities (as those terms are defined below) and to provide that these securities would only be excluded from the numerator of the index concentration limit calculation; (2) modified proposed NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(a) to specify that Derivative Securities Products and Index-Linked Securities (as those terms are defined below) also include

no comments on the proposed rule change. The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons, and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. The Exchange's Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange proposes to amend NYSE Arca Rule 5.2–E(j)(6) to exclude the following types of index components from certain generic listing requirements applicable to an index underlying Equity Index-Linked Securities: (1) Investment Company Units (''Units'');[8] (2) securities defined in Section 2 of NYSE Arca Rule 8–E (collectively with Units, ''Derivative Securities Products'');[9] (3) Index-Linked Securities; and (4) securities listed on other national securities exchanges pursuant to rules that are substantially equivalent to NYSE Arca Rule 5.2–E(j)(3), NYSE Arca Rule 5.2–E(j)(6), and Section 2 of NYSE Arca Rule 8–E. Specifically, the Exchange proposes the following:

- Currently, for an issue of Equity Index-Linked Securities to qualify for initial listing, each underlying index must have at least ten component securities. The Exchange would modify this requirement to reflect no minimum number of index components if one or more issues of Derivative Securities Products or Index-Linked Securities constitute, at least in part, component securities underlying an issue of Equity Index-Linked Securities.[10]
- Currently, for an issue of Equity Index-Linked Securities to qualify for initial listing, each component security must have a minimum market value of at least $75 million, except that the market value for each of the lowest dollar-weighted component securities in the index that in the aggregate account for no more than 10% of the dollar weight of the index may be at least $50 million. The Exchange proposes to exclude Derivative Securities Products and Index-Linked Securities from those minimum market value requirements, as well as to exclude from the calculation of the aggregate dollar value of the index the market value(s) of all components that are Derivative Securities Products or Index-Linked Securities.[11]
- Currently, for an issue of Equity Index-Linked Securities to qualify for initial listing, component stocks that in the aggregate account for at least 90% of the weight of the underlying index each must have a minimum global monthly trading volume of 1,000,000 shares or minimum global notional volume traded per month of $25,000,000, averaged over the last six months. The Exchange proposes to apply those requirements only to index components that are not Derivative Securities Products or Index-Linked Securities, and would exclude components that are Derivative Securities Products or Index-Linked Securities from the calculation of the index's weight.[12]
- Currently, for an issue of Equity Index-Linked Securities to qualify for initial listing, no component security may represent more than 25% of the dollar weight of the index and the five highest dollar-weighted component securities in the index may not in the aggregate account for more than 50%, or 60% for an index consisting of fewer than 25 component securities, of the dollar weight of the index.[13] The Exchange proposes to exclude Derivative Securities Products and Index-Linked Securities from these index concentration limits and would exclude Derivative Securities Products and Index-Linked Securities from the dollar value of the index for purposes of calculating the total dollar value of the index components.[14]
- Currently, for an issue of Equity Index-Linked Securities to qualify for initial listing, 90% of the underlying index's numerical value, and at least 80% of the total number of component securities, must meet the then current criteria for standardized option trading set forth in NYSE Arca Rule 5.3–O; except that an index will not be subject to this requirement if (1) no underlying component security represents more than 10% of the dollar weight of the index, and (2) the index has a minimum of 20 components. The Exchange proposes to apply this requirement only to index components that are not Derivative Securities Products or Index-Linked Securities and, for purposes of this requirement would exclude all components that are a Derivative Securities Product or Index-Linked Security from the calculations of the index's numerical value, total number of components, and dollar value.[15]
- Currently, on a continuous basis, component stocks that in the aggregate account for at least 90% of the weight of the index each must have a minimum global monthly trading volume of 500,000 shares, or minimum global notional volume traded per month of $12,500,000, averaged over the last six months. The Exchange proposes to apply those requirements only to index components that are not Derivative Securities Products or Index-Linked Securities, and would exclude components that are Derivative Securities Products or Index-Linked Securities from the calculation of the index's total weight.[16]

The Exchange also proposes non-substantive changes to the text of NYSE Arca Rule 5.2–E(j)(6).

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national

securities listed on another national securities exchange pursuant to substantially equivalent listing rules; and (3) made a technical correction to Rule 5.2–E(j)(6)(B)(I)(1)(b)(iv) to change its reference to ''NYSE Arca Rule 5.3'' to read ''NYSE Arca Rule 5.3–O.'' Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-nysearca-2017-54/nysearca201754-2227310-160780.pdf.* Amendment No. 1 also reflects numbering changes effected by the recently approved merger of NYSE Arca Equities and NYSE Arca Options rules. *See* Securities Exchange Act Release No. 81419 (August 17, 2017) (SR–NYSEArca–2017–40).

[8] Units are securities that represent an interest in a registered investment company that could be organized as a unit investment trust, an open-end management investment company, or a similar entity, that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities or securities in another registered investment company that holds such securities. *See* NYSE Arca Rule-5.2–E(j)(3).

[9] The following securities currently are included in Section 2 of NYSE Arca Rule 8–E: Portfolio Depositary Receipts (Rule 8.100–E); Trust Issued Receipts (Rule 8.200–E); Commodity-Based Trust Shares (Rule 8.201–E); Currency Trust Shares (Rule 8.202–E); Commodity Index Trust Shares (Rule 8.203–E); Commodity Futures Trust Shares (Rule-8.204–E); Partnership Units (Rule 8.300–E); Paired Trust Shares (Rule-8.400–E);Trust Units (Rule 8.500–E); Managed Fund Shares (Rule 8.600–E); and Managed Trust Securities (Rule 8.700–E).

[10] *See* proposed NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(a).

[11] *See* proposed NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(1).

[12] *See* proposed NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(2).

[13] Currently, these requirements must also be met whenever the index is rebalanced. *See* NYSE Arca Rule 5.2–E(j)(6)(B)(I)(2)(a)(i).

[14] *See* proposed NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(3). As discussed above, the Exchange also proposes that the index concentration limit applicable to the five highest dollar-weighted components would apply only to an index with five or more components that are not Derivative Securities Products or Index-Linked Securities. *See supra* note 7. Further, the Exchange proposes that these proposed index concentration limits be met whenever the index is rebalanced. *See* proposed NYSE Arca Rule-5.2–E(j)(6)(B)(I)(2)(a)(i).

[15] *See* proposed NYSE Arca Rule 5.2–E(j)(6)(B)(I)(1)(b)(iv).

[16] *See* proposed NYSE Arca Rule 5.2–E(j)(6)(B)(I)(2)(a)(ii).

securities exchange.[17] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1 thereto, is consistent with Section 6(b)(5) of the Act,[18] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to 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.

In support of its proposal, the Exchange notes that Derivative Securities Products are excluded from consideration when determining whether the components of Units satisfy the applicable listing criteria in NYSE Arca Rule 5.2–E(j)(3),[19] and both Derivative Securities Products and Index-Linked Securities are excluded from the applicable listing criteria for Managed Fund Shares holding equity securities in Commentary .01 to NYSE Arca Rule 8.600–E.[20]

Specifically, the Exchange states: ''both Derivative Securities Products and Index-Linked Securities are excluded from the applicable listing criteria for Managed Fund Shares holding equity securities in Commentary .01 to Rule 8.600–E.'' [21] In approving the exclusion of Derivative Securities Products and Index-Linked Securities from certain generic listing requirements applicable to Managed Fund Shares, the Commission stated that such exclusions would not increase the susceptibility of Managed Fund Shares to manipulation because Index-Linked Securities and Derivative Securities Products each: (1) Have asset-exposure concentration limits and requirements promoting price transparency within their own listing standards; (2) are listed and traded on national securities exchanges; and (3) provide trading and price information and other quantitative data for investors and other market participants.[22] For these same reasons, the Commission believes that excluding Derivative Securities Products and Index-Linked Securities from the same type of generic listing requirements would not increase the susceptibility of Equity Index-Linked Securities to manipulation.

Additionally, the Exchange represents that it has in place surveillance procedures that are adequate to properly monitor trading in Index-Linked Securities in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1 thereto, is consistent with Section 6(b)(5) of the Act [23] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 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–2017–54 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–54. 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–2017–54 and should be submitted on or before September 14, 2017.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of Amendment No. 1 in the **Federal Register.** As noted above, Amendment No. 1 modified proposed NYSE Arca Rules-5.2–E(j)(6)(B)(I)(1)(b)(iii) and 5.2–E(j)(6)(B)(I)(2)(a)(i) to provide that the index concentration limit applicable to the five highest dollar-weighted components would apply only to an index with five or more components that are not Derivative Securities Products or Index-Linked Securities. These provisions are consistent with Commentary .01(a)(1)(C) to NYSE Arca Rule 8.600–E, and therefore the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[24] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VI. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Exchange Act,[25] that the proposed rule change (SR–NYSEArca–2017–54), as modified by Amendment No. 1, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–17920 Filed 8–23–17; 8:45 am]

BILLING CODE 8011–01–P

[17] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 15 U.S.C. 78f(b)(5).

[19] *See* Commentary .01 to NYSE Arca Rule 5.2–E(j)(3). *See also* Securities Exchange Act Release No. 57751 (May 1, 2008), 73 FR 25818 (May 7, 2008) (SR–NYSEArca–2008–29) (approving amendments to the eligibility criteria for components of an index underlying Investment Company Units).

[20] *See* Commentary .01 to NYSE Arca Rule 8.600–E. *See also* Securities Exchange Act Release No. 78397 (July 22, 2016), 81 FR 49320 (July 27, 2016) (SR–NYSEArca–2015–110) (approving the adoption of generic listing standards for Managed Fund Shares) (''MFS Order'').

[21] Amendment No. 1, *supra* note 7, at 9, text accompanying n.20.

[22] *See* MFS Order, *supra* note 20, at 49325.

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78s(b)(2).

[25] 15 U.S.C. 78s(b)(2).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81438; File No. SR–FINRA–2017–027]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change Relating to Capital Acquisition Broker Rules 203 (Engaging in Distribution and Solicitation Activities With Government Entities) and 458 (Books and Records Requirements for Government Distribution and Solicitation Activities)

August 18, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 17, 2017, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to adopt Capital Acquisition Broker Rules 203 (Engaging in Distribution and Solicitation Activities with Government Entities) and 458 (Books and Records Requirements for Government Distribution and Solicitation Activities) that would apply established ''pay-to-play'' and related rules to the activities of member firms that have elected to be governed by the Capital Acquisition Broker (''CAB'') Rules and that engage in distribution or solicitation activities for compensation with government entities on behalf of investment advisers.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FINRA Pay-to-Play Rules

In July 2010, the SEC adopted Rule 206(4)–5 under the Investment Advisers Act of 1940 addressing pay-to-play practices [3] by investment advisers (the ''SEC Pay-to-Play Rule'').[4] The SEC Pay-to-Play Rule prohibits, in part, an investment adviser and its covered associates from providing or agreeing to provide, directly or indirectly, payment to any person to solicit a government entity for investment advisory services on behalf of the investment adviser unless the person is a ''regulated person.'' [5] A ''regulated person'' includes a member firm, provided that: (a) FINRA rules prohibit member firms from engaging in distribution or solicitation activities if political contributions have been made; and (b) the SEC finds, by order, that such rules impose substantially equivalent or more stringent restrictions on member firms than the SEC Pay-to-Play Rule imposes on investment advisers and that such rules are consistent with the objectives of the SEC Pay-to-Play Rule.[6]

Based on this regulatory framework, on August 25, 2016, the SEC approved FINRA Rules 2030 and 4580 to establish a comprehensive regime to regulate the activities of member firms that engage in distribution or solicitation activities with government entities on behalf of investment advisers.[7] On September 20, 2016, the SEC, by order, found that FINRA Rule 2030 imposes substantially equivalent or more stringent restrictions on member firms than the SEC Pay-to-Play Rule imposes on investment advisers and is consistent with the objectives of the SEC Pay-to-Play Rule.[8] These rules enable member firms to continue to engage in distribution and solicitation activities with government entities on behalf of investment advisers while at the same time deterring member firms from engaging in pay-to-play practices.

In October 2016, FINRA published a *Regulatory Notice* announcing Commission approval of FINRA Rules 2030 and 4580.[9] The *Notice* also announced that Rules 2030 and 4580 will become effective on August 20, 2017.

FINRA Capital Acquisition Broker Rules

On August 18, 2016, the SEC approved [10] a separate set of FINRA rules for firms that meet the definition of a ''capital acquisition broker'' and that elect to be governed under this rule set. CABs are member firms that engage in a limited range of activities, essentially advising companies and private equity funds on capital raising and corporate restructuring, and acting as placement agents for sales of unregistered securities to institutional investors under limited conditions. Member firms that elect to be governed under the CAB rule set are not permitted, among other things, to carry or maintain customer accounts, handle customers' funds or securities, accept customers' trading orders, or engage in proprietary trading or market-making.

The CAB Rules became effective on April 14, 2017. In order to provide new CAB applicants with lead time to apply for FINRA membership and obtain the necessary qualifications and registrations, CAB Rules 101–125 became effective on January 3, 2017.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Pay-to-play'' practices typically involve a person making cash or in-kind political contributions (or soliciting or coordinating others to make such contributions) to help finance the election campaigns of state or local officials or bond ballot initiatives as a quid pro quo for the receipt of government contracts. *See* FINRA *Regulatory Notice* 16–40 (October 2016) at 9, note 1.

[4] *See* Investment Advisers Act Release No. 3043 (July 1, 2010), 75 FR 41018 (July 14, 2010) (S7–18–09) (Political Contributions by Certain Investment Advisers) (''SEC Pay-to-Play Rule Adopting Release''). *See also* Investment Advisers Act Release No. 3221 (June 22, 2011), 76 FR 42950 (July 19, 2011) (S7–36–10) (Rules Implementing Amendments to the Investment Advisers Act of 1940); Investment Advisers Act Release No. 3418 (June 8, 2012), 77 FR 35263 (June 13, 2012) (S7–18–09) (Political Contributions by Certain Investment Advisers; Ban on Third Party Solicitation; Extension of Compliance Date).

[5] *See* Investment Advisers Act Rule 206(4)–5(a)(2)(i)(A), 17 CFR 275.206(4)–5(a)(2)(i)(A).

[6] *See* Investment Advisers Act Rule 206(4)–5(f)(9), 17 CFR 275.206(4)–5(f)(9). A ''regulated person'' also includes SEC-registered investment advisers and SEC-registered municipal advisors, subject to specified conditions.

[7] *See* Securities Exchange Act Release No. 78683 (August 25, 2016), 81 FR 60051 (August 31, 2016) (SR–FINRA–2015–056) (Approval Order). *See also* Securities Exchange Act Release No. 76767 (December 24, 2015), 80 FR 81650 (December 30, 2015) (SR–FINRA–2015–056) (Proposing Release).

[8] *See* Investment Advisers Act Release No. 4532 (September 20, 2016), 81 FR 66526 (September 28, 2016) (S7–16–16).

[9] *See* FINRA *Regulatory Notice* 16–40 (October 2016).

[10] *See* Securities Exchange Act Release No. 78617 (August 18, 2016), 81 FR 57948 (August 24, 2016) (SR–FINRA–2015–054) (Order Approving Rule Change as Modified by Amendment Nos. 1 and 2 to Adopt FINRA Capital Acquisition Broker Rules).

Addition of FINRA Pay-to-Play Rules to CAB Rulebook

The CAB Rules subject CABs to a number of FINRA Rules, but do not expressly provide that FINRA Rules 2030 and 4580 apply to CABs. FINRA believes that the CAB Rules should be clarified to reflect that FINRA Rule 2030 and the related record-keeping requirements of FINRA Rule 4580 apply to CABs. As stated above, the SEC Pay-to-Play Rule prohibits, in part, an investment adviser and its covered associates from providing or agreeing to provide, directly or indirectly, payment to any person to solicit a government entity for investment advisory services on behalf of the investment adviser unless the person is a ''regulated person.'' The SEC Pay-to-Play Rule defines a ''regulated person'' to include a member firm subject to a FINRA pay-to-play rule.

The proposed rule change would make clear that CABs are subject to FINRA's pay-to-play rule and, therefore, that CABs, similarly to non-CAB member firms, are ''regulated persons'' that can engage in distribution and solicitation activities with government entities on behalf of investment advisers in accordance with the SEC's Pay-to-Play Rule, while at the same time deterring CABs from engaging in pay-to-play practices.

To make this clarification, FINRA proposes the addition of CAB Rule 203, which would provide that all capital acquisition brokers are subject to FINRA Rule 2030. CAB Rule 458 would provide that all capital acquisition brokers are subject to FINRA Rule 4580.

Effective Date

If the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 60 days following Commission approval. The effective date will be no later than 30 days following publication of the *Regulatory Notice* announcing Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[11] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

FINRA believes that the proposed rule change would make clear that CABs are subject to the same regime that regulates the activities of non-CAB member firms that engage in distribution or solicitation activities with government entities on behalf of investment advisers, while deterring CABs from engaging in pay-to-play practices. In the absence of this proposed rule change, under the SEC's Pay-to-Play Rule, CABs could be prohibited from receiving compensation for engaging in distribution and solicitation activities with government entities on behalf of investment advisers following the effective date of FINRA Rule 2030 because the rule set for CABs does not expressly provide that FINRA Rule 2030 applies to CABs. FINRA believes that clarifying that FINRA Rule 2030 and the related record-keeping requirements of FINRA Rule 4580 apply to CABs is a more effective regulatory response to the concerns identified by the SEC regarding third-party solicitations than an outright ban on such activity. Thus, the proposed rule change is intended to make clear that CABs, similarly to non-CAB member firms, are ''regulated persons'' that can engage in distribution and solicitation activities with government entities on behalf of investment advisers in accordance with the SEC Pay-to-Play rule, while at the same time deterring such firms from engaging in pay-to-play practices.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. While CABs have a more limited scope of permitted activities relative to other member firms, they still may engage, for example, in providing advice to municipalities either as issuer or as participant in the issuance. The proposed rule change would allow CABs to be subject to the same pay-to-play rules as other non-CAB member firms. As such, the economic impacts associated with this proposal are all contemplated in the Economic Impact Assessment accompanying the filing of FINRA Rules 2030 and 4580. In this regard, FINRA's Economic Impact Assessment in the Proposing Release for FINRA Rules 2030 and 4580 considered the impact on all FINRA member firms, including firms that at that time engaged solely in activities that were later deemed permissible for CABs.[12]

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

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 self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2017–027 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2017–027. 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

[11] 15 U.S.C. 78*o*–3(b)(6).

[12] *See supra* note 7. *See also* Securities Exchange Act Release No. 76767 (December 24, 2015), 80 FR 81650, 81656–81658 (December 30, 2015) (SR–FINRA–2015–056) (at the time of the Economic Impact Assessment, the SEC had not approved the separate set of rules for CABs).

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2017–027 and should be submitted on or before September 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–17910 Filed 8–23–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81440; File No. SR–NYSE–2017–30]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Amendment No. 2 to Proposed Rule Change To Amend Section 102.01B of the NYSE Listed Company Manual To Provide for the Listing of Companies That List Without a Prior Exchange Act Registration and That Are Not Listing in Connection With an Underwritten Initial Public Offering and Related Changes to Rules 15, 104, and 123D

August 18, 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 June 13, 2017, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The proposed rule change was published for comment in the **Federal Register** on June 20, 2017.[4] The Commission received one comment on the proposed rule change.[5] On August 3, 2017, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to September 18, 2017.[6]

The Exchange filed Amendment No. 2 to the proposed rule change on August 16, 2017, which amended and replaced the proposed rule change.[7] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 2, from interested persons.[8]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend: (i) Footnote (E) to Section 102.01B of the NYSE Listed Company Manual (the ''Manual'') to modify the provisions relating to the qualification of companies listing without a prior Exchange Act registration; (ii) Rule 15 to add a Reference Price for when a security is listed under Footnote (E) to Section 102.01B; (iii) Rule 104 to specify DMM requirements when a security is listed under Footnote (E) to Section 102.01B and there has been no trading in the private market for such security; and (iv) Rule 123D to specify that the Exchange may declare a regulatory halt in a security that is the subject of an initial listing on the Exchange. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend: (i) Footnote (E) to Section 102.01B of the Manual to modify the provisions relating to the qualification of companies listing without a prior Exchange Act registration; (ii) Rule 15 to add a Reference Price for when a security is listed under Footnote (E) to Section 102.01B; (iii) Rule 104 to specify DMM requirements when a security is listed under Footnote (E) to Section 102.10B and there has been no trading in the private market for such security; and (iv) Rule 123D to specify that the Exchange may declare a regulatory halt in a security that is the subject of an initial listing on the Exchange.[9]

Amendments to Footnote (E) to Section 102.01B

Generally, the Exchange expects to list companies in connection with a firm commitment underwritten initial public offering (''IPO''), upon transfer from another market, or pursuant to a spin-off. Companies listing in connection with an IPO must demonstrate that they have $40 million in market value of

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 809333 (June 15, 2017), 82 FR 28200 (June 20, 2017)(''Notice'').

[5] *See* letter from James J. Angel, Associate Professor of Finance, Georgetown University, dated July 28, 2017.

[6] *See* Securities Exchange Act Release No. 81309 (August 3, 2017), 82 FR 37244 (August 9, 2017).

[7] The Exchange filed Amendment No. 1 to the proposed rule change on July 28, 2017 and withdrew Amendment No. 1 on August 16, 2017.

[8] In Amendment No. 2, the Exchange, among other things, provides that a Designated Market Maker (''DMM'') can only use a trading price in a private placement market as a reference price and to facilitate a fair and orderly opening on the first day of trading in a security being listed under proposed Footnote (E) to Section 102.01(B) of the NYSE's Listed Company Manual (''non-IPO new listing'') if the private placement market has had recent sustained history of trading prior to listing. If there is no recent sustained history of trading prior to listing in the private placement market, the proposal states that the DMM will consult with a financial advisor to the issuer of the security to establish a reference price pursuant to Exchange Rule 15 and facilitate a fair and orderly opening pursuant to Exchange Rule 104. Amendment No. 2, also amended the proposal to delete the proposed regulatory halt provision for an initial public offering so that the proposed new regulatory halt authority is only applicable to a security that is the subject of a non-IPO new listing. Amendment No 2 also adds language to make clear that the regulatory halt authority for a non-IPO new listing will be terminated when the DMM opens the security for trading. The proposed new regulatory halt will, therefore, only apply during the pre-opening period on the first day of trading on the Exchange in a non-IPO new listing.

[9] The Exchange has previously filed this proposal as SR–NYSE–2017–30. *See* Securities Exchange Act Release No. 80933 (June 15, 2017), 82 FR 28200 (June 20, 2017) (SR–NYSE–2017–30). This Amendment No. 2 replaces and supersedes the original filing of SR–NYSE–2017–30 in its entirety.

publicly-held shares,[10] while companies that are listing upon transfer from another exchange or the over-the counter market or pursuant to a spin-off must demonstrate that they have $100 million in market value of publicly-held shares.

Section 102.01B currently contains a provision under which the Exchange recognizes that some companies that have not previously had their common equity securities registered under the Exchange Act, but which have sold common equity securities in a private placement, may wish to list their common equity securities on the Exchange at the time of effectiveness of a registration statement filed solely for the purpose of allowing existing shareholders to sell their shares. Footnote (E) to Section 102.01B provides that the Exchange will, on a case by case basis, exercise discretion to list such companies. In exercising this discretion, Footnote (E) provides that the Exchange will determine that such company has met the $100 million aggregate market value of publicly-held shares requirement based on a combination of both (i) an independent third-party valuation (a ''Valuation'') of the company and (ii) the most recent trading price for the company's common stock in a trading system for unregistered securities operated by a national securities exchange or a registered broker-dealer (a ''Private Placement Market''). The Exchange will attribute a market value of publicly-held shares to the company equal to the lesser of (i) the value calculable based on the Valuation and (ii) the value calculable based on the most recent trading price in a Private Placement Market.

Any Valuation used for purposes of Footnote (E) must be provided by an entity that has significant experience and demonstrable competence in the provision of such valuations. The Valuation must be of a recent date as of the time of the approval of the company for listing and the evaluator must have considered, among other factors, the annual financial statements required to be included in the registration statement, along with financial statements for any completed fiscal quarters subsequent to the end of the last year of audited financials included in the registration statement. The Exchange will consider any market factors or factors particular to the listing applicant that would cause concern that the value of the company had diminished since the date of the Valuation and will continue to monitor the company and the appropriateness of relying on the Valuation up to the time of listing. In particular, the Exchange will examine the trading price trends for the stock in the Private Placement Market over a period of several months prior to listing and will only rely on a Private Placement Market price if it is consistent with a sustained history over that several month period evidencing a market value in excess of the Exchange's market value requirement. The Exchange may withdraw its approval of the listing at any time prior to the listing date if it believes that the Valuation no longer accurately reflects the company's likely market value.

While Footnote (E) to Section 102.01B provides for a company listing upon effectiveness of a selling shareholder registration statement, it does not make any provision for a company listing in connection with the effectiveness of an Exchange Act registration statement in the absence of an IPO or other Securities Act registration. A company is able to become an Exchange Act registrant without a concurrent public offering by filing a Form 10 (or, in the case of a foreign private issuer, a Form 20–F) with the SEC. The Exchange believes that it is appropriate to list companies that wish to list immediately upon effectiveness of an Exchange Act registration statement without a concurrent Securities Act registration provided the applicable company meets all other listing requirements. Consequently, the Exchange proposes to amend Footnote (E) to Section 102.01B to explicitly provide that it applies to companies listing upon effectiveness of an Exchange Act registration statement without a concurrent Securities Act registration as well as to companies listing upon effectiveness of a selling shareholder registration statement.

The Exchange notes that the requirement of Footnote (E) that the Exchange should rely on recent Private Placement Market trading in addition to a Valuation may cause difficulties for certain companies that are otherwise clearly qualified for listing. Some companies that are clearly large enough to be suitable for listing on the Exchange do not have their securities traded at all on a Private Placement Market prior to going public. In other cases, the Private Placement Market trading is too limited to provide a reasonable basis for reaching conclusions about a company's qualification. Consequently, the Exchange proposes to amend Footnote (E) to provide an exception to the Private Placement Market trading requirement for companies with respect to which there is a recent Valuation available indicating at least $250 million in market value of publicly-held shares. Adopting a requirement that the Valuation must be at least two-and-a-half times the $100 million requirement will give a significant degree of comfort that the market value of the company's shares will meet the standard upon commencement of trading on the Exchange. The Exchange notes that it is unlikely that any Valuation would reach a conclusion that was incorrect to the degree necessary for a company using this provision to fail to meet the $100 million requirement upon listing, in particular because any Valuation used for this purpose must be provided by an entity that has significant experience and demonstrable competence in the provision of such valuations.

The Exchange proposes to further amend Footnote (E) by providing that a valuation agent will not be deemed to be independent if:

- At the time it provides such valuation, the valuation agent or any affiliated person or persons beneficially own in the aggregate as of the date of the valuation, more than 5% of the class of securities to be listed, including any right to receive any such securities exercisable within 60 days.
- The valuation agent or any affiliated entity has provided any investment banking services to the listing applicant within the 12 months preceding the date of the valuation. For purposes of this provision, ''investment banking services'' includes, without limitation, acting as an underwriter in an offering for the issuer; acting as a financial adviser in a merger or acquisition; providing venture capital, equity lines of credit, PIPEs (private investment, public equity transactions), or similar investments; serving as placement agent for the issuer; or acting as a member of a selling group in a securities underwriting.
- The valuation agent or any affiliated entity has been engaged to provide investment banking services to the listing applicant in connection with the proposed listing or any related financings or other related transactions.

The Exchange believes that this proposed new requirement will provide a significant additional guarantee of the independence of any entity providing a Valuation for purposes of Footnote (E).

The proposed amendments would enable the Exchange to compete for listings of companies that the Exchange believes would be able to list on the Nasdaq Stock Market (''Nasdaq'') but would not be able to list on the NYSE under its current rules. Nasdaq's initial

[10] Shares held by directors, officers, or their immediate families and other concentrated holdings of 10 percent or more are excluded in calculating the number of publicly-held shares.

listing rules do not explicitly address how Nasdaq determines compliance with its initial listing market capitalization requirements by private companies seeking to list upon effectiveness of a selling shareholder registration statement or Exchange Act registration without a concurrent underwritten public offering. However, over an extended period of time Nasdaq has listed a number of previously private companies in conjunction with the effectiveness of a selling shareholder registration statement without an underwritten offering. In light of this precedent and the absence of any Nasdaq rule provision explicitly limiting the ability of a company to qualify for listing without a public offering or prior public market price, the Exchange believes that Nasdaq would take the position that it could also list a previously private company upon effectiveness of an Exchange Act registration statement without a concurrent public offering. Therefore, the Exchange believes that its proposed amendment would permit it to compete on equal terms with Nasdaq for the listing of companies seeking to list in either of these circumstances.

The Exchange believes that it is important to have a transparent and consistent approach to determining compliance with applicable market capitalization requirements by previously private companies seeking to list without a public offering and that Footnote (E) to Section 102.01B as amended would provide such a mechanism. In the absence of the proposed amendments, companies listing upon effectiveness of an Exchange Act registration statement would have no means of listing on the NYSE, while the Exchange believes that Nasdaq would interpret its own rules as enabling it to list a company under those circumstances. As such, the proposed amendment would address a significant competitive disadvantage faced by the NYSE, while also providing certain companies with an alternative listing venue where none currently exists.

Proposed Amendments to NYSE Rules

The Exchange proposes to amend its rules governing the opening of trading to specify procedures for the opening trade on the day of initial listing of a company that lists under the amended provisions of Footnote (E) to Section 102.01B of the Manual and that did not have recent sustained history of trading in a Private Placement Market before listing on the Exchange. The Exchange proposes that the issuer must retain a financial advisor to provide specified functions, as described below.

Rule 15

Rule 15(b) provides that a designated market maker (''DMM'') will publish a pre-opening indication either (i) before a security opens if the opening transaction on the Exchange is anticipated to be at a price that represents a change of more than the ''Applicable Price Range,'' as specified in Rule 15(d), from a specified ''Reference Price,'' as specified in Rule 15(c), or (ii) if a security has not opened by 10:00 a.m. Eastern Time. Rule 15(c)(1) specifies the Reference Price for a security other than an American Depository Receipt, which would be either (A) the security's last reported sale price on the Exchange; (B) the security's offering price in the case of an IPO; or (C) the security's last reported sale price on the securities market from which the security is being transferred to the Exchange, on the security's first day of trading on the Exchange.

The Exchange proposes to amend Rule 15(c)(1) to add new sub-paragraph (D) to specify the Reference Price for a security that is listed under Footnote (E) to Section 102.01B of the Manual. As proposed, if such security has had recent sustained trading in a Private Placement Market prior to listing, the Reference Price in such scenario would be the most recent transaction price in that market or, if none, a price determined by the Exchange in consultation with a financial advisor to the issuer of such security.

Rule 104

Rule 104(a)(2) provides that the DMM has a responsibility for facilitating openings and reopenings for each of the securities in which the DMM is registered as required under Exchange rules, which includes supplying liquidity as needed.[11] The Exchange proposes to amend Rule 104(a)(2) to specify the role of a financial adviser to an issuer that is listing under Footnote (E) to Section 102.01B of the Manual and that has not had recent sustained history of trading in a Private Placement Market prior to listing.

As described above, an issuer that seeks to list under Footnote (E) to Section 102.01B and that does not have any recent Private Market Placement trading would be required to have a financial advisor in connection with such listing. The Exchange proposes that the DMM would be required to consult with such financial advisor when facilitating the open of trading of the first day of trading of such listing. This requirement is based in part on Nasdaq Rule 4120(c)(9), which requires that a new listing on Nasdaq that is not an IPO have a financial advisor willing to perform the functions performed by an underwriter in connection with pricing an IPO on Nasdaq.[12]

The Exchange believes that such a financial advisor would have an understanding of the status of ownership of outstanding shares in the company and would have been working with the issuer to identify a market for the securities upon listing. Such financial advisor would be able to provide input to the DMM regarding expectations of where such a new listing should be priced, based on pre-listing selling and buying interest and other factors that would not be available to the DMM through other sources.

To effect this change, the Exchange proposes to amend Rule 104(a)(3) to provide that when facilitating the opening on the first day of trading of a security that is listed under Footnote (E) to Section 102.01B of the Manual and that has not had recent sustained history of trading in a Private Placement Market prior to listing, the DMM would be required to consult with a financial advisor to the issuer of such security in order to effect a fair and orderly opening of such security.

Notwithstanding the proposed obligation to consult with the financial advisor, the DMM would remain responsible for facilitating the opening of trading of such security, and the opening of such security must take into consideration the buy and sell orders available on the Exchange's book in connection. Accordingly, just as a DMM is not bound by an offering price in an IPO, and will open such a security at a

[11] Rules 15, 115A, and 123D specify the procedures for opening securities on the Exchange.

[12] Nasdaq operates an automated IPO opening process, which is described in Nasdaq Rule 4120(c)(8). In contrast to the NYSE, which has DMMs to facilitate the opening of trading, for an IPO, Nasdaq requires that the underwriter of the IPO perform specified functions, including (i) notifying Nasdaq that the security is ready to trade; (ii) determining whether an IPO should be postponed; and (iii) selecting price bands for purposes of applying Nasdaq's automated price validation test. Nasdaq Rule 4120(c)(9) requires that if a new listing does not have an underwriter, the issuer must have a financial advisor willing to perform the above-described functions. The functions that the underwriter/financial advisor performs on Nasdaq as described in Rule 4120(c)(8) are not applicable to the Exchange. The Exchange opening process does not have a concept of ''price bands'' because, as described in Rule 115A, market orders and limit orders priced better than the opening price are guaranteed to participate in the IPO opening. In addition, because the Exchange does not conduct an automated opening process, the DMM functions as an independent financial expert responsible for facilitating the opening of trading to ensure a fair and orderly opening.

price dictated by the buying and selling interest entered on the Exchange in that security, a DMM would not be bound by the input he or she receives from the financial advisor.

Rule 123D

The Exchange further proposes to amend its rules to provide authority to declare a regulatory halt for a new listing that is not the subject of an IPO. As proposed, Rule 123D(d) would provide that the Exchange may declare a regulatory halt in a security that is the subject of an initial pricing on the Exchange of a security that has not been listed on a national securities exchange or traded in the over-the-counter market pursuant to FINRA Form 211 (''OTC market'') immediately prior to the initial pricing.[13] Proposed Rule 123D(d) would further provide that this regulatory halt would be terminated when the DMM opens the security.

Proposed Rule 123D(d) is based in part on Nasdaq Rule 4120(c)(9), which provides that the process for halting and initial pricing of a security that is the subject of an IPO on Nasdaq is also available for the initial pricing of any other security that has not been listed on a national securities exchange or traded in the OTC market immediately prior to the initial public offering, provided that a broker-dealer serving in the role of financial advisor to the issuer of the securities being listed is willing to perform the functions under Rule 4120(c)(7)(B) that are performed by an underwriter with respect to an initial public offering.[14] Proposed Rule 123D(d) is also based in part on Nasdaq Rule 4120(c)(8)(A), which provides that such halt condition shall be terminated when the security is released for trading on Nasdaq.

Proposed Rule 123D(d) would provide authority for the Exchange to declare a regulatory halt for a security that is having its initial listing on the Exchange, is not an IPO, and has not been listed on a national securities exchange or traded in the OTC market immediately prior to the initial pricing (''non-IPO listing''). The Exchange does not propose to include the last clause of Nasdaq Rule 4120(c)(9) in proposed Rule 123D(d). Rather, as described above, the Exchange proposes to address the role of a financial advisor to an issuer in specified circumstances in Rule 104(a)(3).

The Exchange believes that it would be consistent with the protection of investors and the public interest for the Exchange, as a primary listing exchange, to have the authority to declare a regulatory halt for a security that is the subject of a non-IPO listing because it would ensure that a new listing that is not the subject of an IPO could not be traded before the security opens on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) [15] of the Act, 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 foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposed rule change would foster cooperation and coordination with persons engaged in clearing and settling transactions in securities, thereby facilitating such transactions.

The proposal to permit companies listing upon effectiveness of an Exchange Act registration statement without a concurrent public offering or Securities Act registration is designed to protect investors and the public interest, because such companies will be required to meet all of the same quantitative requirements met by other listing applicants. The proposal to amend Footnote (E) to Section 102.01B of the Manual to allow companies to avail themselves of that provision without any reliance on Private Placement Market trading is designed to protect investors and the public interest because any company relying solely on a valuation to demonstrate compliance with the market value of publicly-held shares requirement will be required to demonstrate a market value of publicly-held shares of $250 million, rather than the $100 million that is generally applicable. The proposal to include a definition of valuation agent independence in Footnote (E) is consistent with the protection of investors, as it ensures that any entity providing a Valuation for purposes of Footnote (E) will have a significant level of independence from the listing applicant.

The Exchange believes that the proposed amendments to Rules 15 and 104 would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed rule changes would specify requirements relating to the opening of a trading of a security that would be listed under the proposed amended text of Footnote (E) to Section 102.01B of the Manual. The proposed amendments to Exchange rules are designed to provide DMMs with information to assist them in meeting their obligations to open a new listing under the amended provisions of the Manual. Rule 15 would be amended to specify the Reference Price that the DMM would use for purposes of determining whether a pre-opening indication is required and Rule 104 would be amended to provide that the DMM will consult with a financial advisor when facilitating the opening of a security that is listed under Footnote (E) to Section 102.01B of the Manual and that has not had recent sustained history of trading in a Private Placement Market prior to listing.

The Exchange believes that the proposed amendments to Rule 123D to provide authority to declare a regulatory halt in a security that is the subject of a non-IPO listing would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would provide the Exchange with authority to halt trading across all markets for a security that has not previously listed on the Exchange, but for which a regulatory halt would promote fair and orderly markets. The proposed rule change would also align halt rule authority among primary listing exchanges. The Exchange further believes that having the authority to declare a regulatory halt for a security that is the subject of a non-IPO listing is consistent with the protection of investors and the public interest and would promote fair and orderly markets by helping to protect against volatility in pricing and initial trading of unseasoned securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed amendment to Footnote (E) to Section 102.01B of the Manual will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the

[13] The Exchange proposes to re-number current Rule 123D(d) as Rule 123D(e).

[14] The Exchange believes that the correct cross reference should be to Nasdaq Rule 4120(c)(8)(B). Nasdaq Rule 4120(c)(8) specifies Nasdaq procedures for how it conducts its crossing trade following a trading halt declared for an IPO on Nasdaq, including the role of an underwriter in determining when an IPO may be released for trading.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

Exchange Act. Rather, the proposed rule change will increase competition for new listings by enabling companies to list that meet all quantitative requirements but are currently unable to list because of the methodology required by the current rules to demonstrate their compliance.

As noted above, Nasdaq's listing rules do not include explicit limitations applicable to the listing of companies in these circumstances. Additionally, Nasdaq has listed previously private companies upon effectiveness of a selling shareholder registration statement without a concurrent underwritten offering on several occasions in the past. In light of this precedent and the absence of any Nasdaq rule provision explicitly limiting the ability of a company to qualify for listing without a public offering or prior public market price, the Exchange believes that Nasdaq would take the position that it could also list a previously private company upon effectiveness of an Exchange Act registration statement without a concurrent public offering. As such, the proposed amendment to Footnote (E) to Section 102.01B of the Manual would increase competition by enabling the NYSE to compete with Nasdaq for these listings.

The Exchange does not believe that the proposed amendments to its Rule Book will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. Specifically, the Exchange believes that the changes are not related to competition, but rather are designed to promote fair and orderly markets in a manner that is consistent with the protection of investors and the public interest. The proposed changes do not impact the ability of any market participant or trading venue to compete.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 2, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2017–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2017–30. 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–NYSE–2017–30 and should be submitted on or beforeSeptember 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Robert W. Errett,

Deputy Secretary.

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[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81435/August 18, 2017]

Securities Exchange Act of 1934; Order Scheduling Filing of Statements on Review in the Matter of the Chicago Stock Exchange, Inc. for an Order Granting the Approval of Proposed Rule Change Regarding the Acquisition of CHX Holdings, Inc. by North America Casin Holdings, Inc. (File No. SR–CHX–2016–20)

On December 2, 2016, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change in connection with the acquisition of CHX Holdings, Inc. by North America Casin Holdings, Inc. The proposed rule change was published for comment in the **Federal Register** on December 12, 2016.[3] On January 12, 2017, proceedings were instituted under Section 19(b)(2)(B) of the Exchange Act[4] to determine whether to approve or disapprove the proposed rule change.[5] On June 6, 2017, pursuant to Section 19(b)(2) of the Exchange Act,[6] a longer period was designated for Commission action on proceedings to determine whether to disapprove the proposed rule change.[7] On August 7, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.[8] On August 9, 2017, the Division of Trading and Markets, for the Commission pursuant to delegated authority,[9] approved the proposed rule change, as modified by Amendment No. 1.[10]

Pursuant to Commission Rule of Practice 431,[11] the Commission is reviewing the delegated action and the August 9, 2017 order is stayed.

Accordingly, *it is ordered*, pursuant to Commission Rule of Practice 431, that by September 17, 2017, any party or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79474 (December 6, 2016), 81 FR 89543.

[4] 15 U.S.C. 78s(b)(2)(B).

[5] *See* Securities Exchange Act Release No. 79781, 82 FR 6669 (January 19, 2017).

[6] 15 U.S.C. 78s(b)(2).

[7] *See* Securities Exchange Act Release No. 80864, 82 FR 26966 (June 12, 2017).

[8] *See* letter from Albert J. Kim, Vice President and Associate General Counsel, CHX, dated August 8, 2017, available at: *https://www.sec.gov/comments/sr-chx-2016-20/chx201620-2198847-160378.pdf.*

[9] 17 CFR 200.30 3(a)(12).

[10] *See* Securities Exchange Act Release No. 81366, 82 FR 38734 (August 15, 2017).

[11] 17 CFR 201.431.

other person may file any additional statement.

It is further *ordered* that the August 9, 2017 order approving the proposed rule change, as modified by Amendment No. 1 (File No. SR–CHX–2016–20), shall remain stayed pending further order of the Commission.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–17921 Filed 8–23–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81436; File No. SR–GEMX–2017–38]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Quoting at the Opening

August 18, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 17, 2017, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend GEMX Rule 701, entitled ''Opening.''

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is to amend GEMX Rule 701, ''Opening'' to specifically amend opening obligations for Primary Market Makers or ''PMMs.'' The Exchange notes that the proposed rule change is similar to a Nasdaq MRX, LLC (''MRX'') rule.[3]

Today, GEMX Rule 701(c)(3) states that the PMM assigned in a particular equity option must enter a Valid Width Quote not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index. The PMM assigned in a particular U.S. dollar-settled foreign currency option must enter a Valid Width Quote not later than one minute after the announced market opening.

First, the Exchange proposes to add the words ''or index'' to further clarify that the requirement applies to equities and index options. The Exchange proposes this addition to further clarify the requirement in Rule 701(c)(3) clearly applies to equity and index options.

Second, the Exchange proposes to modify the PMM's current obligation to enter Valid Width Quotes not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index for all assigned options, or in the case of a U.S. dollar-settled foreign currency option after the announced market opening. The Exchange believes that the current requirement is very burdensome and instead proposes to add ''in 90% of their assigned series'' to require a PMM to enter a Valid Width Quote not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in 90% of their assigned series, or in the case of a U.S. dollar-settled foreign currency option in 90% of their assigned series not later than one minute after the announced market opening.

Further, the Exchange proposes to require PMMs to promptly enter a Valid Width Quote in the remainder of their assigned series, which did not open within one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price, in the underlying index or, with respect to a U.S. dollar-settled foreign currency option, following the announced market opening. The Exchange's proposal is intended to account for market conditions which may prevent a PMM from opening all assigned series, for example an extremely volatile market which may impact the PMM's ability to enter aggressive quotes. Another example would be that news pertaining to a specific security is causing the underlying price to fluctuate rapidly and significantly, thereby causing the PMM to await the underlying equity price to settle before entering a Valid Width Quote. The Exchange's surveillance staff would monitor to ensure that PMMs are complying with these requirements during the Opening Process.

Today, the Opening Process for an options series will be conducted on or after 9:30 a.m. if the system has received, within two minutes (or such shorter time as determined by the Exchange and disseminated to membership on the Exchange's Web site) of the opening trade or quote on the market for the underlying security in the case of equity options or, in the case of index options, within two minutes of the receipt of the opening price in the underlying index (or such shorter time as determined by the Exchange and disseminated to membership on the Exchange's Web site), or within two minutes of market opening for the underlying currency in the case of a U.S. dollar-settled foreign currency option (or such shorter time as determined by the Exchange and disseminated to membership on the Exchange's Web site) the PMM's Valid Width Quote, the Valid Width Quotes of two Competitive Maker [sic] Makers (''CMMs'') or if neither the PMM's Valid Width Quote nor the Valid Width Quote of two CMMs have been submitted within such timeframe, if one CMM has submitted a Valid Width Quote.[4]

Implementation

The Exchange proposes to implement this rule change on September 29, 2017.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* MRX Rule 701.

[4] *See* Rule 701(c)(1)(i)–(iii).

of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest for the reasons stated below.

The Exchange's first proposal at Rule 701(c)(3) to clarify that the requirement applies to equities and index options will make clear the applicability of the PMM's requirement to enter Valid Width Quotes. This proposed amendment is non-substantive and is intended to add clarity to the rules.

The second proposal to amend a PMM's requirement to enter Valid Width Quotes during the Opening Process is consistent with the Act because the 90% requirement to provide a Valid Width Quote in a series to which the PMM is assigned will continue to ensure that options series are opened in a timely manner, while not imposing a burdensome requirement on market participants. PMMs would be required to promptly enter a Valid Width Quote in the remainder of their assigned series, which did not open within one minute of the dissemination of a quote or trade by the market for the underlying security or in the case of index options, following the receipt of the opening price or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening. The Exchange would monitor PMMs to ensure that they promptly provided a Valid Width Quote for the remainder of the series within a reasonable amount of time. The Exchange notes that market conditions could cause a PMM to experience circumstances where opening 100% of all of their assigned series within one minute of the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening, is not feasible.

The Exchange believes that the proposed 90% Valid Width Quoting obligation, not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening, along with the ''prompt'' standard for the remaining 10% of their assigned series will ensure all series are opened in a timely manner. The Exchange's proposal accounts for market conditions which may prevent a PMM from opening all assigned series, for example an extremely volatile market which may impact the PMM's ability to enter aggressive quotes. Another example would be that news pertaining to a specific security is causing the underlying price to fluctuate rapidly and significantly, thereby causing the PMM to await the underlying equity price to settle before entering a Valid Width Quote. The Exchange believes that the time frame for PMMs to provide a Valid Width Quote in 90% of their assigned series not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening will ensure liquidity on GEMX during the Opening Process. The Exchange desires to encourage PMMs to continue to make markets on GEMX at the Opening. The Exchange believes that requiring PMMs to provide a Valid Width Quote in 90% of their assigned options not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening along with the ''prompt'' standard for the remaining 10% will enhance the market making functions for PMMs and serve to maintain a fair and orderly market thereby promoting the protection of investors and the public interest.

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. The proposal does not change the intense competition that exists among the options markets for options business including on the opening. Nor does the Exchange believe that the proposal will impose any burden on intra-market competition; the Opening Process involves many types of participants and interest.

The Exchange's proposal to require a PMM to enter a Valid Width Quote in 90% of their assigned series not later than one minute time following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening and promptly enter a Valid Width quote for the remaining 10% their assigned series does not create an undue burden on competition. The proposal will continue to ensure that options series are opened in a timely manner, while not imposing a burdensome requirement on market participants. PMMs would be required to promptly enter a Valid Width Quote in the remainder of their assigned series which were not open within one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening. The Exchange would monitor PMMs to ensure that they promptly entered a Valid Width Quote for the remainder of their assigned series within a reasonable amount of time. The Exchange notes that market conditions could cause a PMM to experience circumstances where entering a Valid Width Quote for 100% of all of their assigned series within one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or with respect to U.S. dollar-settled foreign currency options within one minute after the announced market opening is not feasible. The Exchange believes that the proposed 90% obligation to enter a Valid Width Quote not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening for the underlying security along with the ''prompt'' standard for the remaining series will ensure all series are opened in a timely manner.

[5] 15 U.S.C. 78f(b).

[6] 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

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–GEMX–2017–38 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–GEMX–2017–38. 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–GEMX–2017–38 and should be submitted on or before September 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–17908 Filed 8–23–17; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give 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 Exchange has satisfied this requirement.

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81434; File No. SR–ISE–2017–78]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Quoting at the Opening

August 18, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 17, 2017, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend ISE Rule 701, entitled ''Opening.''

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is to amend ISE Rule 701, ''Opening'' to specifically amend opening obligations for Primary Market Makers or ''PMMs.'' The Exchange notes that the proposed rule change is similar to a Nasdaq MRX, LLC (''MRX'') rule.[3]

Today, ISE Rule 701(c)(3) states that the PMM assigned in a particular equity option must enter a Valid Width Quote not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index. The PMM assigned in a particular U.S. dollar-settled foreign currency option must enter a Valid Width Quote not later than one minute after the announced market opening.

First, the Exchange proposes to add the words ''or index'' to further clarify that the requirement applies to equities and index options. The Exchange proposes this addition to further clarify

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* MRX Rule 701.

the requirement in Rule 701(c)(3) clearly applies to equity and index options.

Second, the Exchange proposes to modify the PMM's current obligation to enter Valid Width Quotes not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index for all assigned options, or in the case of a U.S. dollar-settled foreign currency option after the announced market opening. The Exchange believes that the current requirement is very burdensome and instead proposes to add ''in 90% of their assigned series'' to require a PMM to enter a Valid Width Quote not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in 90% of their assigned series, or in the case of a U.S. dollar-settled foreign currency option in 90% of their assigned series not late [sic] than one minute after the announced market opening.

Further, the Exchange proposes to require PMMs to promptly enter a Valid Width Quote in the remainder of their assigned series, which did not open within one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index, or with respect to a U.S. dollar-settled foreign currency option, following the announced market opening. The Exchange's proposal is intended to account for market conditions which may prevent a PMM from opening all assigned series, for example an extremely volatile market which may impact the PMM's ability to enter aggressive quotes. Another example would be that news pertaining to a specific security is causing the underlying price to fluctuate rapidly and significantly, thereby causing the PMM to await the underlying equity price to settle before entering a Valid Width Quote. The Exchange's surveillance staff would monitor to ensure that PMMs are complying with these requirements during the Opening Process.

Today, the Opening Process for an options series will be conducted on or after 9:30 a.m. if the system has received, within two minutes (or such shorter time as determined by the Exchange and disseminated to membership on the Exchange's Web site) of the opening trade or quote on the market for the underlying security in the case of equity options or, in the case of index options, within two minutes of the receipt of the opening price in the underlying index (or such shorter time as determined by the Exchange and disseminated to membership on the Exchange's Web site), or within two minutes of market opening for the underlying currency in the case of a U.S. dollar-settled foreign currency option (or such shorter time as determined by the Exchange and disseminated to membership on the Exchange's Web site) the PMM's Valid Width Quote, the Valid Width Quotes of two Competitive Market Makers (''CMMs'') or if neither the PMM's Valid Width Quote nor the Valid Width Quote of two CMM's have been submitted within such timeframe, if one CMM has submitted a Valid Width Quote.[4]

Implementation

The Exchange proposes to implement this rule change on September 29, 2017.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest for the reasons stated below.

The Exchange's first proposal at Rule 701(c)(3) to clarify that the requirement applies to equities and index options will make clear the applicability of the PMM's requirement to enter Valid Width Quotes. This proposed amendment is non-substantive and is intended to add clarity to the rules.

The second proposal to amend a PMM's requirement to enter Valid Width Quotes during the Opening Process is consistent with the Act because the 90% requirement to provide a Valid Width Quote in a series to which the PMM is assigned will continue to ensure that options series are opened in a timely manner, while not imposing a burdensome requirement on market participants. PMMs would be required to promptly enter a Valid Width Quote in the remainder of their assigned series, which did not open within one minute of the dissemination of a quote or trade by the market for the underlying security or in the case of index options, following the receipt of the opening price or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening. The Exchange would monitor PMMs to ensure that they promptly provided a Valid Width Quote for the remainder of the series within a reasonable amount of time. The Exchange notes that market conditions could cause a PMM to experience circumstances where opening 100% of all of their assigned series within one minute of the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening is not feasible.

The Exchange believes that the proposed 90% Valid Width Quoting obligation, not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening, along with the ''prompt'' standard for the remaining 10% of their assigned series will ensure all series are opened in a timely manner. The Exchange's proposal accounts for market conditions which may prevent a PMM from opening all assigned series, for example an extremely volatile market which may impact the PMM's ability to enter aggressive quotes. Another example would be that news pertaining to a specific security is causing the underlying price to fluctuate rapidly and significantly, thereby causing the PMM to await the underlying equity price to settle before entering a Valid Width Quote. The Exchange believes that the time frame for PMMs to provide a Valid Width Quote in 90% of their assigned series not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening will ensure liquidity on ISE during the Opening Process. The Exchange desires to encourage PMMs to continue to make markets on ISE at the Opening. The Exchange believes that requiring PMMs to provide a Valid Width Quote in 90% of their assigned options not later than one minute following the dissemination of a quote

[4] *See* proposed Rule 701(c)(1)(i)–(iii).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening along with the ''prompt'' standard for the remaining 10% will enhance the market making functions for PMMs and serve to maintain a fair and orderly market thereby promoting the protection of investors and the public interest.

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. The proposal does not change the intense competition that exists among the options markets for options business including on the opening. Nor does the Exchange believe that the proposal will impose any burden on intra-market competition; the Opening Process involves many types of participants and interest.

The Exchange's proposal to require a PMM to enter a Valid Width Quote in 90% of their assigned series not later than one minute time following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening and promptly enter a Valid Width quote for the remaining 10% their assigned series does not create an undue burden on competition. The proposal will continue to ensure that options series are opened in a timely manner, while not imposing a burdensome requirement on market participants. PMMs would be required to promptly enter a Valid Width Quote in the remainder of their assigned series which were not open within one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening. The Exchange would monitor PMMs to ensure that they promptly entered a Valid Width Quote for the remainder of their assigned series within a reasonable amount of time. The Exchange notes that market conditions could cause a PMM to experience circumstances where entering a Valid Width Quote for 100% of all of their assigned series within one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or with respect to U.S. dollar-settled foreign currency options within one minute after the announced market opening is not feasible. The Exchange believes that the proposed 90% obligation to enter a Valid Width Quote not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled foreign currency options, following the announced market opening for the underlying security along with the ''prompt'' standard for the remaining series will ensure all series are opened in a timely manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–ISE–2017–78 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–ISE–2017–78. 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 N., 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–ISE–2017–78 and should be submitted on or before September 14, 2017.

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give 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 Exchange has satisfied this requirement.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–17907 Filed 8–23–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81431; File No. SR–GEMX–2017–39]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Create the Market Access and Routing Subsidy Program

August 18, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 9, 2017, Nasdaq GEMX, LLC (''GEMX'' 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 create a subsidy program, the Market Access and Routing Subsidy (''MARS''), for GEMX Members that provide certain order routing functionalities[3] to other GEMX Members and/or use such functionalities themselves.

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

GEMX proposes a new subsidy program, MARS, which would pay a subsidy to GEMX Members that provide certain order routing functionalities to other GEMX Members and/or use such functionalities themselves. Generally, under MARS, GEMX proposes to make payments to participating GEMX Members to subsidize their costs of providing routing services to route orders to GEMX. The Exchange believes that MARS will attract higher volumes of equity and ETF options volume to the Exchange from non-GEMX market participants as well as GEMX Members.

MARS System Eligibility

To qualify for MARS, a GEMX Member's order routing functionality would be required to meet certain criteria. Specifically the Member's routing system (hereinafter ''System'') would be required to: (1) Enable the electronic routing of orders to all of the U.S. options exchanges, including GEMX; (2) provide current consolidated market data from the U.S. options exchanges; and (3) be capable of interfacing with GEMX's API to access current GEMX match engine functionality. The Member's System would also need to cause GEMX to be one of the top four default destination exchanges for (a) individually executed marketable orders if GEMX is at the national best bid or offer (''NBBO''), regardless of size or time or (b) orders that establish a new NBBO on GEMX's Order Book, but allow any user to manually override GEMX as the default destination on an order-by-order basis.

The Exchange would require GEMX Members desiring to participate in MARS[4] to complete a form, in a manner prescribed by the Exchange, and reaffirm their information on a quarterly basis to the Exchange. Any GEMX Member would be permitted to apply for MARS, provided the above-referenced requirements are met, including a robust and reliable System. The Member would be solely responsible for implementing and operating its System.

MARS Eligible Contracts

A MARS Payment would be made to GEMX Members that have System Eligibility and have routed the requisite number of Eligible Contracts daily in a month, which were executed on GEMX. For the purpose of qualifying for the MARS Payment, Eligible Contracts would include Non-Nasdaq GEMX Market Maker (FARMM)[5], Firm Proprietary[6]/Broker-Dealer[7] and Professional Customer[8] Orders that are executed. Eligible Contracts do not

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The order routing functionalities permit a GEMX Member to provide access and connectivity to other Members as well utilize such access for themselves. The Exchange notes that under this arrangement it will be possible for one GEMX Member to be eligible for payments under MARS, while another GEMX Member might potentially be liable for transaction charges associated with the execution of the order, because those orders were delivered to the Exchange through a GEMX Member's connection to the Exchange and that Member qualified for the MARS Payment.

Consider the following example: Both Members A and B are GEMX Members but A does not utilize its own connections to route orders to the Exchange, and instead utilizes B's connections. Under this program, B will be eligible for the MARS Payment while A is liable for any transaction charges resulting from the execution of orders that originate from A, arrive at the Exchange via B's connectivity, and subsequently execute and clear at The Options Clearing Corporation or ''OCC,'' where A is the valid executing clearing Member or give-up on the transaction. Similarly, where B utilizes its own connections to execute transactions, B will be eligible for the MARS Payment, but would also be liable for any transaction resulting from the execution of orders that originate from B, arrive at the Exchange via B's connectivity, and subsequently execute and clear at OCC, where B is the valid executing clearing Member or give-up on the transaction.

[4] If a GEMX Member desires to qualify for MARS, that Member must submit an application and certify to the System Eligibility requirements for the entire time period in which the Member will be eligible for MARS Rebates. A GEMX Member may apply anytime during the month in which the GEMX Member desires to participant in MARS and would be eligible for the entire month, provided the GEMX Member certified System Eligibility for that entire month. For example, a GEMX Member submitting an application on the 15th of the month, would have to certify System Eligibility for that entire month. A form must be submitted no later than the last business day of the month in which the GEMX Member desires to participate in MARS. The application will require the GEMX Member to identify the GEMX Member seeking the MARS Payment and must list, among other things, the connections utilized by the GEMX Member to provide Exchange access to other GEMX Members and/or itself. MARS Payments would be made one month in arrears (*i.e.,* a MARS Payment earned for activity in September would be paid to the qualifying GEMX Member in October), as is the case with all other transactional payments and assessments made by the Exchange.

[5] A ''Non-Nasdaq GEMX Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange.

[6] A ''Firm Proprietary'' order is an order submitted by a Member for its own proprietary account.

[7] A ''Broker-Dealer'' order is an order submitted by a Member for a broker-dealer account that is not its own proprietary account.

[8] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer.

include qualified contingent cross or ''QCC'' Orders [9] or Price Improvement Mechanism or ''PIM'' Orders.[10]

GEMX Members using an order routing functionality provided by another Member or its own functionality will continue to be required to comply with best execution obligations. Specifically, just as with any Priority Customer [11] order and any other routing functionality, a GEMX Member will continue to have an obligation to consider the availability of price improvement at various markets and whether routing a Priority Customer order through a functionality that incorporates the features described above would allow for access to such opportunities if readily available. Moreover, a GEMX Member would need to conduct best execution evaluations on a regular basis, at a minimum quarterly, that include its use of any router incorporating the features described above.

MARS Payment

GEMX Members that have System Eligibility and have executed the requisite number of Eligible Contracts in a month would be paid the following per contract rebates:

Tiers	Average daily volume (''ADV'')	MARS payment
1	10,000	$0.07
2	15,000	0.10
3	20,000	0.13

The specified MARS Payment will be paid on all executed Eligible Contracts that add liquidity, which are routed to GEMX through a participating GEMX Member's System and meet the requisite Eligible Contracts ADV. No payment will be made with respect to orders that are routed to GEMX, but not executed. This three-tiered proposal is intended to encourage GEMX Members to execute the maximum number of contracts to achieve the highest rebate.

No payment will be made with respect to orders that are routed to GEMX, but not executed.[12] Further, a GEMX Member would not be entitled to receive any other revenue [13] for the use of its System specifically with respect to orders routed to GEMX.

The Exchange proposes to add the MARS to Section II as Part B of the Fee Schedule, entitled ''Market Access and Routing Subsidy (''MARS'').'' Additionally, the Exchange proposes to amend the Table of Content to include the new section.

2. Statutory Basis

The Exchange believes that the proposed MARS program is reasonable because it is designed to attract higher volumes of equity and ETF options volume to the Exchange, which will benefit all GEMX Members by offering greater price discovery, increased transparency, and an increased opportunity to trade on the Exchange. Moreover, the Exchange believes that the proposed subsidy offered by MARS is both equitable and not unfairly discriminatory because any qualifying GEMX Member that offers market access and connectivity to the Exchange and/or utilizes such functionality themselves may earn the MARS Payment for all Eligible Contracts.

MARS System Eligibility

The Exchange believes that requiring GEMX Members to maintain their Systems according to the various requirements set forth by the Exchange in order to qualify for the proposed MARS program is reasonable because the Exchange seeks to encourage market participants to send higher volumes of orders to GEMX, which will contribute to the Exchange's depth of book as well as to the top of book liquidity. The Exchange also believes that the proposed MARS program is reasonable because it is designed to enhance the competitiveness of the Exchange. The Exchange believes that requiring Members to maintain their Systems according to the various requirements set forth by the Exchange in order to qualify for MARS is equitable and not unfairly discriminatory because these requirements will uniformly apply to all market participants desiring to qualify for MARS.

The Exchange's proposal to require a Member's System to cause GEMX to be the one of the top four default destination exchanges for (a) individually executed marketable orders if GEMX is at the NBBO, regardless of size or time or (b) orders that establish a new NBBO on GEMX's Order Book, but allow any user to manually override GEMX as the default destination on an order-by-order basis is reasonable. Offering Members the ability to select either of the aforementioned requirements to qualify for System Eligibility would incentivize GEMX Members to quote at the NBBO on GEMX to qualify for MARS. Also, the Exchange seeks to encourage market participants to send higher volumes of orders to GEMX, which will contribute to the Exchange's depth of book as well as to the top of book liquidity. The MARS program is designed to enhance the competitiveness of the Exchange and the Exchange believes that these proposed requirements will cause GEMX to be an attractive market to send orders. The Exchange also notes that The NASDAQ Options Market LLC currently offers a MARS program today with similar requirements.[14]

The Exchange's proposal to require Members to cause GEMX to be the one of the top four default destination exchanges is equitable and not unfairly discriminatory because these requirements will uniformly apply to all Participants desiring to qualify for MARS. Any GEMX Member desiring to participate in MARS would be required to meet the aforementioned System Eligibility requirements.

MARS Eligible Contracts

The Exchange believes that excluding the volumes attributable to QCC and PIM Orders is reasonable, equitable, and not unfairly discriminatory for the reasons below. Today, GEMX reduces taker fees for any GEMX Member that achieves a certain volume threshold as displayed in Table 1 of the Schedule of Fees.[15] Today, QCC and PIM Order volume is counted towards the Total Affiliated Member average daily volume to meet those tier thresholds and reduce taker fees. The Exchange does not desire to pay an additional subsidy on top of offering discounted taker fees for QCC and PIM Orders. Because the Exchange would calculate Eligible Contracts in the same manner for all GEMX Members seeking to qualify for MARS, and the calculation would exclude QCC and

[9] A QCC Order is comprised of an originating order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Supplementary Material .01 below, coupled with a contra-side order or orders totaling an equal number of contracts. *See* Rule 715(j).

[10] Price Improvement Mechanism (''PIM'') is the Exchange's price improvement mechanism for crossing transactions. *See* Rule 723.

[11] ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in GEMX Rule 100(a)(37A). Unless otherwise noted, the term ''Priority Customer'' includes ''Retail.'' A ''Retail'' order is a Priority Customer order that originates from a natural person, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology.

[12] A GEMX Member will not be entitled to receive any other revenue for the use of its System specifically with respect to orders routed to GEMX.

[13] This requirement would not prevent the Member from charging fees (for example, a flat monthly fee) for the general use of its System. Nor would it prevent the Member from charging fees or commissions in accordance with its general practices with respect to transactions effected through its System.

[14] *See* NOM's Rules at Chapter XV, Section 2(6).

[15] *See* GEMX's Schedule of Fees in Section I.

PIM Order volume, the proposal to exclude these volumes from the MARS Payment is not inequitable or unfairly discriminatory.

The Exchange further notes that while MARS is only being offered to qualifying GEMX Members for Non-Nasdaq GEMX Market Maker (FARMM), Firm Proprietary/Broker-Dealer and Professional Customer equity option Orders and is not including Priority Customer or Market Maker [16] Orders volume the Exchange believes this is reasonable, equitable and not unfairly discriminatory for the reasons below. With respect to Priority Customer orders, the Exchange notes that, today, Priority Customer Orders may earn the highest Market Maker rebates available on GEMX.[17] The Exchange believes that the availability of these rebates for Priority Customer Orders does not warrant paying an additional subsidy on Priority Customer Orders for MARS. With respect to Market Maker Orders, today the Exchange offers certain rebates on Market Maker Orders.[18] The Exchange believes that these rebates provide ample incentive for attracting Market Maker Orders to the Exchange and that no further subsidy is warranted at this time.[19]

Further, the proposed MARS Subsidy is designed to attract higher margin business to the Exchange. To offer the proposed subsidy on Priority Customer or Market Maker Orders would require funding from some other source, such as raising fees for other participants. As a result, the Exchange believes it is appropriate to only count Non-Nasdaq GEMX Market Maker (FARMM), Firm Proprietary/Broker-Dealer and Professional Customer Orders toward the Eligible Contracts, which unlike Priority Customer and Market Maker Orders are not eligible for Market Maker rebates today beyond $0.25 per contract on GEMX. The Exchange notes that it is commonplace within the options industry for exchanges to charge different rates and/or offer different rebates depending upon the capacity in which a participant is trading. For these reasons, the Exchange believes that the proposal to only count certain order flow as Eligible Contracts is reasonable, equitable and not unfairly discriminatory for the reasons mentioned herein.

MARS Payment

The Exchange's proposal to pay a MARS Payment based on certain average daily volumes for Eligible Contracts, which add liquidity, is reasonable because the Exchange believes that the MARS program will attract order flow which would be beneficial for all GEMX Members in that it would generate greater price discovery, increased transparency, and an increased opportunity to trade on the Exchange. The MARS Payments should enhance the competitiveness of the Exchange. Further, the proposed tier structure would allow GEMX Members to price their services at a level that will enable them to attract order flow from market participants who would otherwise utilize an existing front-end order entry mechanism instead of incurring the cost in time and money to develop their own internal systems to be able to deliver orders directly to the Exchange's System. The Exchange also seeks to reward market participants that bring a greater amount of order flow to the Exchange by paying a higher rebate based on the average daily volume that qualified as Eligible Contracts.[20] The Exchange believes that the tiers are reasonable because the Exchange is incentivizing GEMX Members to transact a greater amount of qualifying volume to earn the rebate. The additional order flow will benefit all market participants.

The Exchange's proposal to pay a MARS Payment based on certain average daily volumes for Eligible Contracts, which add liquidity, is equitable and not unfairly discriminatory because the Exchange will uniformly pay all GEMX Members the proposed rebates specified in the proposed MARS Payment tiers provided the GEMX Member has executed the requisite number of Eligible Contracts. Moreover, the Exchange believes that the proposed MARS Payments offered by the Exchange are equitable and not unfairly discriminatory because any qualifying GEMX Member that offers market access and connectivity to the Exchange and/or utilizes such functionality themselves may earn the MARS Payment for all Eligible Contracts. The Exchange believes that the tiers are equitable and not unfairly discriminatory because the Exchange would pay the same rebates to all qualifying GEMX Members who transact the requisite volume to earn the rebate.

The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to pay the proposed MARS Payment to GEMX Members that have System Eligibility and have executed the Eligible Contracts, even when a different GEMX Member may be liable for transaction charges resulting from the execution of the orders upon which the subsidy might be paid. The Exchange notes that this sort of arrangement already exists on The NASDAQ Options Market LLC (''NOM'') with its MARS Program.[21] The intent of the MARS Program is to incentivize GEMX Members to offer order routing functionalities to other GEMX Members and/or use such functionalities themselves. By paying the MARS Payments to GEMX Members that have System Eligibility, the Exchange is providing an incentive for GEMX Members to offer the order routing functionalities described in this proposal. Also, all qualifying GEMX Members would be uniformly paid the subsidy on all qualifying volume that was routed by them to the Exchange and executed.

The Exchange believes that preventing Members from receiving any other revenue for the use of its routing system, specifically with respect to orders routed to GEMX is reasonable because Members could still charge fees for the general use of its order routing system as well as charging fees or commissions in accordance with its general practices with respect to transactions effected through its system. The Exchange believes that preventing Members from receiving any other revenue for the use of its routing system, specifically with respect to orders routed to GEMX is equitable and not unfairly discriminatory because the Exchange would uniformly apply the MARS requirements to all qualifying GEMX Members.

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. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other

[16] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* GEMX Rule 100(a)(25).

[17] *See* GEMX's Schedule of Fees in Section I.

[18] *Id.*

[19] Market Maker and Priority Customer Orders are eligible for higher maker rebates based on achieving volume thresholds in Table 1 below. GEMX Members who do not achieve a higher Tier under Table 1 will receive Tier 1 maker rebates. *See* GEMX's Schedule of Fees in Section I.

[20] The Exchange proposes to pay a $0.07 per contract rebate to qualifying GEMX Members who transact 10,000 ADV; a rebate of $0.10 per contract to qualifying GEMX Members who transact 15,000 ADV and a $0.13 per contact to qualifying GEMX Members who transact 20,000 ADV.

[21] *See* note 14 above.

venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

MARS System Eligibility

The Exchange believes that requiring Members to maintain their order routing systems according to the various requirements set forth by the Exchange in order to qualify for MARS does not create an undue burden on intra-market competition because the proposed requirements will uniformly apply to all market participants desiring to qualify for MARS.

MARS Eligible Contracts

The Exchange believes that excluding QCC and PIM Orders does not create an undue burden on intra-market competition because these types of orders will uniformly be excluded from the volume calculation for all qualifying GEMX Members for MARS.

The Exchange believes that excluding Priority Customer and Market Makers Orders from the types of orders that would be eligible for MARS does not create an undue burden on intra-market competition because Priority Customer and Market Makers Orders are eligible for rebates today and reduced fees.

MARS Payment

The Exchange believes that paying the proposed tiered MARS Payments to qualifying GEMX Members that have System Eligibility and have executed the Eligible Contracts does not create an undue burden on intra-market competition, even when a different GEMX Member, other than the GEMX Member receiving the subsidy, may be liable for transaction charges, because this sort of arrangement should encourage GEMX Members to offer order routing functionalities to other market participants.

The Exchange believes that paying the proposed tiered MARS Payments to qualifying GEMX Members that have System Eligibility and have executed the Eligible Contracts in a month, does not create an undue burden on intra-market competition because the Exchange would count all Non-Nasdaq GEMX Market Maker (FARMM), Firm Proprietary/Broker-Dealer and Professional Customer Order volume toward the Eligible Contracts. Priority Customer and Market Maker Orders are offered other pricing incentives today in the form of enhanced rebates and lower fees.[22] The MARS Program should generate increased order flow which should bring increased liquidity to the Exchange for the benefit of all market participants. To the extent the purpose of the proposed MARS program is achieved, all market participants should benefit from the improved market liquidity.

The Exchange believes that preventing Members from receiving any other revenue for the use of its routing system, specifically with respect to orders routed to GEMX does not create undue burden on intra-market competition because the Exchange would continue to uniformly apply its MARS requirements to all GEMX Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[23] and Rule 19b–4(f)(2) [24] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–GEMX–2017–39 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–GEMX–2017–39. 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–GEMX–2017–39 and should be submitted on or before September 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Robert W. Errett,

Deputy Secretary.

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[22] *See* GEMX's Schedule of Fees at Section I.

[23] 15 U.S.C. 78s(b)(3)(A)(ii).

[24] 17 CFR 240.19b–4(f)(2).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81433; File No. SR–Phlx–2017–69]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Quoting at the Opening

August 18, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 16, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx Rule 1017, entitled ''Openings in Options.''

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is to amend Phlx Rule 1017, entitled ''Openings in Options'' to specifically amend opening obligations for Specialists.[3] The Exchange notes that the proposed rule change is similar to a Nasdaq MRX, LLC (''MRX'') rule.[4]

Today, Phlx Rule 1017(d)(iii) states that the Specialist assigned in a particular equity option must enter a Valid Width Quote not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index. The Specialist assigned in a particular U.S. dollar-settled FCO must enter a Valid Width Quote not later than 30 seconds after the announced market opening.

First, the Exchange proposes to add the words ''or index'' to further clarify that the requirement applies to equities and index options. The Exchange proposes this addition to further clarify the requirement in Rule 1017(d)(iii) clearly applies to equity and index options.

Second, the Exchange proposes to modify the Specialist's current obligation to enter Valid Width Quotes not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index for all assigned options, or in the case of a U.S. dollar-settled FCO after the announced market opening. The Exchange believes that the current requirement is very burdensome and instead proposes to add ''in 90% of their assigned series'' to require a Specialist to enter a Valid Width Quote not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in 90% of their assigned series, or in the case of U.S. dollar-settled FCOs in 90% of their assigned series not later than 30 seconds after the announced market opening.

Further, the Exchange proposes to require Specialists to promptly enter a Valid Width Quote in the remainder of their assigned series, which did not open within one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to a U.S. dollar-settled FCO, following the announced market opening. The Exchange's proposal is intended to account for market conditions which may prevent a Specialist from opening all assigned series, for example an extremely volatile market which may impact the Specialist's ability to enter aggressive quotes. Another example would be that news pertaining to a specific security is causing the underlying price to fluctuate rapidly and significantly, thereby causing the Specialist to await the underlying equity price to settle before entering a Valid Width Quote. The Exchange's surveillance staff would monitor to ensure that Specialists are complying with these requirements during the Opening Process.

Today, the Opening Process for an options series will be conducted on or after 9:30 a.m. if the system has received, within two minutes (or such shorter time as determined by the Exchange and disseminated to membership on the Exchange's Web site) of the opening trade or quote on the market for the underlying security in the case of equity options or, in the case of index options, within two minutes of the receipt of the opening price in the underlying index (or such shorter time as determined by the Exchange and disseminated to membership on the Exchange's Web site), or within two minutes of market opening for the underlying currency in the case of a U.S. dollar-settled FCO (or such shorter time as determined by the Exchange and disseminated to membership on the Exchange's Web site) the Specialist's Valid Width Quote, the Valid Width Quotes of two Phlx Electronic Market Makers other than the Specialist or if neither the Specialist or two Phlx Electronic Market Makers have submitted Valid Width Quotes, within the specified timeframe then one Phlx Electronic Market Maker's Valid Width Quote.[5]

The Exchange is also proposing to amend existing rule text in Phlx Rule 1017(d)(iii) to lowercase a reference to the ''Opening Price'' as that reference refers to the underlying security's opening price, not the defined Opening Price in Rule 1017(a)(iii).

Implementation

The Exchange proposes to implement this rule change on September 29, 2017.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Specialist'' applies to transactions for the account of a Specialist (as defined in Exchange Rule 1020(a)).

[4] *See* MRX Rule 701.

[5] *See* Rule 1017(d)(i)(A)–(C).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

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 for the reasons stated below.

The Exchange's first proposal at Rule 701(c)(3) to clarify that the requirement applies to equities and index options will make clear the applicability of the Specialist's requirement to enter Valid Width Quotes. This proposed amendment is non-substantive and is intended to add clarity to the rules.

The second proposal to amend a Specialist's requirement to enter Valid Width Quotes during the Opening Process is consistent with the Act because the 90% requirement to provide a Valid Width Quote in a series to which the Specialist is assigned will continue to ensure that options series are opened in a timely manner, while not imposing a burdensome requirement on market participants. Specialists would be required to promptly enter a Valid Width Quote in the remainder of their assigned series, which did not open within one minute of the dissemination of a quote or trade by the market for the underlying security or in the case of index options, following the receipt of the opening price or, with respect to U.S. dollar-settled FCOs, following the announced market opening. The Exchange would monitor Specialists to ensure that they promptly provided a Valid Width Quote for the remainder of the series within a reasonable amount of time. The Exchange notes that market conditions could cause a Specialist to experience circumstances where opening 100% of all of their assigned series within one minute of the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled FCOs, following the announced market opening, is not feasible.

The Exchange believes that the proposed 90% Valid Width Quoting obligation, not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled FCOs, following the announced market opening, along with the ''prompt'' standard for the remaining 10% of their assigned series will ensure all series are opened in a timely manner. The Exchange's proposal accounts for market conditions which may prevent a Specialist from opening all assigned series, for example an extremely volatile market which may impact the Specialist's ability to enter aggressive quotes. Another example would be that news pertaining to a specific security is causing the underlying price to fluctuate rapidly and significantly, thereby causing the Specialist to await the underlying equity price to settle before entering a Valid Width Quote. The Exchange believes that the time frame for Specialists to provide a Valid Width Quote in 90% of their assigned series not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled FCOs, following the announced market opening, will ensure liquidity on Phlx during the Opening Process.

The Exchange desires to encourage Specialists to continue to make markets on Phlx at the Opening. The Exchange believes that requiring Specialists to provide a Valid Width Quote in 90% of their assigned options not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled FCOs, following the announced market opening along with the ''prompt'' standard for the remaining 10% will enhance the market making functions for Specialists and serve to maintain a fair and orderly market thereby promoting the protection of investors and the public interest.

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. The proposal does not change the intense competition that exists among the options markets for options business including on the opening. Nor does the Exchange believe that the proposal will impose any burden on intra-market competition; the Opening Process involves many types of participants and interest.

The Exchange's proposal to require a Specialist to enter a Valid Width Quote in 90% of their assigned series not later than one minute time following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled FCOs, following the announced market opening and promptly enter a Valid Width quote for the remaining 10% their assigned series does not create an undue burden on competition. The proposal will continue to ensure that options series are opened in a timely manner, while not imposing a burdensome requirement on market participants. Specialists would be required to promptly enter a Valid Width Quote in the remainder of their assigned series which were not open within one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled FCOs, following the announced market opening. The Exchange would monitor Specialists to ensure that they promptly entered a Valid Width Quote for the remainder of their assigned series within a reasonable amount of time. The Exchange notes that market conditions could cause a Specialist to experience circumstances where entering a Valid Width Quote for 100% of all of their assigned series within one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or with respect to U.S. dollar-settled FCOs within one minute after the announced market opening, is not feasible. The Exchange believes that the proposed 90% obligation to enter a Valid Width Quote not later than one minute following the dissemination of a quote or trade by the market for the underlying security or, in the case of index options, following the receipt of the opening price in the underlying index or, with respect to U.S. dollar-settled FCOs, following the announced market opening for the underlying security along with the ''prompt'' standard for the remaining series will ensure all series are opened in a timely manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant

burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–Phlx–2017–69 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2017–69. 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–2017–69 and should be submitted on or before September 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–17906 Filed 8–23–17; 8:45 am]

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[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give 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 Exchange has satisfied this requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81432; File No. SR–MSRB–2017–04]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, Consisting of Proposed Amendments to MSRB Rule G–21(e), on Municipal Fund Security Product Advertisements

August 18, 2017.

I. Introduction

On June 22, 2017, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change consisting of proposed amendments to MSRB Rule G–21(e), on municipal fund security product advertisements, to address important regulatory developments and to enhance investor protection in connection with municipal fund securities (the ''proposed rule change''). The proposed rule change was published for comment in the **Federal Register** on July 7, 2017.[3]

The Commission received two comment letters on the proposed rule change.[4] On August 9, 2017, the MSRB responded to those comments [5] and filed Amendment No. 1 to the proposed rule change (''Amendment No. 1'').[6] The Commission is publishing this notice to solicit comments on Amendment No. 1 to the proposed rule change from interested parties and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of Proposed Rule Change

In the Notice of Filing and Amendment No. 1, the MSRB stated that the purpose of the proposed rule change is to reflect relevant regulatory developments; enhance the ''out-of-state disclosure obligation'' about the potential other benefits an investor may be provided by investing in a 529 college savings plan offered by the home state of the investor or of the designated beneficiary; clarify that certain advertisements that contain performance data may include a hyperlink to a Web site that contains more recent performance data; and include several revisions that are designed to promote understanding of and compliance with the rule.[7] The MSRB stated that the proposed rule change would amend Rule G–21(e) to reflect two regulatory developments—the SEC's money market reforms and the formation of the Financial Industry Regulatory Authority, Inc. (''FINRA'').[8]

As further described by the MSRB in the Notice of Filing, Rule G–21(e)(i)(A)(2)(c) currently requires that a municipal fund security advertisement

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 81060 (June 30, 2017) (the ''Notice of Filing''), 82 FR 31644 (July 7, 2017).

[4] *See* Letter to Secretary, Commission, from Michael Koffler, Eversheds Sutherland (US) LLP (''Eversheds Sutherland''), dated July 28, 2017 (the ''Eversheds Sutherland Letter''); and, Letter to Secretary, Commission, from Robin Traxler, Esq., Vice President, Regulatory Affairs & Associate General Counsel, Financial Services Institute (''FSI''), dated July 28, 2017 (the ''FSI Letter'').

[5] *See* Letter to Secretary, Commission, from Pamela K. Ellis, Associate General Counsel, MSRB, dated August 9, 2017 (the ''MSRB Response Letter''), available at *https://www.sec.gov/comments/sr-msrb-2017-04/msrb201704-2205630-160509.pdf.*

[6] *Id.* In Amendment No. 1, the MSRB proposed to amend the proposed rule change to Rule G–21(e)(i)(A)(2)(c) to make a minor technical change to clarify that the proposed rule change to that provision would apply to an advertisement of a municipal fund security ''that has an investment option that invests solely in a money market fund.''

[7] *See* Notice of Filing and Amendment No. 1.

[8] *See* Notice of Filing.

of an investment option that the issuer holds out as having the characteristics of a money market fund include certain disclosures.[9] The MSRB stated that Board designed those disclosures to protect investors by alerting them to the potential risks of investing in that investment option, and modeled the disclosures on the disclosures required for money market fund advertisements by SEC Rule 482(b)(4) [10] under the Securities Act of 1933, as amended (the ''1933 Act'').[11]

The MSRB stated that the proposed rule change, as amended by Amendment No.1, would require that a municipal fund security advertisement of an investment option that invests solely in a money market fund include enhanced disclosure about the risks associated with investing in that investment option.[12] The MSRB stated that the disclosures that would be required by the proposed rule change reflect the SEC's money market reforms.[13] The MSRB noted that the Board tailored the proposed disclosure for each of the three categories of money market funds in which a municipal fund security investment option could invest.[14] According to the MSRB, those categories are: (i) Money market funds that are not government money market funds or retail money market funds with floating net asset values that may impose liquidity fees and that may temporarily suspend redemptions; (ii) money market funds that are government money market funds or retail money market funds that maintain stable net asset values that may impose liquidity fees or that may temporarily suspend redemptions; and (iii) money market funds that are government money market funds that maintain stable net asset values and that have elected not to impose liquidity fees or to temporarily suspend redemptions.[15] The MSRB stated that the proposed rule change to Rule G–21(e)(i)(A)(2)(c) is substantially similar to the SEC's amendments to SEC Rule 482(b)(4) under the 1933 Act, as modified to reflect the differences in the characteristics between municipal fund securities and money market funds. Specifically, the MSRB noted that an interest in a 529 college savings plan is an interest in an account (a ''unit'') and that the account, in turn, may invest in mutual funds such as a money market fund.[16] The MSRB stated that, as a result, the proposed rule change, unlike SEC Rule 482(b)(4)'s disclosure for mutual funds, refers to an investment in an investment option and an investor only indirectly investing in a money market fund through an underlying mutual fund offered by an investment option.[17] As discussed by the MSRB in the Notice of Filing, the proposed rule change does not refer to direct investments in a mutual fund.[18]

The MSRB stated that the current disclosure required by Rule G–21(e)(i)(A)(2)(c) alerts a 529 college savings plan investor that an investment option that that invests solely in a money market fund (i) is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency (unless such guarantee is provided by or on behalf of such issuer) and (ii) if the money market fund is held out as maintaining a stable net asset value, that although the issuer seeks to preserve the value of the investment at $1.00 per share or such other applicable fixed share price, it is possible to lose money by investing in the investment option.[19] In addition to the current disclosure, the MSRB stated that the proposed rule change would require enhanced disclosure to alert the investor that, as applicable, the underlying mutual fund may impose a liquidity fee or suspend redemptions and that the investor should not expect the underlying fund sponsor to provide financial support to the underlying mutual fund.[20]

The proposed rule change also would update Rule G–21(e)(ii)(F) and Rule G–21(e)(vi) to substitute FINRA for references to the National Association of Securities Dealers, Inc. (''NASD'').[21]

The proposed rule change would, according to the MSRB, enhance the out-of-state disclosure required by Rule G–21(e)(i)(A)(2)(b).[22] Under Rule G–21(e)(i)(A)(2)(b), certain advertisements for a 529 college savings plan must provide disclosure that an investor should consider, before investing, whether the investor's or the designated beneficiary's home state offers any state tax or other benefits that are only available for investment in such state's 529 college savings plan. The MSRB stated that proposed rule change would—to assist an investor's understanding of what those other state benefits may include—require disclosure that those other state benefits may include financial aid, scholarship funds, and protection from creditors.[23]

The MSRB stated that the proposed rule change would provide two clarifications to the legend that must be provided in an advertisement of performance data by a municipal fund security.[24] Current Rule G–21(e)(i)(A)(3)(a) requires that a municipal fund security's advertisement of performance data include a legend that discloses that the performance data set forth in the advertisement represents past performance; that past performance does not guarantee future results; that the investment return and the value of the investment will fluctuate so that an investor's shares, when redeemed, may be worth more or less than their original cost; and that current performance may be lower or higher than the performance data included in the advertisement. The proposed rule change would, according to the MSRB, clarify that an investment option that invests in a government money market fund or a retail money market fund may omit the disclosure required by the legend about principal value fluctuation.[25] The MSRB stated that its believes that clarification is consistent with SEC Rule 482(b)(3) under the 1933 Act that permits government money market funds and retail money market funds to omit that disclosure.[26] In addition, the MSRB stated that the proposed rule change would clarify that the advertisement may provide a hyperlink to the Web site where the investor may obtain total return quotations current to most recent month end for which such total return information is available.[27] The MSRB noted that the Board believes that the use of the hyperlink to a Web site will assist investors in obtaining more current performance data.[28] The MSRB further stated that the use of a hyperlink to provide certain data is consistent with the rules of other financial regulators.[29] Current Rule G–21(e)(i)(A)(3)(a) requires that the legend in a municipal fund security's advertisement of performance data that is not current to the most recent month ended seven business days before the date of any use of the advertisement, also must disclose where the investor may obtain more current performance data. Current Rule G–21(e)(i)(A)(3)(a)

[9] *See* Notice of Filing.
[10] 17 CFR 230.482(b)(4).
[11] *See* Notice of Filing.
[12] *See* Notice of Filing and Amendment No. 1.
[13] *See* Notice of Filing.
[14] *Id.*
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] *See* Notice of Filing and Amendment No. 1.
[20] *See* Notice of Filing.
[21] *Id.*
[22] *Id.*
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] *Id.*
[28] *Id.*
[29] *Id.*

also requires that the legend must include a toll-free number or a Web site where the investor may obtain that information.

The MSRB stated the proposed rule change would make certain revisions to the provisions of Rule G–21(e) to assist the reader's understanding of the disclosure and to assist with a dealer's compliance with the rule.[30] The proposed rule change would amend Rule G–21(e) to use terms more commonly used with municipal fund securities and that are used with the MSRB's other rules applicable to municipal fund securities (*e.g.,* the term ''investment option''), such as MSRB Rule G–45, on reporting of information on municipal fund securities.[31] The proposed rule change also would amend Rule G–21(e)(i)(A)(2)(c) and Rule G–21(e)(i)(A)(3)(c) to clarify that a municipal fund security offers investment options and that those investment options, in turn, may invest in mutual funds.[32] Proposed paragraph .01 of the Supplementary Material would clarify that the term ''investment option'' shall have the same meaning as defined in Rule G–45(d)(vi).[33] Proposed paragraph .02 of the Supplementary Material would clarify that under Rule G–21(e)(i)(A)(2)(c), a dealer may omit the last sentence of the required disclosure if that disclosure is not applicable to the underlying fund according to SEC Rule 482(b)(4) under the 1933 Act.[34] The proposed rule change also would amend Rule G–21(e)(i)(A)(3)(a) to clarify that an investor receives units in the municipal fund security.[35]

III. Summary of Comments Received and MSRB's Responses to Comments

As noted previously, the Commission received two comment letters on the proposed rule change, as well as the MSRB Response Letter and Amendment No. 1. FSI supported the proposed rule change,[36] and Eversheds Sutherland suggested a minor technical revision.[37] The MSRB stated that it believes the proposed rule change is consistent with its statutory mandate and has responded to the comments, as discussed below.[38]

Eversheds Sutherland suggested that the MSRB make a minor technical change to clarify that the proposed rule change to Rule G–21(e)(i)(A)(2)(c) would apply to an advertisement of a municipal fund security ''that has an investment option that invests solely in a money market fund.'' [39] Eversheds Sutherland stated that the suggested revision was necessary for purposes of accuracy and internal consistency.[40]

The MSRB stated that it agreed with Eversheds Sutherland.[41] In response to the comment from Eversheds Sutherland, the MSRB proposed, in Amendment No. 1, to amend the proposed rule change to clarify that the amendments to Rule G–21(e)(i)(A)(2)(c) would apply to an advertisement of a municipal fund security ''that has an investment option that invests solely in a money market fund.'' [42]

IV. Discussion and Commission Findings

The Commission has carefully considered the proposed rule change, the comment letters received, the MSRB Response Letter, and Amendment No. 1. The Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB.

In particular, the proposed rule change, as modified by Amendment No. 1, is consistent with Sections 15B(b)(2) and 15B(b)(2)(C) of the Act.[43] Section 15B(b)(2) of the Act requires the MSRB to adopt rules to effect the purposes of that title with respect to transactions in municipal securities effected by brokers, dealers, and municipal securities dealers and advice provided to or on behalf of municipal entities or obligated persons by brokers, dealers, municipal securities dealers, and municipal advisors with respect to municipal financial products, the issuance of municipal securities, and solicitations of municipal entities or obligated persons undertaken by brokers, dealers, municipal securities dealers, and municipal advisors.[44] Section 15B(b)(2)(C) of the Act requires that the MSRB's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, in general, to protect investors, municipal entities, obligated persons, and the public interest.[45]

The Commission believes that the proposed rule change, as modified by Amendment No. 1, is consistent with the provisions of Sections 15B(b)(2)[46] and 15B(b)(2)(C)[47] of the Act because it would update and modernize the MSRB's municipal fund security product advertising rule applicable to dealers and would enhance certain disclosures required by the rule to reflect relevant regulatory developments. The Commission believes that those enhanced disclosures would protect investors by alerting investors about certain risks of investing in investment options that in turn invest in money market funds. Further, the Commission believes that the proposed rule change would protect investors by providing the investor with (i) enhanced out-of-state disclosure concerning the potential other benefits that may be offered by investing in the 529 college saving plan offered by the investor's or the designated beneficiary's home state and (ii) the ability to obtain more current performance information through the use of a hyperlink to a Web site. In addition, the Commission believes that by providing investors with enhanced disclosure, each investor will have more information to evaluate the municipal fund security advertisement, which in turn, would help prevent fraudulent acts and practices as well as promote just and equitable principles of trade. The Commission also believes that the enhanced disclosures would facilitate transactions in municipal fund securities by eliminating certain discordance between the disclosure required by Rule G–21(e) relating to investment options that invest in money market funds and the disclosure required by the advertising rules applicable to money market funds registered with the Commission. By so doing, the Commission believes that it would facilitate efficient and uniform examination and enforcement by the regulators that enforce the MSRB's rules.

In approving the proposed rule change, the Commission also has considered the impact of the proposed rule change, as modified by Amendment

[30] *Id.*

[31] *Id.*

[32] *Id.*

[33] *Id.*

[34] 17 CFR 230.482(b)(4).

[35] *See* Notice of Filing.

[36] *See* FSI Letter.

[37] *See* Eversheds Sutherland Letter.

[38] *See* MSRB Response Letter and Amendment No. 1.

[39] *See* Eversheds Sutherland Letter.

[40] *Id.*

[41] *See* MSRB Response Letter and Amendment No. 1.

[42] *Id.*

[43] 15 U.S.C. 78*o*–4(b)(2); 78*o*–4(b)(2)(C) and 78*o*–4(b)(2)(G).

[44] *See* 15U.S.C. 78*o*–4(b)(2).

[45] *See* 15U.S.C. 78*o*–4(b)(2)(C).

[46] *See* 15 U.S.C. 78*o*–4(b)(2).

[47] *See* 15 U.S.C. 78*o*–4(b)(2)(C).

No. 1, on efficiency, competition, and capital formation.[48] The Commission 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. The Commission believes the proposed rule change would apply equally to all municipal fund securities dealers and may reduce inefficiencies and confusion for dealers by harmonizing MSRB rule requirements with comparable SEC requirements on advertising. The Commission believes that investors should benefit from better information in the form of more consistent and accurate advertising through updated requirements for certain municipal fund security advertisements, as investors generally value ease of comparison of different financial products.

As noted above, the Commission received two comment letters on the filing. The Commission believes that the MSRB, through its responses and through Amendment No. 1, has addressed commenters' concerns.

For the reasons noted above, the Commission believes that the proposed rule change, as modified by Amendment No. 1, is consistent with the Act.

V. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 to the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use of 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–MSRB–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.

All submissions should refer to File Number SR–MSRB–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 the filing also will be available for inspection and copying at the principal office of the MSRB. 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–MSRB–2017–04 and should be submitted on or before September 14, 2017.

VI. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause for approving the proposed rule change, as amended by Amendment No. 1, prior to the 30th day after the date of publication of notice of Amendment No. 1 in the **Federal Register**. As noted by the MSRB, Amendment No. 1 does not raise any significant issues with respect to the proposed rule change and only provides a minor technical change that clarifies that the proposed rule change to Rule G–21(e)(i)(A)(2)(c) would apply to an advertisement of a municipal fund security "that has an investment option that invests solely in a money market fund."

For the foregoing reasons, the Commission finds good cause for approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.

VIII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[49] that the proposed rule change, as modified by Amendment No. 1 (SR–MSRB–2017–04) be, and hereby is, approved on an accelerated basis.

For the Commission, pursuant to delegated authority.[50]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–17905 Filed 8–23–17; 8:45 am]

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[48] 15 U.S.C. 78c(f).

[49] 15 U.S.C. 78s(b)(2).

[50] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81437; File No. SR–BatsBZX–2017–34]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Introduce Bats Market Close, a Closing Match Process for Non-BZX Listed Securities Under New Exchange Rule 11.28

August 18, 2017.

I. Introduction

On May 5, 2017, Bats BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt Bats Market Close, a closing match process for non-BZX listed securities. The Commission published notice of filing of the proposed rule change in the **Federal Register** on May 22, 2017.[3] On July 3, 2017, the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.[4] As of August 16, 2017, the Commission has received forty-six comment letters on the Exchange's proposed rule change, including a response from the Exchange.[5] This order

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80683 (May 16, 2017), 82 FR 23320 ("Notice").

[4] *See* Securities Exchange Act Release No. 81072, 82 FR 31792 (July 10, 2017).

[5] *See* Letters to Brent J. Fields, Secretary, Commission, from: (1) Donald K. Ross, Jr., Executive Chairman, PDQ Enterprise, LLC, dated June 6, 2017 ("PDQ Letter"); (2) Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, Inc., dated June 12, 2017 ("NASDAQ Letter"); (3) Ray Ross, Chief Technology Officer, Clearpool Group, dated June 12, 2017 ("Clearpool Letter"); (4) Venu Palaparthi, SVP, Compliance, Regulatory and Government Affairs, Virtu Financial, dated June 12, 2017 ("Virtu Letter"); (5) Theodore R. Lazo, Managing Director and Associate General Counsel, SIFMA, dated June 13, 2017 ("SIFMA Letter"); (6) Elizabeth K. King, General Counsel and Corporate Secretary, New York Stock Exchange, dated June 13, 2017 ("NYSE Letter 1");

(7) John M. Bowers, Bowers Securities, dated June 14, 2017 (''Bowers Letter''); (8) Jonathan D. Corpina, Senior Managing Partner, Meridian Equity Partners, dated June 16, 2017 (''Meridian Letter''); (9) Fady Tanios, Chief Executive Officer, and Brian Fraioli, Chief Compliance Officer, Americas Executions, LLC, dated June 16, 2017 (''Americas Executions Letter''); (10) Ari M. Rubenstein, Co-Founder and Chief Executive Officer, GTS Securities LLC, dated June 22, 2017 (''GTS Securities Letter''); (11) John Ramsay, Chief Market Policy Officer, Investors Exchange LLC, dated June 23, 2017 (''IEX Letter''); (12) Jay S. Sidhu, Chairman, Chief Executive Officer, Customers Bancorp, Inc., dated June 27, 2017 (''Customers Bancorp Letter''); (13) Joanne Freiberger, Vice President, Treasurer, Masonite International Corporation, dated June 27, 2017 (''Masonite International Letter''); (14) David B. Griffith, Investor Relations Manager, Orion Group Holdings, Inc., dated June 27, 2017 (''Orion Group Letter''); (15) Kieran O'Sullivan, Chairman, President and CEO, CTS Corporation, dated June 28, 2017 (''CTS Corporation Letter''); (16) Sherri Brillon, Executive Vice-President and Chief Financial Officer, Encana Corporation, dated June 29, 2017 (''Encana Letter''); (17) Steven C. Lilly, Chief Financial Officer, Triangle Capital Corporation, dated June 29, 2017 (''Triangle Capital Letter''); (18) Robert F. McCadden, Executive Vice President and Chief Financial Officer, Pennsylvania Real Estate Investment Trust, dated June 29, 2017 (''Pennsylvania REIT Letter''); (19) Andrew Stevens, General Counsel, IMC Financial Markets, dated June 30, 2017 (''IMC Letter''); (20) Daniel S. Tucker, Senior Vice President and Treasurer, Southern Company, dated July 5, 2017 (''Southern Company Letter''); (21) Cole Stevens, Investor Relations Associate, Nobilis Health, dated July 6, 2017 (''Nobilis Health Letter''); (22) Mehmet Kinak, Head of Global Equity Market Structure & Electronic Trading, *et al.*, T. Rowe Price Associates, Inc., dated July 7, 2017 (''T. Rowe Price Letter''); (23) David L. Dragics, Senior Vice President, Investor Relations, CACI International Inc., dated July 7, 2017 (''CACI Letter''); (24) Mark A. Stegeman, Senior Vice President & CFO, Turning Point Brands, Inc., dated July 12, 2017 (''Turning Point Letter''); (25) Jon R. Moeller, Vice Chair and Chief Financial Officer, and Deborah J. Majoras, Chief Legal Officer and Secretary, The Proctor & Gamble Company, dated July 12, 2017 (''P&G Letter''); (26) Christopher A. Iacovella, Chief Executive Officer, Equity Dealers of America, dated July 12, 2017 (''EDA Letter''); (27) Rob Bernshteyn, Chief Executive Officer, Chairman Board of Directors, Coupa Software, Inc., dated July 12, 2017 (''Coupa Software Letter''); (28) Sally J. Curley, Senior Vice President, Investor Relations, Cardinal Health, Inc., dated July 14, 2017 (''Cardinal Health Letter''); (29) Mickey Foster, Vice President, Investor Relations, FedEx Corporation, dated July 14, 2017 (''FedEx Letter''); (30) Alexander J. Matturri, CEO, S&P Dow Jones Indices, dated July 18, 2017 (''SPDJI Letter''); (31) John L. Killea, Chief Legal Officer, Stewart Information Services, dated July 19, 2017 (''Stewart Letter''); (32) M. Farooq Kathwari, Chairman, President & CEO, Ethan Allen Interiors, Inc., dated July 24, 2017 (''Ethan Allen Letter''); (33) Jeff Green, Founder, Chief Executive Officer and Chairman of the Board of Directors, The Trade Desk Inc., dated July 26, 2017 (''Trade Desk Letter''); (34) James J. Angel, Associate Professor, McDonough School of Business, Georgetown University, dated July 30, 2017 (''Angel Letter''); (35) Jon Stonehouse, CEO, and Tom Staab, CFO, BioCryst Pharmaceuticals, Inc., dated July 31, 2017 (''BioCryst Letter''); (36) Peter Campbell, Chief Financial Officer, Mimecast, dated July 31, 2017 (''Mimecast Letter''); (37) Joanne Moffic-Silver, Executive Vice President, General Counsel, and Corporate Secretary, Bats Global Markets, Inc., dated August 2, 2017 (''BZX Letter''); (38) David M. Weisberger, Head of Equities, ViableMkts, dated August 3, 2017 (''ViableMkts Letter''); (39) Charles Beck, Chief Financial Officer, Digimarc Corporation, dated August 3, 2017 (''Digimarc Letter''); (40) Elizabeth K. King, General Counsel and Corporate Secretary, New York Stock Exchange, dated August 9, 2017 (''NYSE Letter 2''); (41) Representative Sean P. Duffy and Representative Gregory W. Meeks, dated August 9, 2017 (''Duffy/Meeks Letter''); (42) Michael J. Chewens, Senior Executive Vice President & Chief Financial Officer, NBT Bancorp Inc., dated August 11, 2017 (''NBT Bancorp Letter''); (43) Barry Zwarenstein, Chief Financial Officer, Five9, Inc., dated August 11, 2017 (''Five9 Letter''); (44) William A. Backus, Chief Financial Officer & Treasurer, Balchem Corporation, dated August 15, 2017 (''Balchem Letter''); (45) Raiford Garrabrant, Director, Investor Relations, Cree, Inc., dated August 15, 2017 (''Cree Letter''); and (46) Steven Paladino, Executive Vice President & Chief Financial Officer, Henry Schein, Inc., dated August 16, 2017 (''Henry Schein Letter''). All comments on the proposed rule change are available at: *https://www.sec.gov/comments/sr-batsbzx-2017-34/batsbzx201734.htm.*

institutes proceedings under Section 19(b)(2)(B) of the Exchange Act [6] to determine whether to approve or disapprove the proposed rule change.

II. Summary of the Proposed Rule Change

As described in more detail in the Notice, the Exchange proposes to introduce Bats Market Close, a closing match process for non-BZX listed securities. For non-BZX listed securities only, the Exchange's System [7] would seek to match buy and sell Market-On-Close (''MOC'') [8] orders designated for participation in Bats Market Close at the official closing price for such security published by the primary listing market.

Members [9] would be able to enter, cancel or replace MOC orders designated for participation in Bats Market Close beginning at 6:00 a.m. Eastern Time up until 3:35 p.m. Eastern Time (''MOC Cut-Off Time'').[10] Members would not be able to enter, cancel or replace MOC orders designated for participation in the proposed Bats Market Close after the MOC Cut-Off Time.

At the MOC Cut-Off Time, the System would match for execution all buy and sell MOC orders entered into the System based on time priority.[11] Any remaining balance of unmatched shares would be cancelled back to the Member(s). The System would disseminate, via the Bats Auction Feed,[12] the total size of all buy and sell orders matched per security via Bats Market Close. All matched buy and sell MOC orders would remain on the System until the publication of the official closing price by the primary listing market. Upon publication of the official closing price by the primary listing market, the System would execute all previously matched buy and sell MOC orders at that official closing price.[13]

The Exchange would utilize the official closing price published by the exchange designated by the primary listing market in the case where the primary listing market suffers an impairment and is unable to perform its closing auction process.[14] In addition, proposed Interpretation and Policy .03, specifies that up until the closing of the applicable securities information processor at 8:00 p.m. Eastern Time, the Exchange intends to monitor the initial publication of the official closing price, and any subsequent changes to the published official closing price, and adjust the price of such trades accordingly. If there is no initial official closing price published by 8:00 p.m. Eastern Time for any security, the Exchange would cancel all matched MOC orders in such security.

The Exchange states that it is proposing to adopt Bats Market Close in response to requests from market participants, particularly buy-side firms,

[6] 15 U.S.C. 78s(b)(2)(B).

[7] The term ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(aa).

[8] The term ''Market-On-Close'' or ''MOC'' means a BZX market order that is designated for execution only in the Closing Auction. *See* Exchange Rule 11.23(a)(15). The Exchange proposed to amend the description of Market-On-Close orders to include orders designated to execute in the proposed Bats Market Close.

[9] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[10] Currently, the NYSE designates the cut-off time for the entry of Market At-the-Close Orders as 3:45 p.m. Eastern Time. *See* NYSE Rule 123C. Nasdaq, in turn, designates the ''end of the order entry period'' as 3:50 p.m. Eastern Time. *See* Nasdaq Rule 4754.

[11] As set forth in proposed Interpretation and Policy .02, the Exchange would cancel all MOC orders designated to participate in Bats Market Close in the event the Exchange becomes impaired prior to the MOC Cut-Off Time and is unable to recover within 5 minutes from the MOC Cut-Off Time. The Exchange states that this would provide Members time to route their orders to the primary listing market's closing auction. Should the Exchange become impaired after the MOC Cut-Off Time, proposed Interpretation and Policy .02 states that it would retain all matched MOC orders and execute those orders at the official closing price once it is operational.

[12] The Bats Auction Feed disseminates information regarding the current status of price and size information related to auctions conducted by the Exchange and is provided at no charge. *See* Exchange Rule 11.22(i). The Exchange also proposed to amend Exchange Rule 11.22(i) to reflect that the Bats Auction Feed would also include the total size of all buy and sell orders matched via Bats Market Close.

[13] The Exchange would report the execution of all previously matched buy and sell orders to applicable securities information processor and will designate such trades as ''.P'', Prior Reference Price. *See* Notice, *supra* note 3, at 23321.

[14] *See* proposed Interpretation and Policy .01.

for an alternative to the primary listing markets' closing auctions that still provides an execution at a security's official closing price.[15] Moreover, the Exchange contends that the proposal would not compromise the price discovery function performed by the primary listing markets' closing auctions because Bats Market Close would only accept MOC orders, and not limit orders, and the Exchange would only execute those matched MOC orders that naturally pair off and effectively cancel each other out.[16]

III. Summary of the Comments

As of August 16, 2017, the Commission has received forty-six comment letters on the proposal, including a response from the Exchange.[17] Six commenters supported the proposal,[18] and thirty-six commenters opposed the proposal.[19]

Six commenters supported the proposal and stated that it would increase competition among exchanges for executions of orders at the close.[20] These commenters asserted that increased competition could result in reduced fees for market participants.[21] Three commenters characterized the primary listing markets as maintaining a ''monopoly'' on orders seeking a closing price with no market competition, which they argued has, and would continue to, result in a continual increase in fees for such orders if the proposal were not approved.[22] In addition, IEX argued that the proposal does not unduly burden competition as exchanges often attempt to compete by adopting functionality or fee schedules developed by competitors.[23] ViableMkts also asserted that the proposal is not fully competitive with closing auctions, as it does not accept priced orders or disseminate imbalance information.[24] Rather, the proposal competes with other un-priced orders in closing auctions, which in its view, is not destructive to the mission of the closing auction.[25]

In contrast, other commenters argued that the proposal would impede fair competition, including by ''free-riding'' on the investments the primary listing markets have made in their closing auctions.[26] Specifically, NYSE asserted that the proposal is an unnecessary and inappropriate burden on competition as it would allow BZX to use the closing prices established through the auction of a primary listing market, without bearing any of the costs or risks associated with conducting a closing auction.[27] NYSE added that the existing exchange fees for closing auctions reflect the value created by the primary listing exchange's complex procedures and technology to determine the official closing price of a security.[28] NYSE emphasized that it has invested significantly in intellectual property and software to implement systems that facilitate orderly price discovery in the closing auction, as well as surveillance tools necessary to monitor activity leading up to, and in, the closing process.[29] NYSE also noted that the proposal differs from the NASDAQ and NYSE Arca competing auctions in securities not listed on their exchanges in that such auctions compete on a level playing field because they do not rely on prices established by the primary listing exchange and they serve as an alternative method of establishing an official closing price if a primary listing exchange is unable to conduct a closing auction due to a technology issue.[30]

NASDAQ also argued that the proposal would burden competition. Specifically, NASDAQ believed that the proposal undermines intra-market competition, by removing orders from NASDAQ's auction book and prohibiting those orders from competing on NASDAQ, which NASDAQ argued is necessary for the exchange to arrive at the most accurate closing price.[31] NASDAQ also stated that, by diverting orders away from NYSE and NASDAQ, the proposal would detract from robust price competition and discovery that closing auctions ensure.[32] NASDAQ further argued that in order for BZX to meaningfully enhance competition, it would have to generate its own closing price, as opposed to merely utilizing the closing price generated by a primary listing market.[33]

[15] *See* Notice, *supra* note 3, at 23321. The Exchange represented that should the Commission approve the proposed rule change, it would file a separate proposal to offer executions of MOC orders at the official closing price, to the extent matched on the Exchange, at a rate less than the fee charged by the applicable primary listing market. The Exchange also represented that it intends for such fee to remain lower than the fee charged by the applicable primary listing market. *See id.*

[16] *See id.*

[17] *See supra* note 5.

[18] *See* PDQ Letter, *supra* note 5; Clearpool Letter, *supra* note 5; Virtu Letter, *supra* note 5; SIFMA Letter, *supra* note 5; IEX Letter, *supra* note 5; and ViableMkts Letter, *supra* note 5.

[19] *See* NASDAQ Letter, *supra* note 5; NYSE Letter 1, *supra* note 5; Bowers Letter, *supra* note 5; Meridian Letter, *supra* note 5; Americas Executions Letter, *supra* note 5; GTS Securities Letter, *supra* note 5; Customers Bancorp Letter, *supra* note 5; Masonite International Letter, *supra* note 5; Orion Group Letter, *supra* note 5; CTS Corporation Letter, *supra* note 5; Encana Letter, *supra* note 5; Triangle Capital Letter, *supra* note 5; Pennsylvania REIT Letter, *supra* note 5; IMC Letter, *supra* note 5; Southern Company Letter, *supra* note 5; Nobilis Health Letter, *supra* note 5; T. Rowe Price Letter, *supra* note 5; CACI Letter, *supra* note 5; Turning Point Letter, *supra* note 5; P&G Letter, *supra* note 5; EDA Letter, *supra* note 5; Coupa Software Letter, *supra* note 5; Cardinal Health Letter, *supra* note 5; FedEx Letter, *supra* note 5; SPDJI Letter, *supra* note 5; Stewart Letter, *supra* note 5; Ethan Allen Letter, *supra* note 5; Trade Desk Letter, *supra* note 5; BioCryst Letter, *supra* note 5; Mimecast Letter, *supra* note 5; Digimarc Letter, *supra* note 5; NYSE Letter 2, *supra* note 5; NBT Bancorp Letter, *supra* note 5; Five9 Letter, *supra* note 5; Balchem Letter, *supra* note 5; Cree Letter, *supra* note 5; and Henry Schein Letter, *supra* note 5. In addition, one commenter urged the Commission to conduct a close analysis of the proposal and stated that if the Bats proposal would seriously degrade the quality of the closing price, then it should be rejected. *See* Angel Letter, *supra* note 5. Other commenters expressed concern that the proposal could disrupt the closing auction process on the primary listing markets and asked the Commission to carefully consider the impacts of the proposal and whether such impacts would be necessary and helpful to public companies. *See* Duffy/Meeks Letter, *supra* note 5, at 1–2.

[20] *See* PDQ Letter, *supra* note 5; Clearpool Letter, *supra* note 5, at 2; Virtu Letter, *supra* note 5, at 2; SIFMA Letter, *supra* note 5, at 2; IEX Letter, *supra* note 5, at 1; and ViableMkts Letter, *supra* note 5, at 1–2.

[21] *See* PDQ Letter, *supra* note 5; Clearpool Letter, *supra* note 5, at 2; Virtu Letter, *supra* note 5, at 2; SIFMA Letter, *supra* note 5, at 2; IEX Letter, *supra* note 5, at 1; and ViableMkts Letter, *supra* note 5, at 1.

[22] *See* IEX Letter, *supra* note 5, at 3; Clearpool Letter, *supra* note 5, at 2; and ViableMkts Letter, *supra* note 5, at 1–2. However, one commenter also stated that it believes the fees charged by NYSE and NASDAQ for participating in their closing auctions are not excessive and there is no need for additional fee competition for executing orders at the official closing price. *See* GTS Letter, *supra* note 5, at 5.

[23] *See* IEX Letter, *supra* note 5, at 3.

[24] *See* ViableMkts Letter, *supra* note 5, at 5.

[25] *See id.* ViableMkts also argued that the effect of this competition will most likely be increased volumes at the closing price because of lower marginal costs and the potential to attract new types of investors to transact at the closing price. *See id.*

[26] *See* NYSE Letter 1, *supra* note 5, at 9–10; NASDAQ Letter, *supra* note 5, at 6 & 9; BioCryst Letter, *supra* note 5, at 2; Digimarc Letter, *supra* note 5, at 1–2; NBT Bancorp Letter, *supra* note 5, at 2; Balchem Letter, *supra* note 5, at 2; and Cree Letter, *supra* note 5, at 2. *See also* Angel Letter, *supra* note 5, at 3 (calling for a rationalization of intellectual property protection in order to foster productive innovation).

[27] *See* NYSE Letter 1, *supra* note 5, at 9 and NYSE Letter 2, *supra* note 5, at 1–3 (adding that the proposal is anti-competitive because it is proposing to sell at a lower price the closing prices produced through resources expended by NYSE).

[28] *See* NYSE Letter 1, *supra* note 5, at 9. NYSE also argued that the proposal impacts competition for listings, as issuers choose where to list their securities based on how primary listing exchanges are able to centralize liquidity and perform closing auctions. *See infra* note 116 and accompanying text.

[29] *See* NYSE Letter 2, *supra* note 5, at 2. Moreover, NYSE stated that it dedicates resources to providing systems to designated market makers (''DMMs'') necessary to facilitate the closing of trading as well as to floor brokers to enter and manage their customers' closing interest. *See id.*

[30] *See* NYSE Letter 1, *supra* note 5, at 6 and NYSE Letter 2, *supra* note 5, at 3–4.

[31] *See* NASDAQ Letter, *supra* note 5, at 9.

[32] *See* NASDAQ Letter, *supra* note 5, at 10. *See also infra* notes 45–81 and accompanying text (discussing comments on the proposal's impact on price discovery).

[33] *See id.*, at 13.

In addition, both NYSE and NASDAQ referenced the Commission's disapproval of NASDAQ's proposal to create a Benchmark Order as support that BZX has not sufficiently satisfied its obligation to justify that the proposal is consistent with the Act and not an inappropriate burden on competition. NYSE argued that BZX essentially proposes to compete with broker-dealer agency order matching services.[34] NYSE asserted that the Commission disapproved NASDAQ's Benchmark Order, in part because it would provide an exchange with an unfair advantage over competing broker-dealers, which was not consistent with Section 6(b)(8) of the Act.[35] NASDAQ further argued that the disapproval of its Benchmark Order proposal supports the assertion that an exchange must articulate how a proposed service is consistent with the policy goals of the Act with respect to national securities exchanges.[36]

In response to commenters' contentions that the proposal would burden competition, BZX asserted that the proposal would enhance rather than burden competition.[37] In this regard, BZX argued that its proposal would promote competition in the use of MOC orders at the official closing price.[38] Further, it asserted that the Commission has approved the operation of competing closing auctions, noting in particular the closing auctions on NASDAQ, NYSE Arca, and the American Stock Exchange.[39] BZX further argued that there is precedent for an exchange to execute orders solely at reference prices while not also displaying priced orders for that security.[40]

BZX also argued that, rather than looking to compete with broker-dealer services, it is seeking to compete on price with the primary listing markets' closing auctions.[41] In addition, BZX argued that, contrary to the assertions by NYSE and NASDAQ, its proposal does not implicate the same issues as NASDAQ's Benchmark Order proposal.[42]

BZX also challenged the assertion that it was ''free-riding'' on the primary listing exchanges' closing auctions.[43] In this regard, BZX argued that instead it was, on balance, providing a ''a materially better value to the marketplace'' in two ways: By not diverting price-forming limit orders away from the primary listing market; and by providing users with the official closing price because any other price would be undesirable to market participants and potentially harmful to price formation.[44]

The majority of commenters addressed the potential impacts of the proposal on price discovery in the closing auctions on the primary listing markets. Seven commenters stated that the proposal would not negatively impact price discovery in the primary listing markets' closing auctions.[45] These commenters asserted that because Bats Market Close would only execute paired MOC orders, and not limit-on-close orders, it would not impede the price discovery mechanisms of the primary listing markets' closing auctions. Three commenters referenced the current NASDAQ and NYSE Arca closing auction processes for securities listed on other exchanges, stating that these competing closing auction processes, which have been permitted by the Commission, may attract limit orders from the primary listing market and impede price discovery, unlike the BZX proposal which is limited to market orders.[46] In addition, five commenters argued that, because BZX will publish the size of matched MOC orders in advance of the primary market's cut-off time, market participants would have available information needed to make further decisions regarding order execution and thus price discovery would not be impaired.[47] Two commenters also asserted that many brokers already provide market-on-close pricing to customers through products that match orders internally, and the proposal may provide incentives for these brokers to send such orders to an exchange, thereby increasing transparency, reliability and price discovery at the close.[48]

Thirty-two commenters stated that the proposal would further fragment the markets and harm price discovery in the closing auctions on the primary listing markets.[49] For example, NASDAQ argued that BZX's MOC orders would be incapable of contributing to price discovery, and instead would further fragment the market by drawing orders and quotations away from primary closing auctions and undermine the mechanisms used to set closing prices.[50] Specifically, NASDAQ expressed concern that the availability of Bats Market Close could cause a reduction in the number of limit-on-close orders

[34] *See* NYSE Letter 1, *supra* note 5, at 8.

[35] *See id.*

[36] *See* NASDAQ Letter, *supra* note 5, at 5.

[37] *See* BZX Letter, *supra* note 5, at 10–11.

[38] *See id.,* at 10. BZX further argued that NASDAQ's assertion that the proposal would undermine competition amongst orders is misplaced because BZX believes that paired MOC orders, which are beneficiaries of price discovery and not price-setting orders do not impact interactions that take place on another exchange. *See id.,* at 11.

[39] *See* BZX Letter, *supra* note 5, at 6. In addition, in response to NASDAQ's contention that it is aware of no regulator in any jurisdiction that has sanctioned a diversion of orders from the primary market close, BZX noted the Ontario Securities Commission's approval of a similar proposal by Chi-X Canada ATS, which it said is currently owned by NASDAQ, to match MOC orders at the closing price established by the Toronto Stock Exchange. *See* NASDAQ Letter, *supra* note 5, at 10; BZX Letter, *supra* note 5, at 7 (stating that the Ontario Securities Commission stated that the proposal would not threaten the integrity of the price formation process and would pressure the Toronto Stock Exchange to competitively price executions during their closing auction).

[40] *See id.* at 6 (describing NYSE's after hours crossing sessions which executes orders at the NYSE official closing price and the ISE Stock Exchange functionality that only executed orders at the midpoint of the NBBO and did not display orders).

[41] *See* BZX Letter, *supra* note 5, at 10.

[42] *See id.,* at 11 (asserting that the disapproval of that proposal was primarily because it raised issues under the Market Access Rule).

[43] *See* BZX Letter, *supra* note 5, at 5.

[44] *See id.*

[45] *See* PDQ Letter, *supra* note 5; Clearpool Letter, *supra* note 5, at 3; Virtu Letter, *supra* note 5, at 2; SIFMA Letter, *supra* note 5, at 2; IEX Letter, *supra* note 5, at 1–2; Angel Letter, *supra* note 5, at 4; and ViableMkts Letter, *supra* note 5, at 3–4.

[46] *See* Clearpool, *supra* note 5, at 3; IEX Letter, *supra* note 5, at 2; and Angel Letter, *supra* note 5, at 4.

[47] *See* Clearpool Letter, *supra* note 5, at 3; SIFMA Letter, *supra* note 5, at 2; IEX Letter, *supra* note 5, at 2; Angel Letter, *supra* note 5, at 4; and ViableMkts Letter, *supra* note 5, at 3.

[48] *See* Clearpool, *supra* note 5, at 3; and ViableMkts Letter, *supra* note 5, at 4–5. One commenter further argued that to the extent BZX accrues market share as a result of the proposal it will likely result from less MOC pairing executed off-exchange. *See* Angel Letter, *supra* note 5, at 4.

[49] *See* NASDAQ Letter, *supra* note 5; NYSE Letter 1, *supra* note 5; Bowers Letter, *supra* note 5; Meridian Letter, *supra* note 5; Americas Executions Letter, *supra* note 5; GTS Securities Letter, *supra* note 5; Customers Bancorp Letter, *supra* note 5; Masonite International Letter, *supra* note 5; Orion Group Letter, *supra* note 5; CTS Corporation Letter, *supra* note 5; Encana Letter, *supra* note 5; Triangle Capital Letter, *supra* note 5; Pennsylvania REIT Letter, *supra* note 5; IMC Letter, *supra* note 5; Southern Company Letter, *supra* note 5; Nobilis Health Letter, *supra* note 5; T. Rowe Price Letter, *supra* note 5; CACI Letter, *supra* note 5; Turning Point Letter, *supra* note 5; P&G Letter, *supra* note 5; EDA Letter, *supra* note 5; Coupa Software Letter, *supra* note 5; Cardinal Health Letter, *supra* note 5; FedEx Letter, *supra* note 5; Trade Desk Letter, *supra* note 5; BioCryst Letter, *supra* note 5; Mimecast Letter, *supra* note 5; Digimarc Letter, *supra* note 5; NBT Bancorp Letter, *supra* note 5; Balchem Letter, *supra* note 5; Cree Letter, *supra* note 5; and Henry Schein Letter, *supra* note 5. *See also* Duffy/Meeks Letter, *supra* note 5, at 1 (noting that public companies are expressing concern that the proposal will further fragment the market and cause harm to the pricing of their companies' shares at the close, and as such, they are concerned the proposal may disrupt the process for determining the closing price on the primary listing market, which is viewed as ''an incredibly well-functioning part of the capital markets'').

[50] *See* NASDAQ Letter, *supra* note 5, at 8 (noting that, for this reason NASDAQ did not believe the proposal promotes fair and orderly markets in accordance with Sections 6 and 11A of the Exchange Act).

submitted to the primary listing markets' closing auctions, which NASDAQ asserted would harm price discovery at the market close.[51] Moreover, NASDAQ argued that even if the proposal only resulted in fewer market-on-close orders submitted to NASDAQ closing auctions, investors would be harmed because the official closing price could potentially represent a stale or undermined price.[52] NASDAQ asserted that its closing cross is designed to maximize the number of shares that can be executed at a single price and that the number of market-on-close orders impacts the number of shares able to execute in a closing cross.[53] Accordingly, NASDAQ argued that any attempt to divert trading interest, including market-on-close orders, from its closing auction would be detrimental to investors as it would inhibit NASDAQ's closing auction from functioning as intended and would negatively affect the quality of the official closing price.[54] In addition, NASDAQ stated that it considered, but chose not to, disclose segmented information, such as matched MOC or LOC shares, for its closing auction in a piece-meal fashion, because NASDAQ believed it would lead to unintended consequences and undermine price discovery in the closing auction.[55]

NYSE similarly argued that even though Bats Market Close would only accept MOC orders, it could materially impact official closing prices determined through a NYSE closing auction.[56] First, NYSE emphasized the importance of the centralization of orders during the closing auction on the primary listing exchange, noting that it allows for investors to find contra-side liquidity and assess whether to offset imbalances, and for orders to be priced based on the true supply and demand in the market.[57] NYSE explained that its designated market makers (''DMMs''), which have an obligation to facilitate the close of trading in their assigned securities, factor in the size of paired-off volume, and the composition of the closing interest, in assessing the appropriate closing price.[58] NYSE asserted that under the proposal, DMMs would lose full visibility into the size and composition of MOC interest, and thus would likely have to make more risk-adverse closing decisions, resulting in inferior price formation.[59]

Second, NYSE argued that the proposal would also detrimentally impact price discovery on the NYSE Arca and NYSE American automated closing auctions. NYSE stated that in the last six months there were 130 instances where the official closing price determined through a NYSE Arca closing auction was based entirely on paired-off market order volume.[60] In those instances, pursuant to NYSE Arca rules, the official closing price is the midpoint of the auction NBBO as of the time the auction is conducted. NYSE stated that if all market orders for a NYSE Arca listed security were sent to BZX, the official closing price would instead be the consolidated last sale price, which can differ from the midpoint of the auction NBBO by as much as 3.2%.[61]

Several other commenters similarly explained how the proposal may impact the integrity of official closing prices. In particular, GTS, a DMM on NYSE, argued that market-on-close orders are a vital component of closing prices and, should those orders be diverted away from the primary listing markets as a result of the proposal, it could undermine the official closing prices.[62] Multiple commenters stated that one of the benefits of a centralized closing auction conducted by the primary listing market is that it allows market participants to fairly assess supply and demand such that the closing prices reflect both market sentiment and total market participation.[63] Because the proposal may cause orders to be diverted away from the primary listing exchanges, these commenters argued that it would negatively affect the reliability and value of closing auction prices.

Some commenters further argued that because the proposal undermines the reliability of the closing process and/or the official closing price it also poses a risk to listed companies and its shareholders.[64] In addition, one commenter, SPDJI, argued that the proposal may also impact confidence in the pricing of benchmark indices as confidence in closing prices is a prerequisite for market participants to maintain confidence in the pricing of benchmark indices.[65] Accordingly, SPDJI asserted that because the closing price is a critical data point for investors, great caution should be taken in any changes to the closing auction.[66]

Moreover, some commenters argued that the centralization of liquidity at the open and close of trading, and how primary listing markets perform during the opening and closing, are important factors for issuers in determining where to list their securities, and the additional risk posed to listed

[51] *See* NASDAQ Letter, *supra* note 5, at 5 and 11. NASDAQ asserted that the impact of the proposal on the use of limit-on-close orders that may be submitted to NYSE and NASDAQ should be studied and carefully analyzed.

[52] *See* NASDAQ Letter, *supra* note 5, at 12. NASDAQ also stated that a credible independent study of the potential risk to price discovery is essential in order to consider whether the proposal is consistent with the Act. *See id.*

[53] *See id.,* at 11.

[54] *See id.* NASDAQ also notes that while BZX does not have a responsibility to contribute to price discovery in NASDAQ's closing auction, it also is obligated to avoid affirmatively undermining price discovery. *See id.,* at 5.

[55] See *id.,* at 4.

[56] *See* NYSE Letter 1, *supra* note 5, at 3.

[57] *See* NYSE Letter 1, *supra* note 5, at 4.

[58] *See* NYSE Letter 1, *supra* note 5, at 4. In response to this assertion, ViableMkts argues that use of Bats Market Close is voluntary. Accordingly, if a market participant wanted a DMM to be aware of their closing activity they could still send their orders to the NYSE closing auction. *See* ViableMkts Letter, *supra* note 5, at 4.

[59] *See* NYSE Letter 1, *supra* note 5, at 4.

[60] *See* NYSE Letter 1, *supra* note 5, at 5. NYSE represented that once NYSE American transitions to Pillar technology, it will conduct a closing auction in an identical manner to NYSE Arca.

[61] *See id.*

[62] *See* GTS Securities Letter, *supra* note 5, at 2–3.

[63] *See* Bowers Letter, *supra* note 5; Americas Executions Letter, *supra* note 5; and FedEx Letter, *supra* note 5. *See also* Coupa Software Letter, *supra* note 5; Trade Desk Letter, *supra* note 5; and Mimecast Letter, *supra* note 5 (arguing that gathering liquidity in a single venue ensures that the market reaches an accurate and reliable closing price for their stocks).

[64] *See* NYSE Letter 1, *supra* note 5, at 3 (arguing that the proposal is indifferent to the potential risks to public companies and that the closing is the most important data point for shareholders); IMC Financial Letter, *supra* note 5, at 1–2; Nobilis Health Letter, *supra* note 5; EDA Letter, *supra* note 5, at 1–2; Coupa Software Letter, *supra* note 5; Ethan Allen Letter, *supra* note 5; Trade Desk Letter, *supra* note 5; BioCryst Letter, *supra* note 5; Digimarc Letter, *supra* note 5; Duffy/Meeks Letter, supra note 5, at 1–2 (stating that public companies are concerned the proposal will have an unforeseen effect on the pricing of their companies' shares at the close, ultimately harming a critical measure of the company's value and harming its shareholders); NBT Bancorp Letter, *supra* note 5; Five9 Letter, *supra* note 5; Balchem Letter, *supra* note 5; Cree Letter, *supra* note 5; and Henry Schein Letter, *supra* note 5. Several issuers also asserted that decentralizing closing auctions will increase volatility, reduce visibility, and negatively impact liquidity for equity securities. *See e.g.,* Customers Bancorp Letter, *supra* note 5; Orion Group Letter, *supra* note 5; Nobilis Health Letter, *supra* note 5; Cardinal Health Letter, *supra* note 5; and Stewart Letter, *supra* note 5.

[65] *See* SPDJI Letter, *supra* note 5, at 3 (stating that it relies solely on primary market auction prices to calculate the official closing index values, and that these closing index values play an important role in the markets, including use by portfolio managers to measure their funds' value and for use in calculating settlement prices for certain products); *see also* Coupa Software Letter, *supra* note 5; Trade Desk Letter, *supra* note 5; and Henry Schein Letter, *supra* note 5 (stating that the official closing price is used to value their stocks for purposes of various indexes and mutual funds).

[66] *See* SPDJI Letter, *supra* note 5, at 2. In contrast, one commenter acknowledged that while impacting the quality of the closing price is an objection that deserves close analysis, as the closing price is ''the most important price of the day,'' and would warrant rejection of the proposal, the commenter does not believe the proposal would harm the quality of the closing price. *See* Angel Letter, *supra* note 5, at 4.

companies from an unreliable or unrepresentative closing price and/or process could impact an issuer's decision where to list and/or cause companies to forgo going public.[67]

In response to concerns regarding the impact of the proposal on the price discovery process, BZX argued that, because the proposal would only match MOC orders and would require the Exchange to publish the number of matched shares in advance of the primary listing markets' cut-off times, BZX believes it would avoid any impact on price discovery.[68] In addition, BZX offered to disseminate more information with regard to Bats Market Close and to disseminate such information via the applicable securities information processor, in addition to the Bats Auction Feed.[69] BZX further challenged commenters' concerns that Bats Market Close could pull all MOC orders away from the primary listing markets and alter the calculation of the closing price, noting that such a scenario could occur today as a result of competing closing auctions and broker-dealers that offer internal MOC order matching solutions.[70] Furthermore, BZX argued that the competing auctions run by NASDAQ and NYSE Arca could not only pull all MOC interest away from the primary listing markets but could also divert all price-setting limit-on-close interest from those markets as well.[71] BZX also asserted that such competing closing auctions often may produce bad auction prices on the non-primary market, as compared to the proposed Bats Market Close which would ensure that market participants receive the official closing price.[72] Accordingly, BZX contends that the proposal would not impose fragmentation on the market at the close that does not already exist today.[73]

In response to NYSE's arguments regarding the impact on a DMM's ability to price the close, BZX argued that this point highlights what it believes to be an additional benefit of allowing it to compete with NYSE's closing auction.[74] Specifically, BZX argued that its proposal would provide an alternative liquidity pool that would allow users to avoid the ''subjective decision making of the DMMs.'' [75]

With regard to concerns about the impact of the proposal on issuers and their shareholders, BZX reaffirmed that the proposal is designed not to impact the trading environment for issuers and their securities or the price discovery function of the primary listing markets' closing auction.[76]

In arguing that the proposal would cause fragmentation and thus impair the closing price, NYSE and NASDAQ also asserted that the proposal contradicts the Commission's approval of recent amendments to the National Market System Plan to Address Extraordinary Market Volatility (the ''LULD Plan'') which, they argue, centralize re-opening auction liquidity at the primary listing exchange by prohibiting other market centers from re-opening following a trading pause until the primary listing exchange conducts a re-opening auction.[77] Specifically, these commenters asserted that it would be inconsistent for the Commission to find it in the public interest to consolidate trading in a re-opening auction, while sanctioning fragmentation of trading in a closing auction.[78]

In response, BZX argued that this comparison is misplaced.[79] Specifically, BZX said the amendment to the LULD Plan cited by NYSE and NASDAQ granted the primary listing market the ability set the re-opening price but did not mandate the consolidation of orders at the primary listing market following a trading halt.[80] Accordingly, BZX believes the proposal is consistent with the LULD Plan as it seeks to avoid producing a ''bad'' or ''outlier'' closing price and does not affect the centralization of price-setting closing auction orders.[81]

Several commenters addressed the potential impact of the proposal on market complexity and operational risk as a result of increased market fragmentation. Some of these commenters believed that the proposal would not introduce significant additional complexity or operational risk. For example, two commenters argued that the proposal could enhance the resiliency of the closing auction process by providing market participants an additional mechanism through which to execute orders at the official closing price in the event of a disruption at a primary listing market.[82] Another commenter argued that exchanges already have many market data feeds that firms must purchase to ensure that they have all of the information necessary to make informed execution decisions and that adding another data feed will not add complexity given the small amount of information that goes into the closing data feed and the current capabilities of market participants to re-aggregate multiple data feeds.[83]

In contrast, other commenters argued that the proposal would add unnecessary market complexity and operational risk. In particular, two commenters noted that the proposal would require market participants to monitor an additional data feed, the Bats Auction Feed, one noting that if additional exchanges adopted similar functionality to Bats Market Close, it would require monitoring of even more data feeds.[84] These commenters argued that monitoring an additional data feed could increase operational risk by creating another point of failure at a

[67] *See* NYSE Letter 1, *supra* note 5, at 3 and 9 (noting that no single data point is more important than the closing price to the company or its shareholders); GTS Securities Letter, *supra* note 5, at 3–5; EDA Letter, *supra* note 5, at 1; Duffy/Meeks Letter, *supra* note 5, at 1 (stating that the closing price is a critical measure of a company's value and that public companies view the closing auction on the listing exchange as a critical aspect of listing). *See also infra* note 116 and accompanying text.

[68] *See* BZX Letter, *supra* note 5, at 3–4.

[69] *See id.,* at 4 and 12. BZX further asserted that it believed modern software can easily and simply add this data to data disseminated by the primary listing markets. *See id.,* at 4.

[70] *See id.,* at 4–5 (noting that neither NYSE nor NASDAQ prohibits their members from withholding MOC orders from their closing auctions). In response, NYSE stated that it believed such broker-dealer services degrade the public price and size discovery of the primary listing exchanges' closing auctions, but that such activities are not held to the same standards under the Act as national securities exchanges and against which the BZX proposal must be evaluated. *See* NYSE Letter 2, *supra* note 5, at 4.

[71] *See* BZX Letter, *supra* note 5, at 5. BZX provided evidence of 14 instances in June 2017 where a NASDAQ-listed security had no volume in NASDAQ's closing auction but did have volume in NYSE Arca's closing auction. *See id.* In response, NYSE argued that it believed it was misleading to compare the proposal to the competing closing auctions because BZX would be offering neither a competing closing auction nor a facility to establish the official closing price should a primary listing exchange invoke its closing auction contingency plan. *See* NYSE Letter 2, *supra* note 5, at 3.

[72] *See id.* at 4. BZX asserted that 86% of closing auctions conducted by NASDAQ for NYSE-listed securities in June 2017 resulted in closing prices different from the official closing price and 84% of competing closing auctions conducted by NYSE Arca for NASDAQ-listed securities in June 2017 resulted in closing prices different from the official closing price.

[73] *See id.* at 7–8.

[74] *See id.* at 10.

[75] *Id.* In response, NYSE argued that BZX's claims regarding the role of the DMM were not germane to whether the proposal is consistent with the Act and stated that it believed the scale of its closing auction and the low levels of volatility observed in the auction demonstrate its effectiveness. *See* NYSE Letter 2, *supra* note 5, at 4.

[76] *See* BZX Letter, *supra* note 5, at 2 and 4.

[77] *See* NASDAQ Letter, *supra* note 5, at 6; NYSE Letter 1, *supra* note 5, at 3.

[78] *See* NYSE Letter 1, *supra* note 5, at 3.

[79] *See* BZX Letter, *supra* note 5, at 8–9.

[80] *See id.*

[81] *See id.*

[82] *See* SIFMA Letter, *supra* note 5, at 2 and ViableMkts Letter, *supra* note 5, at 3 (further noting that once BZX is able to process MOC orders, they would be in a position to develop the capability to offer a full backup closing auction process).

[83] *See* Clearpool Letter, *supra* note 5, at 2.

[84] *See* NYSE Letter 1, *supra* note 5, at 7; IMC Letter, *supra* note 5, at 1.

critical time of the trading day.[85] One commenter also noted the increased complexity involved in sending order flow to more than one exchange in short periods of time near the close of the trading day.[86] This commenter argued that the proposal increases operational risk and complexity at a critical point of the trading day by forcing market participants whose orders did not match in Bats Market Close to quickly send MOC orders from one exchange to another before the cut-off time at the primary market closing auction.[87] This added complexity, GTS argued, puts additional stress on the systems of exchanges and increases the potential for disruptions.[88] Lastly, two commenters argued that the proposal could encourage other exchanges, broker-dealers, and alternative trading systems to offer similar processes, which would introduce undesirable fragmentation to the market and lead to operational challenges for investors and traders.[89]

In response, BZX argued that the proposal would not increase operational risks, but rather would provide a way to address the single point of failure risk that exists for closing auctions conducted on the primary listing markets.[90] BZX argued that despite the current system of designated auction backups, market participants can be confused about whether an exchange is in fact able to conduct a closing auction.[91] BZX believes Bats Market Close could provide an alternative option for market participants to route orders, in the event there is an impairment at the primary listing market, and still receive the official closing price.[92]

In addition, as noted above, BZX stated that it would be willing to disseminate information regarding matched MOC orders, not only via the Bats Auction Feed, but also via the applicable securities information processor, if permissible.[93] BZX added that modern software can easily and simply add volume data disseminated by the primary listing markets regarding the closing auction and data regarding matched MOC orders from the Bats Market Close.[94]

Several commenters addressed the issue of whether the proposal would facilitate manipulation of both the closing auctions on the primary listing markets, as well as continuous trading during the final minutes of the trading day. Some commenters did not believe it would do so. For example, one commenter noted that incentives to manipulate the closing price already exist and it is unlikely the proposal would result in increased manipulation of the market close.[95] In addition, IEX argued that the proposal would make manipulation of closing crosses more conspicuous.[96] IEX also claimed that the Consolidated Audit Trail would provide a new tool for detecting any such manipulation.[97]

In contrast, several commenters asserted that the proposal raises a risk of manipulation, in part due to the asymmetry of information that would be disseminated, which would allow market participants to utilize informational advantages to their own benefit. For example, NASDAQ argued that information concerning the amount of orders matched through Bats Market Close, would represent tradable information that market participants could use to ''game'' the closing crosses on the primary listing markets and undermine fair and orderly markets.[98] In particular, NASDAQ argued that its closing auction was designed to carefully balance the amount and timing of data released so as to reduce the risk of gaming, but that this new information regarding paired MOC orders could be used to gauge the depth of the market, the direction of existing imbalances, and the likely depth remaining at NASDAQ, creating gaming opportunities.[99] NYSE similarly argued that the proposal would increase potential manipulation.[100] First, NYSE asserted that the potential for manipulative activity at the close would increase because primary listing exchange auctions would decrease in size and thus be easier to manipulate.[101] NYSE also argued that the proposal facilitates manipulative activity by providing an incentive for market participants to inappropriately influence the closing price when they know they have been successfully paired-off on BZX.[102] NYSE further asserted that the proposal could potentially provide some market participants, such as professional traders, with useful information that other market participants do not have, such as the direction of an imbalance, which could be used to influence the official closing price.[103]

Although not citing concerns regarding manipulation specifically, T. Rowe Price similarly argued that the proposal would lead to information asymmetries that could result in changes in continuous trading behavior leading into the market close as some market participants could be trading on information gathered from Bats Market Close pairing results.[104] T. Rowe Price asserted that a market participant that is aware of the composition of volume paired through Bats Market Close at 3:35 p.m. would be in a position to use that information to influence its trading behavior over the next ten to fifteen minutes leading in to the closing auction cut-off times on NYSE and NASDAQ respectively.[105] T. Rowe Price argued that, as a result, the proposal could not only impact price discovery in closing auctions on the primary listing markets it could also impact continuous trading behavior.[106]

NYSE also stated that identifying manipulative activity would also become more difficult under the proposal due to the time difference between the Bats Market Close and primary market closing auctions and the cross-market nature of the manipulation.[107] GTS similarly argued that the proposal would make surveillance of the market close more difficult and expensive due to

[85] *See* IMC Letter, *supra* note 5, at 1 and NYSE Letter 1, *supra* note 5, at 7. *See also* Ethan Allen Letter, *supra* note 5 (arguing the proposal would add a layer of complexity).

[86] *See* GTS Letter, *supra* note 5, at 6.

[87] *See* GTS Letter, *supra* note 5, at 6. Furthermore, NYSE argued that in certain situations, investors may not be able to participate in a closing auction on NYSE American or NYSE Arca if they wait until after their order was cancelled by BZX to send in a market-on-close order to closing auctions on NYSE Arca and NYSE American. NYSE explained that in situations where there is an order imbalance priced outside the Auction Collars, orders on the side of the imbalance are not guaranteed to participate in the closing auctions on those two exchanges. Earlier submitted market-on-close orders have priority. *See* NYSE Letter 1, *supra* note 5, at 8.

[88] *See* GTS Letter, *supra* note 5, at 6.

[89] *See* T. Rowe Price Letter, *supra* note 5, at 1–2. *See also* NASDAQ Letter, *supra* note 5, at 8 (noting that other exchanges may propose similar offerings but choose different pairing cut-off times which could further complicate investors' decisions and programming requirements).

[90] *See* BZX Letter, *supra* note 5, at 12.

[91] *See id.*

[92] *See id.*

[93] *See id.,* at 4 and 12.

[94] *See id.,* at 4.

[95] *See* Angel Letter, *supra* note 5, at 5.

[96] *See* IEX Letter, *supra* note 5, at 2.

[97] *See id.,* at 2–3.

[98] *See* NASDAQ Letter, *supra* note 5, at 8.

[99] *See* NASDAQ Letter, *supra* note 5, at 8.

[100] *See* NYSE Letter 1, *supra* note 5, at 6. *See also* Americas Executions Letter, *supra* note 5 (stating that the proposal creates new opportunities to possibly manipulate the close).

[101] *See* NYSE Letter 1, *supra* note 5, at 6.

[102] *See* NYSE Letter 1, *supra* note 5, at 6.

[103] *See id.* However, ViableMkts argued that because these market participants would not know the full magnitude of the imbalance, it does not believe the proposal creates an incremental risk of manipulation. *See* ViableMkts Letter, *supra* note 5, at 5.

[104] *See* T. Rowe Price Letter, *supra* note 5, at 2–3.

[105] *See id.*

[106] *See id.*

[107] *See* NYSE Letter 1, *supra* note 5, at 6.

fragmentation of order flow across multiple markets.[108]

In response, BZX argued that it does not believe that the proposal creates a potential for increased manipulation.[109] Should the Commission approve the proposal, BZX notes that both it and FINRA as well as other exchanges would continue to surveil for manipulative activity and ''seek to punish those that engage in such behavior.'' [110] Furthermore, BZX argued that information asymmetries are inherent in trading, including the primary listing markets closing auctions.[111] For example, BZX argued that the current operation of d-Quotes on NYSE carries a risk of manipulation as it provides an informational advantage to NYSE DMMs and floor brokers, and allows d-Quotes to be entered, modified or cancelled up until 3:59:50 p.m. while other market participants are prohibited from entering, modifying or cancelling on-close orders after 3:45 p.m.[112] Lastly, BZX argued that the information disseminated through the Bats Auction Feed would not provide an indication of whether the cancelling of a particular side of an order is meaningful, which limits its potential to impact the official closing price.[113]

Several commenters also addressed the potential impacts of the proposal on market participants that they assert play important roles in facilitating closing auctions on NYSE. Specifically, three commenters asserted that the proposal would have potentially detrimental impacts on NYSE floor brokers.[114] Eighteen commenters asserted that the proposal would make it more difficult for Designated Market Makers to facilitate an orderly close of NYSE listed securities as they would lose the ability to continually assess the composition of market-on-close interest.[115] Many of these commenters that are issuers asserted that one of the reasons they chose to list on NYSE was the ability to have access to a DMM that is responsible for facilitating an orderly closing auction.[116]

Several commenters stated that the proposal could harm issuers, particularly small and mid-cap companies.[117] Many of these commenters, some of which are issuers, stated that the current centralized closing auctions on the primary listing markets contribute meaningful liquidity to a company's stock, facilitates investment in the company, and helps to lower the cost of capital. Accordingly, these commenters expressed concern that potential fragmentation caused by the proposal could negatively impact liquidity during the closing auction, causing detrimental effects to listed issuers.[118] Several commenters further argued that centralized closing auctions provide better opportunities to fill large orders with relatively little price impact.[119]

In contrast, one commenter argued that the proposal would improve aggregate liquidity at the official closing price.[120] Specifically, this commenter asserted that the lower aggregate cost of trading would likely spur incremental increases in trading volumes.[121] In addition, this commenter stated that the ability to enter MOC orders into Bats Market Close with little risk of information leakage may attract an additional source of liquidity.[122]

Finally, some commenters identified areas that they believed were not adequately addressed by the proposal and/or made suggestions for modifications to the Exchange's proposal. For example, one commenter suggested that BZX extend the proposed MOC Cut-Off Time to closer to the primary market close.[123] Another commenter suggested that, as an alternative, NYSE and NASDAQ should voluntarily review and reduce their auction fee structures, or, alternatively, the Commission should impose a cap on transaction fees for closing auctions.[124] Lastly, NASDAQ also noted several areas, or scenarios, that it believed were not adequately explained by the proposal.[125]

IV. Proceedings To Determine Whether To Approve or Disapprove the BZX Proposal

The Commission hereby institutes proceedings pursuant to Section 19(b)(2) of the Act [126] to determine whether the Exchange's proposed rule change should be approved or disapproved. Further, pursuant to Section 19(b)(2)(B) of the Act,[127] the Commission is hereby providing notice of the grounds for disapproval under consideration. The Commission believes it is appropriate to institute proceedings at this time in view of the legal and policy issues raised by the proposal. Institution of proceedings does not indicate, however, that the Commission has reached any

[108] *See* GTS Securities Letter, *supra* note 5, at 6.

[109] *See* BZX Letter, *supra* note 5, at 11–12.

[110] *See id.,* at 11

[111] *See id.,* at 11–12.

[112] *See id.,* at 12. BZX also requested that the Commission review the appropriateness of NYSE's use of the d-Quote and its potential for price manipulation of NYSE's closing prices. *See id.,* at 9.

[113] *See id.*

[114] *See* Bowers Letter, *supra* note 5; Meridian Letter, *supra* note 5; and Americas Executions Letter, *supra* note 5.

[115] *See* NYSE Letter 1, *supra* note 5, at 4; GTS Securities Letter, *supra* note 5, at 2–3; Customers Bancorp Letter, *supra* note 5; Masonite International Letter, *supra* note 5; Orion Group Letter, *supra* note 5; CTS Corporation Letter, *supra* note 5; Encana Letter, *supra* note 5; Triangle Capital Letter, *supra* note 5; Pennsylvania REIT Letter, *supra* note 5; IMC Letter, *supra* note 5, at 1–2; Southern Company Letter, *supra* note 5; Nobilis Health Letter, *supra* note 5; CACI Letter, *supra* note 5; Turning Point Letter, *supra* note 5; P&G Letter, *supra* note 5; Cardinal Health Letter, *supra* note 5; FedEx Letter, *supra* note 5; and Stewart Letter, *supra* note 5. *See also supra* notes 57–59 and accompanying text.

[116] *See* GTS Securities Letter, *supra* note 5, at 2–3; Masonite International Letter, *supra* note 5; Encana Letter, *supra* note 5; Triangle Capital Letter, *supra* note 5; Pennsylvania REIT Letter, *supra* note 5; Nobilis Health Letter, *supra* note 5; CACI Letter, *supra* note 5; Turning Point Letter, *supra* note 5; P&G Letter, *supra* note 5; Cardinal Health Letter, *supra* note 5; FedEx Letter, *supra* note 5; and Stewart Letter, *supra* note 5.

[117] *See* NASDAQ Letter, *supra* note 5, at 6–7; NYSE Letter 1, *supra* note 5, at 3; GTS Securities Letter, *supra* note 5, at 2–5; Customers Bancorp Letter, *supra* note 5; Orion Group Letter, *supra* note 5; CTS Corporation Letter, *supra* note 5; IMC Financial Letter, supra note 5, at 1–2; Southern Company Letter, *supra* note 5; Nobilis Health Letter, *supra* note 5; EDA Letter, *supra* note 5, at 1–2; Coupa Software Letter, *supra* note 5; Trade Desk Letter, *supra* note 5; Duffy/Meeks Letter, *supra* note 5, at 1; and Henry Schein Letter, *supra* note 5.

[118] *See* Customers Bancorp Letter, *supra* note 5; Orion Group Letter, *supra* note 5; CTS Corporation Letter, *supra* note 5; Southern Company Letter, *supra* note 5; Duffy/Meeks Letter, *supra* note 5, at 1–2 (noting that the proposal could cause a disruption to the closing auction process, which could lead to discouraging investors from participating in and having confidence in our markets); and Five9 Letter, *supra* note 5.

[119] *See e.g.,* Bowers Letter, *supra* note 5; Americas Executions Letter, *supra* note 5; Customers Bancorp Letter, *supra* note 5; Orion Group Letter, *supra* note 5; and Southern Company Letter, *supra* note 5.

[120] *See* ViableMkts Letter, *supra* note 5, at 2.

[121] *See id.*

[122] *See id.*

[123] *See* Clearpool Letter, *supra* note 5, at 4.

[124] *See* T. Rowe Price Letter, *supra* note 5, at 3.

[125] *See* NASDAQ Letter, *supra* note 5, at 13. Specifically, NASDAQ provides several scenarios to illustrate areas in which it believes how the Bats Market Close would operate is unclear, including where: (1) NASDAQ does not conduct a closing cross; (2) the official closing price for a NASDAQ-listed security is the consolidated last sale price, which is an inferior price to the NBBO at 4:00 p.m.; and (3) the official closing price would trade through the Bats resting limit order book. In addition, NASDAQ argues that BZX did not adequately explain how it would avoid using a possibly ''stale'' price if there were no orders and thus no auction on a primary listing market, but there were MOC orders in Bats Market Close.

[126] 15 U.S.C. 78s(b)(2).

[127] 15 U.S.C. 78s(b)(2)(B). Section 19(b)(2)(B) of the Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. *See id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding, or if the exchange consents to the longer period. *See id.*

conclusions with respect to any of the issues involved.

In particular, the Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with: (1) Section 6(b)(5) of the Act which requires, among other things, that the rules of a national securities exchange be designed ''to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, . . . to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest;'' [128] and (2) Section 6(b)(8) of the Act, which requires that the rules of a national securities exchange ''not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act].'' [129]

As described above, BZX proposes to introduce Bats Market Close, a closing match process for non-BZX listed securities that would match MOC orders submitted to the Bats Market Close at the official closing price for such security published by the primary listing market. Under the proposal, Members would be able to submit, cancel, and replace MOC orders designated for the Bats Market Close up until the MOC Cut-Off Time at 3:35 p.m., after which time orders would be matched for execution and any remaining imbalance would be cancelled back to the Member(s). BZX would disseminate, via the Bats Auction Feed, the total size of all buy and sell orders matched for each security. The Exchange asserts that its proposal would increase competition and decrease fees for market participants, without impacting the price discovery process.

The Commission has consistently recognized the importance of closing auctions of the primary listing markets. For example, in its adoption of Regulation SCI, the Commission identified systems used to support closings on the primary market as ''critical SCI systems,'' stating that ''reliable . . . closings on the primary listing markets are key to the establishment of fair and orderly markets,'' and noting that ''closing auctions at the primary listing markets attract widespread participation, and the closing prices they establish are commonly used as benchmarks.'' [130] Accordingly, the Commission is considering whether the proposal removes impediments to and perfects the mechanism of a free and open market and a national market system, and what its impact would be on the primary listing markets' closing auctions, including their important price discovery functions, or the reliability and integrity of the closing prices that they establish. Further, the Commission is considering whether the proposal imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, including the potential competitive burdens that may be created when an exchange offers market participants the ability to execute orders at a lower cost at the closing price established by another exchange, without incurring the costs of developing and operating the closing auctions from which the price is derived. In addition, the Commission is considering whether the proposal is designed to prevent fraudulent and manipulative acts and practices and, in particular, whether it would provide increased incentives or opportunities for inappropriate utilization of information to manipulate the closing price. Finally, the Commission is considering whether the proposal would have additional impacts on the markets, including increased complexity and operational risk, that would be inconsistent with the protection of investors and the public interest.

V. Commission's Solicitation of Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other relevant concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Sections 6(b)(5) and 6(b)(8) of the Act, or any other provision of the Act or rule or regulation thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[131]

Such comments should be submitted by September 14, 2017. Rebuttal comments should be submitted by September 28, 2017. The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposal, which are set forth in the Notice,[132] in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment, including, where relevant, any specific data, statistics, or studies, on the following:

1. Would the proposed rule change affect price discovery in the closing auction process on each primary listing exchange? If so, how? Would any such impact be the same at each of the primary listing exchanges? What information do market participants need going into the closing auction? Would the proposed rule change affect the information available to market participants during the closing auction process? If so, how? If commenters believe the proposal would harm price discovery in the closing auction process, to the extent possible please provide specific data, analyses, or studies for support.

2. To what extent, if at all, would the availability of the Bats Market Close impact market participants' use of limit-on-close orders in the closing auction processes on the primary listing exchanges, including with respect to size and price? Please explain. Would market participants use MOC orders in the Bats Market Close as a substitute for using limit orders to participate in the closing auction processes at the primary listing exchanges? Would any such impacts be the same for each of the primary listing exchanges? Are there differences between the closing auction processes at each of the primary listing exchanges whereby the proposed Bats Market Close would have differing effects on each primary listing exchange? If so, please explain. How does information available in the closing auction process affect market participants' order submissions and/or determination of the closing price? Would the proposed rule change affect market participants' trading strategies in closing auctions? If so, how? If commenters believe the proposal would impact the use of limit-on-close orders in closing auctions, to the extent possible please provide specific data, analyses, or studies for support.

[128] 15 U.S.C. 78f(b)(5).

[129] 15 U.S.C. 78f(b)(8).

[130] Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72255, 72278 (December 5, 2014).

[131] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[132] *See* Notice, *supra* note 3.

3. What analyses of available data could provide information about relationships between information disseminated during closing auctions, trading strategies in closing auctions, and closing prices? How would such analyses help estimate the impact, if any, of any changes in the availability of information under the proposed rule change on trading strategies and closing prices? In this regard, to the extent possible, please provide specific data, analyses, or studies in support.

4. What amount of trading volume at the close occurs on venues other than the primary listing exchanges (such as competing closing auctions and/or broker-dealer internal matching processes for MOC orders) and how does such closing volume compare with that of the primary listing exchanges? How does that volume impact the closing auction process on each of the primary listing exchanges? If commenters believe the proposal would impact volume in the closing auction process, to the extent possible please provide specific data, analyses, or studies for support. How does the Bats Market Close proposal differ from such existing processes (*i.e.,* competing closing auctions and/or broker-dealer internal MOC matching processes)? Would the proposal affect the existing level of fragmentation in the market? If so, how? Please describe. Would the proposal impact the aggregate liquidity at the primary listing markets during the closing auctions? If so, how? If commenters believe the proposal would impact the existing level of fragmentation in the market or aggregate liquidity at the primary listing markets during the closing auction, to the extent possible please provide specific data, analyses, or studies for support. Would the matching of a significant amount of MOC orders at a venue other than the primary listing market affect the integrity or reliability of the official closing auction and the resulting closing price? If so, how? Please describe in detail and provide examples if possible. Further, if commenters believe the proposal would affect the integrity or reliability of the official closing auction and the resulting closing price, to the extent possible please provide specific data, analyses, or studies for support.

5. Would the proposal have a positive, negative, or neutral impact on competition? Please explain. How would any impact on competition from the proposal benefit or harm the national market system and/or the various market participants? Please describe and explain how, if at all, aspects of the national market system and/or different market participants would be affected. What are the current costs associated with a primary listing market developing and operating a closing auction, and to what extent (and if so, how) are these costs passed on to market participants today? How do the fixed costs associated with developing closing auctions compare to the variable costs of conducting closing auctions? How do the revenues collected from closing auctions compare to these costs? Would the proposal impact the current fees charged by the primary listing markets for participation in their closing auctions? If so, how? If commenters believe the proposal would impact competition, to the extent possible please provide specific data, analyses, or studies for support.

6. What effect would the proposal have on market complexity and/or operational risk, if any? If commenters believe the proposal would impact market complexity and operational risk, to the extent possible, please provide specific data, analyses, or studies for support. Would the daily process of cancelling unmatched MOC orders back to members so that they can be routed to the primary listing markets before the closing auction cut-off times create operational or other risks for the markets or market participants? If so, please describe. Would any such risks be different than the risks that currently exist now for market participants? Are there alternative ways of managing unmatched orders that would have different implications for the operational risks of the proposal? If so, please describe. Would the monitoring of an additional data feed be difficult or increase risk for market participants? Why or why not?

7. Would the proposal affect the potential for manipulation and, if so, what types of manipulative activity might result from, or be decreased by, the proposal? Would the proposal create informational advantages for certain market participants? If so, please detail these advantages and describe whether and how such information could be utilized to a market participant's own advantage. Would such informational advantages differ from information asymmetries that exist in the markets today? If so, please describe. Would the proposal affect surveillance for manipulation negatively or positively, and are existing surveillance tools adequate to monitor any increased risk? Please explain. If commenters believe the proposal would increase or decrease the potential for manipulative activity, to the extent possible please provide specific data, analyses, or studies for support.

8. What are the potential impacts of the proposal for listed issuers? For example, would the proposal impact the liquidity of an issuer's stock? If so, how? Would the proposal affect an issuer's decision as to whether to list their securities on a national securities exchange? If so, how? Would any impacts of the proposal affect small and mid-sized listed companies differently from larger listed companies? If so, please describe how. What other impacts, if any, could the proposal have on various other market participants, such as market makers and floor brokers, and in particular, their roles in the closing? If commenters believe the proposal would impact listed issuers or other market participants, to the extent possible please provide specific data, analyses, or studies for support.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BatsBZX–2017–34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsBZX–2017–34. The 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 publicly available. All submissions should refer to File Number SR–BatsBZX–2017–34 and should be submitted on or before September 14, 2017. Rebuttal comments should be submitted by September 28, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[133]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–17909 Filed 8–23–17; 8:45 am]

BILLING CODE 8011–01–P

[133] 17 CFR 200.30–3(a)(57) and (58).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15251 and #15252; Vermont Disaster Number VT–00033]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Vermont

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Vermont (FEMA–4330–DR), dated August 16, 2017.

DATES: Issued on 08/16/2017.

Physical Loan Application Deadline Date: 10/16/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/16/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/16/2017, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

Incident: Severe Storms and Flooding.

Incident Period: 06/29/2017 through 07/01/2017.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Addison, Bennington, Caledonia, Orange, Rutland, Washington, Windsor

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15251B and for economic injury is 152520.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–17900 Filed 8–23–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15247 and #15248; Kentucky Disaster Number KY–00065]

Administrative Declaration of a Disaster for the State of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of KENTUCKY.

Dated: 08/15/2017.

DATES: Issued on: 08/15/2017.

Physical Loan Application Deadline Date: 10/16/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/15/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

Incident: Torrential Rains, Flash Flooding and Mudslides.

Incident Period: 07/23/2017.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Mason

Contiguous Counties:

Kentucky: Bracken, Fleming, Lewis, Robertson

Ohio: Adams, Brown

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.500
Homeowners Without Credit Available Elsewhere	1.750
Businesses With Credit Available Elsewhere	6.610
Businesses Without Credit Available Elsewhere	3.305
Non-Profit Organizations With Credit Available Elsewhere	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.305
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15247 B and for economic injury is 15248 0.

The States which received an EIDL Declaration # are Kentucky Ohio.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: August 15, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–17917 Filed 8–23–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15224 and #15225; California Disaster Number CA–00275]

Administrative Declaration Amendment of Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Administrative declaration of a disaster for the State of CALIFORNIA dated 08/11/2017.

DATES: Issued on 08/11/2017.

Physical Loan Application Deadline Date: 09/29/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/01/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of an Administrative declaration for the State of CALIFORNIA, dated 07/31/2017, is hereby amended to establish the incident closing date as 08/01/2017.

Incident: Detwiler Fire.

Incident Period: 07/16/2017 through 08/01/2017.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Linda E. McMahon,

Administrator.

[FR Doc. 2017–17915 Filed 8–23–17; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2017–0016]

Initiation of Section 301 Investigation; Hearing; and Request for Public Comments: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation; hearing; and request for comments.

SUMMARY: The United States Trade Representative has initiated an investigation pursuant to the Trade Act of 1974, as amended (the Trade Act), to determine whether acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation are actionable under the Trade Act. The inter-agency Section 301 Committee is holding a public hearing and seeking comments in connection with this investigation.

DATES: The United States Trade Representative initiated the investigation on August 18, 2017. The schedule and due dates are as follows:

To be assured of consideration, written comments and requests to appear at the hearing must be submitted by Thursday, September 28, 2017 at 11:59 p.m. The request to appear must include a summary of testimony.

Tuesday, October 10, 2017: The Section 301 Committee will convene a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, beginning at 9:30 a.m. If necessary, the hearing may continue on the next business day.

To be assured of consideration, post-hearing rebuttal comments must be submitted by Friday, October 20, 2017 at 11:59 p.m.

ADDRESSES: You should submit written comments through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in section II below. For alternatives to on-line submissions, please contact Gwendolyn Diggs at (202) 395–3150 before transmitting a comment and in advance of the relevant deadline.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments or participating in the public hearing, contact Gwendolyn Diggs at (202) 395–3150. Direct all other questions regarding this notice to William Busis, Deputy Assistant U.S. Trade Representative for Monitoring and Enforcement and Chair of the Section 301 Committee, or Katherine Linton and Arthur Tsao, Assistant General Counsels at (202) 395–3150.

SUPPLEMENTARY INFORMATION

A. The President's Memorandum

On August 14, 2017, the President issued a Memorandum (82 FR 39007) to the United States Trade Representative stating *inter alia:*

> China has implemented laws, policies, and practices and has taken actions related to intellectual property, innovation, and technology that may encourage or require the transfer of American technology and intellectual property to enterprises in China or that may otherwise negatively affect American economic interests. These laws, policies, practices, and actions may inhibit United States exports, deprive United States citizens of fair remuneration for their innovations, divert American jobs to workers in China, contribute to our trade deficit with China, and otherwise undermine American manufacturing, services, and innovation.

The Memorandum included the following instruction:

> The United States Trade Representative shall determine, consistent with section 302(b) of the Trade Act of 1974 (19 U.S.C. 2412(b)), whether to investigate any of China's laws, policies, practices, or actions that may be unreasonable or discriminatory and that may be harming American intellectual property rights, innovation, or technology development.

Pursuant to the President's Memorandum, on August 18, 2017, the United States Trade Representative initiated an investigation under section 302(b) of the Trade Act (19 U.S.C. 2412(b)) to determine whether acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation are unreasonable or discriminatory and burden or restrict U.S. commerce.

B. The Chinese Government's Acts, Policies and Practices

The acts, policies and practices of the Government of China directed at the transfer of U.S. and other foreign technologies and intellectual property are an important element of China's strategy to become a leader in a number of industries, including advanced-technology industries, as reflected in China's ''Made in China 2025'' industrial plan, and other similar industrial policy initiatives. The Chinese government's acts, policies, and practices take many forms. The investigation initially will consider the following specific types of conduct:

First, the Chinese government reportedly uses a variety of tools, including opaque and discretionary administrative approval processes, joint venture requirements, foreign equity limitations, procurements, and other mechanisms to regulate or intervene in U.S. companies' operations in China, in order to require or pressure the transfer of technologies and intellectual property to Chinese companies. Moreover, many U.S. companies report facing vague and unwritten rules, as well as local rules that diverge from national ones, which are applied in a selective and non-transparent manner by Chinese government officials to pressure technology transfer.

Second, the Chinese government's acts, policies and practices reportedly deprive U.S. companies of the ability to set market-based terms in licensing and other technology-related negotiations with Chinese companies and undermine U.S. companies' control over their technology in China. For example, the Regulations on Technology Import and Export Administration mandate particular terms for indemnities and ownership of technology improvements for imported technology, and other measures also impose non-market terms in licensing and technology contracts.

Third, the Chinese government reportedly directs and/or unfairly facilitates the systematic investment in, and/or acquisition of, U.S. companies and assets by Chinese companies to obtain cutting-edge technologies and

intellectual property and generate large-scale technology transfer in industries deemed important by Chinese government industrial plans.

Fourth, the investigation will consider whether the Chinese government is conducting or supporting unauthorized intrusions into U.S. commercial computer networks or cyber-enabled theft of intellectual property, trade secrets, or confidential business information, and whether this conduct harms U.S. companies or provides competitive advantages to Chinese companies or commercial sectors.

In addition to these four types of conduct, interested parties may submit for consideration information on other acts, policies and practices of China relating to technology transfer, intellectual property, and innovation described in the President's Memorandum that might be included in this investigation, and/or might be addressed through other applicable mechanisms.

C. Relevant Provisions of the Trade Act

Section 302(b)(1)(A) of the Trade Act authorizes the United States Trade Representative to initiate an investigation to determine whether conduct is actionable under section 301 of the Trade Act.

Actionable conduct under section 301(b)(1) includes, *inter alia,* acts, policies and practices of a foreign country that are unreasonable or discriminatory and burden or restrict U.S. commerce. Unreasonable actions are those that while not necessarily in violation of, or inconsistent with, the international legal rights of the United States are otherwise unfair and inequitable.

Pursuant to section 302(b)(1)(B), the United States Trade Representative has consulted with appropriate advisory committees. The United States Trade Representative also has consulted with members of the inter-agency Section 301 Committee. On the date of initiation, the United States Trade Representative requested consultations with the Government of China concerning the issues under investigation, pursuant to section 303(a)(1) of the Trade Act (19 U.S.C. 2413(a)(1)).

Pursuant to section 304(a)(2)(B) of the Trade Act, 19 U.S.C. 2414(a)(2)(B), the United States Trade Representative must determine within 12 months from the date of initiation of the investigation whether any act, policy, or practice described in section 301 of the Trade Acts exists and, if that determination is affirmative, what action, if any, to take.

II. Request for Comments and To Testify at the Hearing

A. Topics and Schedule

The Office of the U.S. Trade Representative (USTR) invites written comments on:

1. The acts, policies, and practices of the Chinese government described in Section I.B above.

2. Information on other acts, policies and practices of China relating to technology transfer, intellectual property, and innovation as described in the President's Memorandum, which might be included in this investigation, and/or might be addressed through other applicable mechanisms.

3. The nature and level of burden or restriction on U.S. commerce caused by the applicable acts, policies and practices of the Government of China, and/or any economic assessment of that burden or restriction.

4. The determinations required under section 304 of the Trade Act, that is, whether actionable conduct exists under section 301(b) and what action, if any, should be taken.

To be assured of consideration, USTR must receive initial written comments by 11:59 p.m. on September 28, 2017, in accordance with the instructions in section II.B below.

The Section 301 Committee will convene a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW., Washington DC 20436, beginning at 9:30 a.m. on October 10, 2017. Persons wishing to appear at the hearing must provide written notification of their intention and a summary of the proposed testimony by 11:59 p.m. on September 28, 2017, in accordance with the instructions in section II.B below. Remarks at the hearing may be no longer than five minutes to allow for possible questions from the Section 301 Committee. The deadline for submission of post-hearing rebuttal comments is 11:59 p.m. on October 20, 2017.

Indicate in the ''Type Comment'' field if you are submitting a request to appear at the hearing, and include the name, address and telephone number of the person presenting the testimony. A summary of the testimony should be attached by using the ''Upload File'' field. The file name should include the name of the person who will be presenting the testimony.

B. Requirements for Submissions

Persons submitting a notification of intent to testify, a summary of testimony, or written comments must do so in English, and must identify this matter (on the reference line of the first page of the submission) as ''Section 301 Investigation: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation.''

To be assured of consideration, you must submit written comments, requests to testify, and summaries of testimony by 11:59 p.m. on September 28, 2017. The deadline for submitting rebuttal comments is 11:59 p.m. on October 20, 2017.

All submissions must be in English and sent electronically via *www.regulations.gov* using docket number USTR–2017–0016. You must make any alternative arrangements in advance of the relevant deadline and before transmitting a comment by contacting Gwendolyn Diggs at (202) 395–3150.

To make a submission via *www.regulations.gov,* enter Docket Number USTR–2017–0016 on the home page and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Find the reference to this notice and click on the button labeled ''Comment Now.'' For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on ''How to Use Regulations.gov'' on the bottom of the home page.

The *www.regulations.gov* Web site allows users to provide comments by filling in a ''Type Comment'' field, or by attaching a document using an ''Upload File'' field. USTR prefers that you provide submissions as an attached document. If a document is attached, it is sufficient to type ''see attached'' in the ''Type Comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf) format. If the submission is in another file format, please indicate the name of the software application in the ''Type Comment'' field. File names should reflect the name of the person or entity submitting the comments.

Indicate in the ''Type Comment'' field if you are submitting a request to appear at the hearing, and include the name, address and telephone number of the person presenting the testimony. The file name should include who will be presenting the testimony.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify that the information is business confidential and would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact Katherine Linton at 202–395–3150 to discuss whether alternative arrangements are possible.

We will post comments in the docket for public inspection, except business confidential information. You can view comments on the *https://www.regulations.gov* Web site by entering docket number USTR–2017–0016 in the search field on the home page.

William L. Busis,

Chair, Section 301 Committee, Office of the United States Trade Representative.

[FR Doc. 2017–17931 Filed 8–23–17; 8:45 am]

BILLING CODE 3290–F7–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0042]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 43 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before September 25, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0042 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.*

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 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.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a two-year period 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 43 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption *will achieve the required level of safety mandated by statute.*

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 Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR

52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

David G. Anderton

Mr. Anderton, 58, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Anderton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Anderton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Alaska.

John N. Bailey, III

Mr. Bailey, 63, has had ITDM since 2009. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bailey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bailey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Florida.

Wells R. Betts

Mr. Betts, 55, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Betts understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Betts meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Delaware.

Clyde R. Bigam, Jr.

Mr. Bigam, 75, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bigam understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bigam meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Sten R. Brote

Mr. Brote, 63, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Brote understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brote meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Michele D. Budrys

Ms. Budrys, 62, has had ITDM since 2014. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Budrys understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Budrys meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds an operator's license from Massachusetts.

Keith P. Burk

Mr. Burk, 55, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Burk understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burk meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined

him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Robert E. Conner

Mr. Conner, 69, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Conner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Conner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

George L. Coombs, Jr.

Mr. Coombs, 59, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Coombs understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Coombs meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Isaiah B. Deal

Mr. Deal, 28, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Deal understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Deal meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

James M. Doiron

Mr. Doiron, 51, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Doiron understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Doiron meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Florida.

Daniel T. Gazalie

Mr. Gazalie, 60, has had ITDM since 2000. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gazalie understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gazalie meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Gary V. Grimm

Mr. Grimm, 33, has had ITDM since 2004. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Grimm understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Grimm meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from California.

Joe A. Gritten

Mr. Gritten, 56, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gritten understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gritten meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Bradley S. Hanson

Mr. Hanson, 35, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hanson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hanson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Paul F. Herburger

Mr. Herburger, 55, has had ITDM since 1992. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12

months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Herburger understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Herburger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Iowa.

Robert H. Hopper

Mr. Hopper, 71, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hopper understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hopper meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Rhonda V. Howe

Ms. Howe, 46, has had ITDM since 2013. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Howe understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Howe meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Pennsylvania.

Melvin L. Hutcheson

Mr. Hutcheson, 64, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hutcheson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hutcheson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alabama.

Tyler W. Keel

Mr. Keel, 30, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Keel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Keel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Wyatt E.S. Kitchens

Mr. Kitchens, 27, has had ITDM since 1992. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kitchens understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kitchens meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Georgia.

Gerald A. Korkow

Mr. Korkow, 71, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Korkow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Korkow meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from South Dakota.

Richard B. Maurer

Mr. Maurer, 69, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Maurer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Maurer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

James M. McDonald

Mr. McDonald, 37, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. McDonald understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McDonald meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Mutasim Y.S. Mohamed

Mr. Mohamed, 24, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Mohamed understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mohamed meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Paul S. Montell

Mr. Montell, 42, has had ITDM since 1988. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Montell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Montell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Pennsylvania.

James R. Pemberton

Mr. Pemberton, 57, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pemberton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pemberton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Charles E. Perdue, Jr.

Mr. Perdue, 53, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Perdue understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Perdue meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Christopher L. Recla

Mr. Recla, 46, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Recla understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Recla meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Jon C. Reeves

Mr. Reeves, 47, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Reeves understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reeves meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Hermes L. Rios

Mr. Rios, 49, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rios understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rios meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Maryland.

Abimael Rodriguez

Mr. Rodriguez, 63, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rodriguez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rodriguez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

Dustin A. Rudolfi

Mr. Rudolfi, 32, has had ITDM since 1992. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rudolfi understands diabetes management and monitoring,

has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rudolfi meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Jose A. Sanchez

Mr. Sanchez, 47, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that

Mr. Sanchez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sanchez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Colorado.

James A. Schmidt

Mr. Schmidt, 56, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Schmidt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schmidt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Jacob T. Sigmon

Mr. Sigmon, 29, has had ITDM since 1990. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sigmon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sigmon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

David C. Stouffer

Mr. Stouffer, 63, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Stouffer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stouffer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Pennsylvania.

Jacob T. Streifel

Mr. Streifel, 21, has had ITDM since 2010. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Streifel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Streifel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Jason M. Townsend

Mr. Townsend, 37, has had ITDM since 1988. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Townsend understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Townsend meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Ohio.

Johann J. Trana

Mr. Trana, 46, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Trana understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Trana meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Jacob C. Villa

Mr. Villa, 34, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Villa understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Villa meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Oregon.

Raymond R. Wade

Mr. Wade, 59, has had ITDM since 2003. His endocrinologist examined him

in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wade understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wade meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Edwin M. Yereance

Mr. Yereance, 59, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Yereance understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Yereance meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date's section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0042 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0042 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: August 15, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–17937 Filed 8–23–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0041]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 51 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before September 25, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0042 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.*

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 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.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a two year period 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 51 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption *will achieve the required level of safety mandated by statute.*

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 Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

Mohannad S. Alomran

Mr. Alomran, 53, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Alomran understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Alomran meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Minnesota.

Richard B. Aungier

Mr. Aungier, 69, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Aungier understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Aungier meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

Samantha F. Austin

Ms. Austin, 41, has had ITDM since 2017. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Austin understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Austin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds a Class A CDL from Wyoming.

Peter A. Baines

Mr. Baines, 63, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Baines understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Baines meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Virginia.

Charles B. Blythe

Mr. Blythe, 77, has had ITDM since 2011. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Blythe understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Blythe meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Robert A. Brown

Mr. Brown, 57, has had ITDM since 2003. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Brown understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brown meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Carolina.

Joseph M. Cangialosi

Mr. Cangialosi, 38, has had ITDM since 2000. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cangialosi understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cangialosi meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

Ryan M. Chesemore

Mr. Chesemore, 44, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Chesemore understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chesemore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Adam W. Clindaniel

Mr. Clindaniel, 23, has had ITDM since 2002. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Clindaniel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Clindaniel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Roy S. Decker

Mr. Decker, 67, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Decker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Decker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class D CDL from Kentucky.

John P. Dice, Sr.

Mr. Dice, 68, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Dice understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dice meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Nebraska.

Gary Downer

Mr. Downer, 68, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Downer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Downer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Charles E. Ellis

Mr. Ellis, 61, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist

certifies that Mr. Ellis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ellis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kentucky.

Jesus M. Figueroa

Mr. Figueroa, 49, has had ITDM since 1970. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Figueroa understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Figueroa meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Illinois.

Matthew F. Follis

Mr. Follis, 33, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Follis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Follis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ilinois.

Laura J. Gardocki

Ms. Gardocki, 25, has had ITDM since 2009. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Gardocki understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Gardocki meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds a operator's license from New Hampshire.

Timothy P. Gatzke

Mr. Gatzke, 50, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gatzke understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gatzke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Connecticut.

Heith A. Gibbs

Mr. Gibbs, 35, has had ITDM since 2011. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gibbs understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gibbs meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Ralph E. Gibson

Mr. Gibson, 52, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gibson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gibson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Virginia.

Robert J. Gough

Mr. Gough, 68, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gough understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gough meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Milton Green

Mr. Green, 45, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Green understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Green meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

James R. Grosso

Mr. Grosso, 54, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Grosso understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Grosso meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

Trevor D. Hollingsworth

Mr. Hollingsworth, 49, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hollingsworth understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hollingsworth meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Massachusetts.

Dwight R. James

Mr. James, 57, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. James understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. James meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Washington.

Gailen E. Jarrett

Mr. Jarrett, 61, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Jarrett understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jarrett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Nebraska.

Terry L. King

Mr. King, 61, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. King understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. King meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C CDL from Oregon.

Dennis V. Klima

Mr. Klima, 65, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Klima understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Klima meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Kansas.

Nelson F. Kuney

Mr. Kuney, 57, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kuney understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kuney meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Robert J. Landers, Jr.

Mr. Landers, 60, has had ITDM since 2004. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Landers understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Landers meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Massachusetts.

Donald A. Launsby

Mr. Launsby, 51, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Launsby understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Launsby meets the

requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Jesse R. Leedom

Mr. Leedom, 45, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Leedom understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leedom meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Delaware.

Ronald Liggins

Mr. Liggins, 61, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Liggins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Liggins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Ohio.

Theodore G. Lynn, III

Mr. Lynn, 29, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lynn understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lynn meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Florida.

James T. McBride

Mr. McBride, 27, has had ITDM since 2006. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. McBride understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McBride meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Georgia.

Charles L. McDaniel, Jr.

Mr. McDaniel, 62, has had ITDM since 2010. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. McDaniel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McDaniel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Hampshire.

Mark D. Nelson

Mr. Nelson, 55, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Nelson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nelson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

John B. Nodine

Mr. Nodine, 51, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Nodine understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nodine meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Carolina.

Joseph D. Pawlikowski, Jr.

Mr. Pawlikowski, 28, has had ITDM since 1989. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pawlikowski understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pawlikowski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Colorado.

Steven R. Post

Mr. Post, 65, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Post understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Post meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from West Virginia.

Henry A. Reyenga

Mr. Reyenga, 64, has had ITDM since 2007. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Reyenga understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reyenga meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from California.

Jay B. Ruby

Mr. Ruby, 57, has had ITDM since 1981. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Ruby understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ruby meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Illinois.

Donald J. Schinner, Jr.

Mr. Schinner, 67, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Schinner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schinner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Randy A. Shannon

Mr. Shannon, 53, has had ITDM since 2004. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Shannon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Shannon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

Brian B. Singer

Mr. Singer, 53, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Singer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Singer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Idaho.

Louis L. Sorenson

Mr. Sorenson, 58, has had ITDM since 1992. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sorenson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sorenson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Minnesota.

Norman M. Tello

Mr. Tello, 51, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Tello understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tello meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Washington.

Dean T. VonHagen

Mr. VonHagen, 47, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. VonHagen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. VonHagen meets the requirements of the vision standard at

49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Thomas Windley, Jr.

Mr. Windley, 40, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Windley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Windley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

Joshua G. Wolfzahn

Mr. Wolfzahn, 28, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wolfzahn understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wolfzahn meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Christopher T. Worsley

Mr. Worsley, 40, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Worsley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Worsley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Mark F. Yoder

Mr. Yoder, 60, has had ITDM since 1992. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Yoder understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Yoder meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date's section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0042 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0042 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: August 15, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–17941 Filed 8–23–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1024–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

Currently, the IRS is soliciting comments concerning Form 1024–A, Application for Recognition of Exemption Under Section 501(c)(4) on the Internal Revenue Code.

DATES: Written comments should be received on or before October 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Recognition of Exemption Under Section 501(c)(4) of the Internal Revenue Code.

OMB Number: 1545–XXXX.

Form Number: Form 1024–A.

Abstract: Organizations seeking exemption from Federal income tax under Internal Revenue Code section 501(c)(4) as an organization described in most paragraphs of section 501(c) must use Form 1024–A to apply for exemption. The information collected is used to determine whether the organization qualifies for tax-exempt status.

Current Actions: New collection.

Type of Review: New collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 2,500.

Estimated Time per Respondent: 19 hours, 37 minutes.

Estimated Total Annual Burden Hours: 48,425.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 17, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–17897 Filed 8–23–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATES: The meeting will be held September 14, 2017.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held at 999 North Capitol Street NE., Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Michelle A. Levitte, AP:SEPR:AAS, 290 Broadway, 11th Floor, New York, NY 10007 (212) 298–2222 (not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., that a closed meeting of the Art Advisory Panel will be held at 999 North Capitol Street NE., Washington, DC 20003.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in sections 552b(c)(3), (4), (6), and (7), of the Government in the Sunshine Act, and that the meeting will not be open to the public.

Donna Hansberry,

Chief, Appeals.

[FR Doc. 2017–17899 Filed 8–23–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8838–P

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Information collection; request for comments.

SUMMARY: The Internal Revenue Service (IRS), in accordance with the Paperwork Reduction Act of 1995 (PRA 95), provides the general public and Federal agencies with an opportunity to comment on continuing collections of information. This helps the IRS assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the IRS's information collection requirements and provide the requested data in the desired format. The IRS is soliciting comments concerning the Form 8838–P, Consent To Extend the Time To Assess Tax Pursuant to the Gain Deferral Method Under Section 721(c).

DATES: Written comments should be received on or before October 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the regulation should be directed to Taquesha Cain, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Taquesha.R.Cain@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Consent To Extend the Time To Assess Tax Pursuant to the Gain Deferral Method (Section 721(c)).

OMB Number: 1545–1668.

Form Number: 8838–P.

Abstract: Form 8838–P is used to extend the statute of limitations for U.S. persons who transfers appreciated property to partnerships with foreign partners related to the transferor. The form is filed when the transferor makes a gain recognition agreement. This agreement allows the transferor to defer the payment of tax on the transfer. The IRS uses Form 8838–P so that it may assess tax against the transferor after the expiration of the original statute of limitations.

Current Actions: This is a new form added to the collection and the burden will increase from what has been previously approved by OMB.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 7 hour, 3 minutes.

Estimated Total Annual Burden Hours: 7,050.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 17, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–17896 Filed 8–23–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2017–41 (Modifying Rev. Proc. 2015–36) Master and Prototype and Volume Submitter Plans (Previously Rev. Proc. 2011–49 & 2005–16)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: The Internal Revenue Service (IRS), in accordance with the Paperwork Reduction Act of 1995 (PRA 95), provides the general public and Federal agencies with an opportunity to comment on continuing collections of information. This helps the IRS assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the IRS's information collection requirements and provide the requested data in the desired format. The IRS is soliciting comments concerning the restructure of the current revenue procedure approach for issuing Opinion Letters regarding the qualification in form of Pre-approved Plans.

DATES: Written comments should be received on or before October 23, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the regulation should be directed to Taquesha Cain, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Taquesha.R.Cain@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Master and Prototype and Volume Submitter Plans.

OMB Number: 1545–1674.

Revenue Procedure Number: Revenue Procedure 2017–41 (modifying Rev. Proc. 2015–36) (previously Rev. Proc. 2011–49 & 2005–16).

Abstract: This revenue procedure modifies Rev. Proc. 2015–36 and sets forth the procedures for the merger of the master and prototype (M&P) program with the volume submitter (VS) plan. This revenue procedure requires employers adopting pre-approved plans to complete and sign new signature pages or new adoption agreements, as applicable, in order to restate their plans for recent changes in the law. This revenue procedure require sponsors of pre-approved plans to furnish copies of their plans to the Service's Employee Plans Determinations office, maintain records of employers that have adopted their plans, prepare and communicate any necessary interim amendments to adopting employers, make reasonable and diligent efforts to ensure that employers restate their plans when necessary, and notify employers if the sponsor concludes that employers' plans are no longer qualified. provides that mass submitters must keep records of their user fees. This allows mass submitters to certify to the number of other practitioners seeking approval of the identical pre-approved plan. In addition mass submitters must prepare and communicate any necessary interim amendments to the word for word identical adopters.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 321,500.

Estimated Time per Respondent: 3 hour, 27 minutes.

Estimated Total Annual Burden Hours: 1,108,225.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 9, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–17898 Filed 8–23–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Advisory Committee on Former Prisoners of War (FPOW) will meet September 13–15, 2017, from 9:00 a.m.–4:30 p.m. CST at the Westin Peachtree Plaza Hotel, 210 Peachtree Street NW., Atlanta, GA 30303. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under Title 38 U.S.C., for Veterans who are FPOWs, and to make recommendations on the needs of such Veterans for compensation, health care, and rehabilitation.

On Wednesday, September 13, the Committee will convene an open session to recognize and hear briefings from the Veterans Health Administration (VHA) officials and external stakeholders.

On Thursday, September 14, the Committee will assemble an open session for discussion and hear briefings from the Veterans Benefits Administration (VBA) and Veterans Health Administration (VHA) officials and external stakeholders.

On Friday, September 15, the Committee will participate in a National POW/MIA Recognition Day Ceremony at the Atlanta VA Medical Center located at 1700 Clairmont Road, Decatur, GA 30033. At 12:00 p.m., the committee meeting will be formally adjourned.

FPOWs who wish to speak at the public forum are invited to submit a 1–2 page commentary for inclusion in official meeting records. Any member of the public may also submit a 1–2 page commentary for the Committee's review.

Any member of the public wishing to attend the meeting or seeking additional information should contact Ms. Leslie N. Williams, Designated Federal Officer, Advisory Committee on Former Prisoners of War at *Leslie.Williams1@va.gov* or via phone at (202) 530–9219.

Dated: August 21, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–17925 Filed 8–23–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0836]

Agency Information Collection Activity: NVSBE Post Engagement Survey

AGENCY: Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Office of Small and Disadvantaged Business Utilization (OSDBU), 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 reinstatement 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 *www.Regulations.gov;* or Milagros Ortiz (00SB), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Milagros.Ortiz@va.gov*). Please refer to ''OMB Control No. 2900–0836'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Milagros Ortiz at (202) 461–4279 or FAX (202) 461–4301.

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, CVE invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of CVE's functions, including whether the information will have practical utility; (2) the accuracy of CVE'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: Pub. L. 104–13; 44 U.S.C. 3501–3521.

Title: NVSBE Post-Engagement Survey.

OMB Control Number: 2900–0836.

Type of Review: Revision of a currently approved collection.

Abstract: Vetbiz Vendor Information Pages Verification Program is used to assist federal agencies in identifying small businesses owned and controlled by veterans and service-connected disable veterans. The information is necessary to ensure that veteran own businesses are given the opportunity to participate in Federal contracts and receive contract solicitations information automatically. VA will use the data collected to verify small businesses as veteran-owned or service-disabled veteran-owned.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 167 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Annual.

Estimated Number of Respondents: 1,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2017–17924 Filed 8–23–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Regulatory Information Service Center

Semiannual Regulatory Agenda

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: The Update to the 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions.

Publication of the Update to the 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions represents a key component of the regulatory planning mechanism prescribed in Executive Order 12866 ''Regulatory Planning and Review'' (58 FR 51735) and Executive Order 13771 (82 FR 93390, January 30, 2017, Reducing Regulation and Controlling Regulatory Costs.

The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602).

In the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda) agencies report regulatory actions upcoming in the next year. Executive Order 12866 ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

The Unified Agenda helps agencies fulfill these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of the Unified Agenda. The complete update of the 2017 Unified Agenda contains the regulatory agendas for 66 Federal agencies, is available to the public at *http://reginfo.gov.*

The Update to the 2017 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

ADDRESSES: Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., MVE, Room 2219F, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry. To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., MVE, Room 2219F, Washington, DC 20405, (202) 482–7340. You may also send comments to us by email at: *RISC@gsa.gov.*

SUPPLEMENTARY INFORMATION:

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

I. What is the Unified Agenda?

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at *http://reginfo.gov.* The online Unified Agenda offers user-friendly flexible search tools and a vast historical database.

The Update to the 2017 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://reginfo.gov.*

These publication formats meet the publication mandates of the Regulatory Flexibility Act and Executive Order 12866. The complete online edition of the Unified Agenda includes regulatory agendas from 66 Federal agencies. Agencies of the United States Congress are not included.

The following agencies have no entries identified for inclusion in the printed regulatory flexibility agenda. The regulatory agendas of these agencies are available to the public at *http://reginfo.gov.*

Department of Education
Department of State
Department of Veterans Affairs
African Development Foundation
Agency for International Development
Commission on Civil Rights
Committee for Purchase From People Who Are Blind or Severely Disabled
Corporation for National and Community Service
Court Services and Offender Supervision Agency for the District of Columbia
Equal Employment Opportunity Commission
National Archives and Records Administration
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
Office of Government Ethics
Office of Management and Budget
Office of Personnel Management
Office of the United States Trade Representative
Peace Corps
Pension Benefit Guaranty Corporation
Privacy and Civil Liberties Oversight Board
Railroad Retirement Board
Social Security Administration
Council of the Inspectors General on Integrity and Efficiency
Defense Nuclear Facilities Safety Board
Farm Credit Administration
Farm Credit System Insurance Corporation
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Trade Commission
National Council on Disability
National Credit Union Administration
National Indian Gaming Commission
National Labor Relations Board
National Transportation Safety Board
Postal Regulatory Commission
Special Inspector General for Afghanistan Reconstruction

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866 (incorporated by reference in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Unified Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to

include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue or withdraw regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why is the Unified Agenda published?

The Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Executive Order 12866

Executive Order 12866 entitled ''Regulatory Planning and Review,'' signed September 30, 1993, (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda.

Executive Order 13771 Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771 entitled ''Reducing Regulation and Controlling Regulatory Costs signed January 27, 2017, (82 FR 8977) requires that for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.

Regulatory Flexibility Act

The *Regulatory Flexibility Act* requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272 entitled ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002, (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 13132

Executive Order 13132 entitled ''Federalism,'' signed August 4, 1999, (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The *Unfunded Mandates Reform Act of 1995* (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more . . . in any 1 year . . . .'' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211 entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001, (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The *Small Business Regulatory Enforcement Fairness Act* (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is ''major'' if it has resulted, or is likely to result, in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How is the Unified Agenda organized?

Agency regulatory flexibility agendas are printed in a single daily edition of the **Federal Register**. A regulatory flexibility agenda is printed for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The parts are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Agencies may in turn be divided into sub-agencies. Each agency's part of the Agenda contains a

preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

The online, complete Unified Agenda contains the preambles of all participating agencies. In the online Agenda, users can select the particular agencies whose agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Unified Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on *http://reginfo.gov* to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major—whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall

prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 06/00/14 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism—whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—whether the rulemaking was included in the agency's current regulatory plan published in fall 2015.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—the Internet address of a site that provides more information about the entry.

Public Comment URL—the Internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the government-wide e-rulemaking site, *http://www.regulations.gov*.

Additional Information—any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Some agencies that participated in the fall 2016 edition of The Regulatory Plan have chosen to include the following information for those entries that appeared in the Plan:

Statement of Need—a description of the need for the regulatory action.

Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

EO—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal**

Register that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

A statement of the time, place, and nature of the public rulemaking proceeding; a reference to the legal authority under which the rule is proposed; and either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL (or Pub. L.)—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, PL 110–4 is the fourth public law of the 110th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How can users get copies of the agenda?

Copies of the **Federal Register** issue containing the printed edition of the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's Web site. Please contact the particular agency for further information.

All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at *http://reginfo.gov,* along with flexible search tools.

The Government Publishing Office's GPO FDsys Web site contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at *http://www.fdsys.gov.*

Dated: July 10, 2017.

John C. Thomas,

Executive Director.

[FR Doc. 2017–16859 Filed 8–23–17; 8:45 am]

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Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

2 CFR Subtitle B, Ch. IV

5 CFR Ch. LXXIII

7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII

9 CFR Chs. I–III

36 CFR Ch. II

48 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2017

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders (EO) 13771 ''Enforcing the Regulatory Reform Agenda,'' 12866 ''Regulatory Planning and Review,'' and 13563 ''Improving Regulation and Regulatory Review.'' The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with EO 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at *www.reginfo.gov.* Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: April 6, 2017.

Michael Poe,

Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
1	NOP; Organic Livestock and Poultry Practices Second Proposed Rule	0581–AD74

AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
2	NOP; Organic Livestock and Poultry Practices	0581–AD44
3	Sunset 2017 Amendments to the National List	0581–AD52
4	Organic Research, Promotion, and Information Order/Referendum Procedures	0581–AD55

AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
5	Amendment to Compost Standards for Organic Production	0581–AD53

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
6	Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables.	0579–AD71

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
7	Animal Welfare; Regulations and Standards for Birds	0579–AC02
8	Treatment of Firewood and Spruce Logs Imported From Canada	0579–AD60
9	Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List.	0579–AE08

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
10	Importation of Lemons From Northwest Argentina	0579–AE17

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
11	Scope of Sections 202(a) and (b) of the Packers and Stockyards Act	0580–AB28

FOOD AND NUTRITION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
12	National School Lunch and School Breakfast Programs: Nutrition Standards for All Foods Sold in School, as Required by the Healthy, Hunger-Free Kids Act of 2010.	0584–AE09

FOOD SAFETY AND INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
13	Elimination of Trichina Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations.	0583–AD59

FOREST SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
14	Management of Surface Activities Associated With Outstanding Mineral Rights on National Forest System Lands (Directive).	0596–AD03

OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
15	Designation of Biobased Product Categories for Federal Procurement, Round 11	0599–AA24
16	Designation of Biobased Product Categories for Federal Procurement, Round 12	0599–AA25

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Proposed Rule Stage

1. • NOP; Organic Livestock and Poultry Practices Second Proposed Rule

Legal Authority: 7 U.S.C. 6501 to 6522

Abstract: This action would describe and solicit public comments on options for the disposition of the final rule, Organic Livestock and Poultry Practices. The final rule, published on January 19, 2017, adds provisions to the USDA organic regulations to address and clarify livestock and poultry living conditions, health care practices, and animal handling and transport, and during slaughter. The final rule was originally scheduled to become effective on March 20, 2017; the effective date was subsequently delayed to May 19, 2017. AMS published a notice further delaying the effective date to November 14, 2017.

Timetable:

Action	Date	FR Cite
NPRM	05/10/17	82 FR 21742
NPRM Comment Period End.	06/09/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Miles V McEvoy, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW., Washington, DC 20250, *Phone:* 202 720–3252.

RIN: 0581–AD74

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Final Rule Stage

2. NOP; Organic Livestock and Poultry Practices

Legal Authority: 7 U.S.C. 6501 to 6522

Abstract: This action would establish standards that support additional practice standards for organic livestock and poultry production. This action would add provisions to the USDA organic regulations to address and clarify livestock and poultry living conditions (for example, outdoor access, housing environment and stocking densities), health care practices (for example physical alterations, administering medical treatment,

euthanasia), and animal handling and transport to and during slaughter.

Timetable:

Action	Date	FR Cite
NPRM	04/13/16	81 FR 21955
Comment Period Extended.	06/08/16	81 FR 36810
NPRM Comment Period End.	07/13/16	
Final Rule	01/19/17	82 FR 7042
Final Rule Effective.	11/14/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Miles V. McEvoy, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW., Washington, DC 20250, *Phone:* 202 720–3252.

RIN: 0581–AD44

3. Sunset 2017 Amendments to the National List

Legal Authority: 7 U.S.C. 6501 to 6522

Abstract: This proposed rule would address 11 2017 sunset review recommendations submitted to the Secretary by the National Organic Standards Board (NOSB) following their October, 2015 meeting. This rule proposes the removal of three synthetic substances and eight non organic, agricultural substances from the National List of Allowed and Prohibited Substances (National List). These substances are currently allowed for various uses in organic crop and livestock production and organic handling. Upon removal from the National List, use of these substances in organic production or handling would be prohibited. The prohibitions would take effect on the sunset date of June 27, 2017, following publication of a final rule.

Timetable:

Action	Date	FR Cite
NPRM	01/18/17	82 FR 5431
Final Rule	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Miles V. McEvoy, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW., Washington, DC 20250, *Phone:* 202 720–3252.

RIN: 0581–AD52

4. Organic Research, Promotion, and Information Order/Referendum Procedures

Legal Authority: 7 U.S.C. 7411 to 7425; 7 U.S.C. 7401

Abstract: This action invites comments on a proposed national research and promotion (R&P) program that would cover the range of organic products that are certified and sold per the Organic Foods Production Act and its implementing regulations as well as organic products imported into the U.S. under an organic equivalency arrangement. The proposed program would be financed by an assessment on domestic producers and handlers, as well as importers of organic products.

Timetable:

Action	Date	FR Cite
NPRM	01/18/17	82 FR 5438
Comment Period End.	03/20/17	
Final Rule	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Heather Pichelman, Director, Promotion and Economics, Specialty Crops Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue, Washington, DC 20250, *Phone:* 202 720–9915.

RIN: 0581–AD55

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Completed Actions

5. Amendment to Compost Standards for Organic Production

Legal Authority: Pub. L. 109–97

Abstract: This rulemaking action provides clarification on the prohibition of certain compost products in organic production systems under the USDA organic regulations. This rule change will codify into regulations the policies outlined in NOP Guidance 5016: Allowance of Green Waste in Organic Production Systems.

Completed:

Reason	Date	FR cite
Withdrawn	06/28/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Miles V. McEvoy, *Phone:* 202 720–3252.

RIN: 0581–AD53

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

6. Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136(a)

Abstract: This rulemaking will amend our regulations governing the importations of fruits and vegetables by broadening our existing performance standard to provide for consideration of all new fruits and vegetables for importation into the United States using a notice-based process. Rather than authorizing new imports through proposed and final rules and specifying import conditions in the regulations, the notice-based process uses **Federal Register** notices to make risk analyses available to the public for review and comment, with authorized commodities and their conditions of entry subsequently being listed on the Internet. It also will remove the region- or commodity-specific phytosanitary requirements currently found in these regulations. Likewise, we are proposing an equivalent revision of the performance standard in our regulations governing the interstate movements of fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal of commodity-specific phytosanitary requirements from those regulations. This action will allow for the consideration of requests to authorize the importation or interstate movement of new fruits and vegetables in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It will not, however, alter the science-based process in which the risk associated with importation or interstate movement of a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement of a fruit or vegetable are mitigated.

Timetable:

Action	Date	FR cite
NPRM	09/09/14	79 FR 53346
NPRM Comment Period End.	11/10/14	
NPRM Comment Period Reopened.	12/04/14	79 FR 71973

Action	Date	FR cite
NPRM Comment Period End.	01/09/15	
NPRM Comment Period Re-opened.	02/06/15	80 FR 6665
NPRM Comment Period End.	03/10/15	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicole Russo, Assistant Director, Regulatory Coordination and Compliance, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1236, *Phone:* 301 851–2159.

RIN: 0579–AD71

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

7. Animal Welfare; Regulations and Standards for Birds

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: APHIS intends to establish standards for the humane handling, care, treatment, and transportation of birds other than birds bred for use in research.

Completed:

Reason	Date	FR cite
Withdrawn	06/28/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Johanna Briscoe, *Phone:* 301 851–3751.

RIN: 0579–AC02

8. Treatment of Firewood and Spruce Logs Imported From Canada

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations regarding firewood of all species imported from Canada, including treated lumber (furniture scraps) sold as kindling, and all spruce logs imported from Nova Scotia.

Completed:

Reason	Date	FR cite
Withdrawn	06/28/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Tyrone Jones, *Phone:* 301 851–2344.

RIN: 0579–AD60

9. Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List

Legal Authority: 7 U.S.C. 8401

Abstract: In accordance with the Agricultural Bioterrorism Protection Act of 2002, we are amending and republishing the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health, or to animal or plant products. The Act requires the biennial review and republication of the list of select agents and toxins and the revision of the list as necessary. This action amends the regulations in several ways, including the addition of provisions to address the inactivation of select agents, provisions addressing biocontainment and biosafety, and clarification of regulatory language concerning security, training, incident response, and records. These changes increase the usability of the select agent regulations as well as provide for enhanced program oversight. After carefully considering the technical input of subject matter experts and recommendations from Federal advisory groups, we have decided not to finalize the proposed changes to the contents of the list of select agents and toxins at this time. In a companion document published in this issue of the **Federal Register**, the Centers for Disease Control and Prevention has made parallel regulatory changes.

Completed:

Reason	Date	FR Cite
Final Rule	01/19/17	82 FR 6197
Final Rule Effective.	03/21/17	
Final Rule; Delay of Effective Date.	02/16/17	82 FR 10855

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Freeda Isaac, *Phone:* 301 851–3300.

RIN: 0579–AE08

10. • Importation of Lemons From Northwest Argentina

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking amends the fruits and vegetables regulations to allow the importation of lemons from northwest Argentina into the continental United States. As a condition of entry, lemons from northwest Argentina would have to be produced in accordance with a systems approach that includes requirements for importation in commercial consignments; registration and monitoring of places of production and packinghouses; pest-free places of production; grove sanitation, monitoring, and pest control practices; treatment with a surface disinfectant; lot identification; and inspection for quarantine pests by the Argentine national plant protection organization. Additionally, lemons from northwest Argentina will have to be harvested green and within a certain time period, or treated for Mediterranean fruit fly in accordance with an approved treatment schedule. Lemons from northwest Argentina will also be required to be accompanied by a phytosanitary certificate with an additional declaration stating that the lemons have been inspected and found to be free of quarantine pests and were produced in accordance with the requirements. This action allows for the importation of lemons from northwest Argentina into the United States while continuing to provide protection against the introduction of quarantine pests.

Timetable:

Action	Date	FR Cite
NPRM	05/10/16	81 FR 28758
NPRM Comment Period End.	07/11/16	
NPRM Comment Period Extended.	07/11/16	81 FR 44801
NPRM Comment Period Extended End.	08/10/16	
Final Rule	12/23/16	81 FR 94217
Final Rule Effective.	03/27/17	
Final Rule; Stay of Regulations.	01/25/17	82 FR 8353
Final Rule; Stay of Regulation.	03/24/17	82 FR 14987
Final Rule Effective.	05/26/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tony Román, Senior Regulatory Policy Specialist, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1231, *Phone:* 301 851–2242.

RIN: 0579–AE17

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE (USDA)

Grain Inspection, Packers and Stockyards Administration (GIPSA)

Proposed Rule Stage

11. • Scope of Sections 202(A) and (B) of the Packers and Stockyards Act

Legal Authority: Pub. L. 110–246; 7 U.S.C. 181 to 229c

Abstract: On December 20, 2016, the Grain Inspection, Packers and Stockyards Administration (GIPSA) published an interim final rule on the subject matter that was set to become effective on February 21, 2017. Consistent with the memorandum of January 20, 2017, to the heads of executive departments and agencies from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review,'' GIPSA published a notice in the **Federal Register** that extended the comment period of the interim final rule until March 24, 2017, and delayed its effective date until April 22, 2017. GIPSA is now seeking additional comments through a new proposed rule on possible actions the Department may take that will result in delayed full implementation of the rule. Concurrent with publication of this proposed rule, GIPSA published a notice delaying the effective date of the interim final rule for an additional 180 days, until October 19, 2017.

Timetable:

Action	Date	FR Cite
NPRM	04/12/17	82 FR 17594
NPRM Comment Period End.	06/12/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Raymond Dexter Thomas II, Lead Regulatory Analyst, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, 1400 Independence Avenue SW., Room 2530–South, Washington, DC 20250, *Phone:* 202 720–6529, *Fax:* 202 690–2173, *Email: r.dexter.thomas@usda.gov.*

RIN: 0580–AB28

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Completed Actions

12. National School Lunch and School Breakfast Programs: Nutrition Standards for All Foods Sold in School, as Required by the Healthy, Hunger-Free Kids Act of 2010

Legal Authority: Pub. L. 111–296

Abstract: This rule codifies a provision of the Healthy, Hunger-Free Kids Act (Pub. L. 111–296; the Act) under 7 CFR parts 210 and 220. Section 208 requires the Secretary to promulgate regulations to establish science-based nutrition standards for all foods sold in schools. The nutrition standards apply to all food sold outside the school meal programs, on the school campus, and at any time during the school day.

Completed:

Reason	Date	FR Cite
Final & Interim Final Rule.	07/29/16	81 FR 50131
Final Rule Effective.	09/27/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles H. Watford, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov.* Lynnette M. Thomas, *Phone:* 703 605–4782, *Email: lynnette.thomas@fns.usda.gov.*

RIN: 0584–AE09

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Final Rule Stage

13. Elimination of Trichina Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations

Legal Authority: Federal Meat Inspection Act (FMIA); Poultry Products Inspection Act (PPIA)

Abstract: The Food Safety and Inspection Service (FSIS) proposed to amend the Federal meat inspection regulations to eliminate the requirements for both ready-to-eat (RTE) and not-ready-to-eat (NRTE) pork and pork products to be treated to destroy trichina (Trichinella spiralis) because the regulations are inconsistent with the Hazard Analysis and Critical Control Point (HACCP) regulations, and these prescriptive regulations are no longer necessary. If this supplemental proposed rule is finalized, FSIS will end its Trichinella Approved Laboratory Program (TALP program) for the evaluation and approval of non-Federal laboratories that use the pooled sample digestion technique to analyze samples for the presence of trichina. FSIS also proposed to consolidate the regulations on thermally processed, commercially sterile meat and poultry products (*i.e.,* canned food products containing meat or poultry).

Timetable:

Action	Date	FR Cite
NPRM	03/28/16	81 FR 17337
NPRM Comment Period End.	06/27/16	
Final Rule	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew Michael, Director, Issuances Staff, Department of Agriculture, Food Safety and Inspection Service, Office of Policy and Program Development, 1400 Independence Avenue SW., Washington, DC 20250–3700, *Phone:* 202 720–0345, *Fax:* 202 690–0486, *Email: matthew.michael@fsis.usda.gov.*

RIN: 0583–AD59

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Completed Actions

14. Management of Surface Activities Associated With Outstanding Mineral Rights on National Forest System Lands (Directive)

Legal Authority: EPA 1992

Abstract: Close to 11,000,000 acres (approximately 6 percent) of National Forest System (NFS) lands overlie severed (split) mineral estates owned by a party other than the Federal Government. More than 75 percent of these lands are in the Eastern Region (Forest Service Regions 8 and 9). There are two kinds of severed mineral estates, generally known as ''private rights'': Reserved and outstanding. Reserved mineral rights are those retained by a grantor in a deed conveying land to the United States. Outstanding mineral rights are those owned by a party other than the surface owner at the time the surface was conveyed to the United States. Because these are non-Federal mineral interests, the U.S. Department of the Interior's Bureau of Land Management has no authority for or role

in managing development activities associated with such interests. States have the authority and responsibility for regulating development of the private mineral estate.

Various Secretary's Rules and Regulations (years of 1911, 1937, 1938, 1939, 1947, 1950, and 1963) and Forest Service regulations at 36 CFR 251.15 provide direction for the use of NFS lands for mineral development activities associated with the exercise of reserved mineral rights. These existing rules for reserved minerals development activities also include requirements for protection of NFS resources.

Currently, there are no formal regulations governing the use of NFS lands for activities associated with the exercise of outstanding mineral rights underlying those lands. The Energy Policy Act of 1992, section 2508, directed the Secretary of Agriculture to apply specified terms and conditions to surface-disturbing activities related to development of oil and gas on certain lands with outstanding mineral rights on the Allegheny National Forest, and promulgate regulations implementing that section.

The Forest Service initiated rulemaking for the use of NFS lands for development activities associated with both reserved and outstanding mineral rights with an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on December 29, 2008. Comments from the public in response to the ANPRM conveyed a high level of concern about the broad scope of the rule, along with a high level of concern about effects of a broad rule on small businesses and local economies.

Completed:

Reason	Date	FR Cite
Withdrawn	06/23/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tinathan A. Lewis, *Phone:* 202 205–3773, *Email: talewis@fs.fed.us.*

RIN: 0596–AD03

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE (USDA)

Office of Procurement and Property Management (OPPM)

Completed Actions

15. Designation of Biobased Product Categories for Federal Procurement, Round 11

Legal Authority: Pub. L. 113–79

Abstract: This proposed rule will designate, for preferred procurement under the Federal Biobased Products Preferred Procurement Program, approximately 10 intermediate ingredient or feedstock product categories. An intermediate ingredient or feedstock is defined by the BioPreferred Program as a material or compound made in whole or in significant part from biological products. Typical intermediate ingredient or feedstock product categories will include renewable chemicals; plastic resins; chemical binders; oils, fats, and waxes; and fibers and fabrics.

Completed:

Reason	Date	FR Cite
NPRM	01/13/17	82 FR 4206
Withdrawn	06/28/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marie Wheat, *Phone:* 202 239–4502, *Email: marie.wheat@dm.usda.gov.*

RIN: 0599–AA24

16. Designation of Biobased Product Categories for Federal Procurement, Round 12

Legal Authority: Pub. L. 113–79

Abstract: This proposed rule will designate, for preferred procurement under the Federal Biobased Products Preferred Procurement Program, approximately eight complex assembly product categories. A complex assembly is defined by the BioPreferred program as a system of distinct materials and components assembled to create a finished product with specific functional intent where some or all of the system inputs contain some amount of biobased material or feedstock. Typical complex assembly product categories will include products such as upholstered office chairs and other office furniture; mattresses; backpacks; boots; and other camping gear. The specific product categories to be included in this rulemaking are under investigation by the Office of Procurement and Property Management, but technical information is expected to be available to support the designation of about eight product categories.

Completed:

Reason	Date	FR Cite
Withdrawn	06/28/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marie Wheat, *Phone:* 202 239–4502, *Email: marie.wheat@dm.usda.gov.*

RIN: 0599–AA25

[FR Doc. 2017–16886 Filed 8–23–17; 8:45 am]

BILLING CODE 3410–98–P

FEDERAL REGISTER

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Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Spring 2017 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2016 agenda. The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or issued by Commerce. The agenda is intended to facilitate comments and views by interested members of the public.

Commerce's spring 2017 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2017, through March 31, 2018.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its spring 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of March 2, 2017, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2017 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities, and a list that identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

In addition, beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of Commerce's regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS' programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. For fisheries that require conservation and management measures, eight Regional Fishery Management Councils (Councils) prepare Fishery Management Plans (FMPs) for the fisheries within their respective areas. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. In the development of FMPs, or amendments to FMPs, and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce's spring 2017 regulatory agenda follows.

Michelle O. McClelland,

Performing the Delegated Duties of the General Counsel.

BUREAU OF THE CENSUS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
17	Foreign Trade Regulations: Clarification on Filing Requirements	0607–AA55

INTERNATIONAL TRADE ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
18	Covered Merchandise Referrals From the Customs Service	0625–AB10

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
19	Comprehensive Fishery Management Plan for Puerto Rico	0648–BD32
20	Comprehensive Fishery Management Plan for St. Croix	0648–BD33
21	Comprehensive Fishery Management Plan for St. Thomas/St. John	0648–BD34
22	Omnibus Acceptable Biological Catch Framework Adjustment	0648–BE65
23	Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule to Incorporate New Scientific Information.	0648–BE77
24	Fishing Capacity Reductions for Lobster Management Areas 2 and 3	0648–BF01
25	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories.	0648–BF41
26	Omnibus Essential Fish Habitat Amendment 2	0648–BF82
27	Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories.	0648–BG36
28	Unmanaged Forage Fish Omnibus Amendment	0648–BG42
29	Amendment 114 for Groundfish of the Bering Sea/Aleutian Islands Management Area and Amendment 104 for Groundfish of the Gulf of Alaska; Electronic Monitoring.	0648–BG54
30	2017 Summer Flounder and Scup Recreational Harvest Measures	0648–BG68
31	Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment	0648–BC45

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
32	Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance	0648–BE90
33	Pacific Coast Groundfish Trawl Rationalization Program; Widow Rockfish Reallocation in the Individual Fishing Quota Fishery.	0648–BF12
34	Amendment 18 to the Northeast Multispecies Fishery Management Plan	0648–BF26
35	Amendment 43 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BG18
36	Protected Species Hard Caps for the California/Oregon Large-Mesh Drift Gillnet Fishery	0648–BG23
37	Reducing Disturbances to Hawaiian Spinner Dolphins From Human Interactions	0648–AU02
38	Designation of Critical Habitat for the Gulf of Maine, New York Bight, and Chesapeake Bay Distinct Population Segments of Atlantic Sturgeon.	0648–BF28
39	Regulation to Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries.	0648–BG45

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
40	Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BD25
41	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59
42	Designation of Critical Habitat for the Arctic Ringed Seal	0648–BC56
43	Mallows Bay-Potomac River National Marine Sanctuary Designation	0648–BG02

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
44	Capital Construction Fund; Fishing Vessel Capital Construction Fund Procedures	0648–AW57
45	Amendment 5b to the Highly Migratory Species Fishery Management Plan	0648–BD22

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
46	Regulatory Amendment 16 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BD78
47	Magnuson-Stevens Fisheries Conservation and Management Act; Seafood Import Monitoring Program	0648–BF09
48	Allow the Use of Longline Pot Gear in the Gulf of Alaska Sablefish Individual Fishing Quota Fishery	0648–BF42
49	Atlantic Highly Migratory Species; Atlantic Blacknose Shark Commercial Retention Limit	0648–BF49
50	Amendment 113 to the FMP for Groundfish of the BSAI to Establish a Catcher Vessel Fishing Period and Shoreside Processing Delivery Requirements for Aleutian Islands Pacific Cod.	0648–BF54
51	Specification of Management Measures for Atlantic Herring for the 2016–2018 Fishing Years	0648–BF64
52	Amendment 19 to the Atlantic Sea Scallop Fishery Management Plan	0648–BF72
53	Observer Coverage Requirements for Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area.	0648–BF80
54	Framework Amendment 1 to the Dolphin and Wahoo Fishery Management Plan of the Atlantic	0648–BF81
55	Amendment 103 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to Reapportion Chinook Salmon Prohibited Catch in the Gulf of Alaska Trawl Fisheries.	0648–BF84
56	Framework Action to Adjust the Red Grouper Allowable Harvest in the Gulf of Mexico	0648–BG12
57	Amendment 45 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BG19
58	Framework Adjustment 28 to the Atlantic Sea Scallop Fishery Management Plan	0648–BG46
59	Designation of Critical Habitat for the Carolina and South Atlantic Distinct Population Segments of Atlantic Sturgeon.	0648–BF32
60	Endangered and Threatened Species; Critical Habitat for the Threatened Caribbean Corals	0648–BG20

DEPARTMENT OF COMMERCE (DOC)

Bureau of the Census (CENSUS)

Completed Actions

17. Foreign Trade Regulations: Clarification on Filing Requirements

Legal Authority: 13 U.S.C. 301

Abstract: The Census Bureau issues this Final Rule amending the Foreign Trade Regulations (FTR) to reflect new export reporting requirements. Specifically, the Census Bureau is making changes related to the implementation of the International Trade Data System (ITDS), in accordance with the Executive Order 13659, Streamlining the Export/Import Process for American Businesses. The ITDS was established by the Security and Accountability for Every (SAFE) Port Act of 2006. The changes also include the addition of the original Internal Transaction Number (ITN) data element in the Automated Export System (AES). Lastly, the Census Bureau is making remedial changes to improve clarity of the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/09/16	81 FR 12423
NPRM Comment Period End.	05/09/16	
Final Rule	04/19/17	82 FR 18383
Final Rule Effective.	07/18/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Kelly, Department of Commerce, Bureau of the Census, 4700 Silver Hill Road, Room 6K1285, Suitland, MD 20233, *Phone:* 301 763–6937, *Email: dale.c.kelly@census.gov.*

RIN: 0607–AA55

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Proposed Rule Stage

18. • Covered Merchandise Referrals From the Customs Service

Legal Authority: Pub. L. 114–125, sec 421

Abstract: The Department of Commerce (the Department) is proposing to amend its regulations to set forth procedures to address covered merchandise referrals from U.S. Customs and Border Protection (CBP or the Customs Service).

Timetable:

Action	Date	FR Cite
NPRM	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Emily Beline, Department of Commerce, International Trade Administration, 1401 Constitution Avenue NW., Washington, DC 20230, *Phone:* 202 482–1096, *Email: emily.beline@trade.gov.*

RIN: 0625–AB10

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

19. Comprehensive Fishery Management Plan for Puerto Rico

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This comprehensive Puerto Rico Fishery Management Plan will incorporate, and modify as needed, federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to Puerto Rico exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of Puerto Rico. If approved, this new Puerto Rico Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD32

20. Comprehensive Fishery Management Plan for St. Croix

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This comprehensive St. Croix Fishery Management Plan will incorporate, and modify as needed, federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Croix exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Croix. If approved, this new St. Croix Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for Puerto Rico and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD33

21. Comprehensive Fishery Management Plan for St. Thomas/St. John

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This comprehensive St. Thomas/St. John Fishery Management Plan will incorporate, and modify as needed, federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Thomas/St. John exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Thomas/St. John. If approved, this new St. Thomas/St. John Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and Puerto Rico, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD34

22. Omnibus Acceptable Biological Catch Framework Adjustment

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action would make two administrative adjustments to the Mid-Atlantic Fishery Management Council's (Council) Omnibus Annual Catch Limit Amendment: (1) Adjust the Council's risk policy so that the Scientific and Statistical Committee may apply an average probability of overfishing when recommending multi-year Acceptable Biological Catches; and (2) make all of the Council's fishery management plans consistent in allowing new status determination criteria (overfishing definitions, etc.) to be accepted as the best available scientific information.

Timetable:

Action	Date	FR Cite
NPRM	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BE65

23. Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule To Incorporate New Scientific Information

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Pursuant to a recommendation of the Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act, the National Marine Fisheries Service is proposing to use a new temperature index to calculate the temperature parameter of the Pacific sardine harvest guideline control rule under the Fishery Management Plan. The harvest guideline control rule, in conjunction with the overfishing limit and acceptable biological catch control rules, is used to set annual harvest levels for Pacific sardine. The temperature parameter is calculated annually. The National Marine Fisheries Service determined that a new temperature index is more statistically sound and this action will adopt that index. This action also will revise the upper temperature limit to allow for additional sardine harvest where prior guidelines set catch unnecessarily low.

Timetable:

Action	Date	FR Cite
NPRM	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE. Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BE77

24. Fishing Capacity Reductions for Lobster Management Areas 2 and 3

Legal Authority: 16 U.S.C. 5101 *et seq.*

Abstract: This action proposes several reductions in fishing capacity for Lobster Management Areas 2 and 3. The proposed measures include: Caps on the number of traps that can be actively fished; caps on the number of traps associated with a permit (*i.e.,* allowing trap banking); and caps on the number of traps or permits issued to a given owner. This action is intended to assist in rebuilding the Southern New England lobster stock.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BF01

25. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This action would establish rules and/or procedures to address the treatment of U.S.-flagged purse seine vessels and their fishing activities in regulations issued by the National Marine Fisheries Service that implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), of which the United States is a member. Under the Western and Central Pacific Fisheries Convention Implementation Act, the National Marine Fisheries Service exercises broad discretion when determining how it implements Commission decisions, such as purse seine fishing restrictions. The National Marine Fisheries Service intends to examine the potential impacts of the domestic implementation of Commission decisions, such as purse seine fishing restrictions, on the economies of the U.S. territories that participate in the Commission, and examine the connectivity between the activities of U.S.-flagged purse seine fishing vessels and the economies of the territories. Based on that and other information, the National Marine Fisheries Service might propose regulations that mitigate adverse economic impacts of purse seine fishing restrictions on the U.S. territories and/or that, in the context of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), recognize that one or more of the U.S. territories have their own purse seine fisheries that are distinct from the purse seine fishery of the United States and that are consequently subject to special provisions of the Convention and of Commission decisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/23/15	80 FR 64382
ANPRM Comment Period End.	11/23/15	
NPRM	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov*.

RIN: 0648–BF41

26. Omnibus Essential Fish Habitat Amendment 2

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The New England Fishery Management Council voted to issue this update rulemaking that would revise the essential fish habitat and habitat areas of particular concern designation based on recent groundfish data. This rule would update groundfish seasonal spawning closures and identify Habitat Research Areas. The proposed revisions include adding a habitat management area in the eastern Gulf of Maine and modifying the existing habitat management areas in the central and western Gulf of Maine, while maintaining additional protections for large-mesh groundfish, including cod. In addition, the amendment would allow for the potential for development of a scallop access area within Georges Bank. A habitat management area would be established on Georges Shoal, with allowances for the clam dredge fishery. In Southern New England, a habitat management area in the Great South Channel would replace the current habitat protections further west. These revisions are intended to comply with the Magnuson-Stevens Act requirement to minimize to the extent practicable the adverse effects of fishing on essential fish habitat.

Timetable:

Action	Date	FR Cite
NPRM	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BF82

27. • Voting Criteria for a Referendum on a Gulf of Mexico Reef Fish Catch Share Program for For-Hire Vessels With Landings Histories

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Amendment 42 to the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico (Amendment 42) proposes to establish a catch share program for up to five species of reef fish for headboats with landings history in the Southeast Region Headboat Survey. This rule would inform the public of the procedures, schedule, and eligibility requirements that NOAA Fisheries would use in conducting the referendum that is required before the Gulf of Mexico Fishery Management Council (Council) can submit Amendment 42 for Secretarial review.

Timetable:

Action	Date	FR Cite
NPRM	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BG36

28. • Unmanaged Forage Fish Omnibus Amendment

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This amendment was initiated to prohibit the development of new—and expansion of existing—commercial and recreational fisheries in mid-Atlantic Federal waters that would exploit unmanaged forage fish species. This action would add unmanaged forage species as Ecosystem Component species to the relevant Mid-Atlantic Council fishery management plans. The Forage Amendment would establish: The list of forage species managed as Ecosystem Component species in the Mid-Atlantic region; Management measures for all forage Ecosystem Component species, except chub mackerel; Management measures for chub mackerel; a mechanism for establishing new fisheries or expansion of existing fisheries for Ecosystem Component species; and Administrative provisions for managing Ecosystem Component species (list of fisheries and fishing gear; permit requirement; monitoring; management unit; and framework measures).

Timetable:

Action	Date	FR Cite
Notice of Availability.	03/28/17	82 FR 15311
NPRM	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BG42

29. • Amendment 114 for Groundfish of the Bering Sea/Aleutian Islands Management Area and Amendment 104 for Groundfish of the Gulf of Alaska; Electronic Monitoring

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This regulation would make substantive improvements to the North Pacific Observer Program by giving certain vessels a choice to use electronic monitoring instead of observers for collecting fishery data. The North Pacific Fishery Management Council proposes to amend its fisheries research plan for the fixed gear groundfish and halibut fisheries of the Gulf of Alaska and Bering Sea and Aleutian Islands. The Council's fisheries research plan is implemented by the North Pacific Observer Program at the NMFS Alaska Fisheries Science Center, and its purpose is to collect data necessary for the conservation, management, and scientific understanding of the groundfish and halibut fisheries off Alaska. This action would allow an electronic monitoring system, which consists of a control center to manage the data collection, onboard vessels to monitor the harvest and discard of fish and other incidental catch at sea, as a supplement to existing human observer coverage.

Timetable:

Action	Date	FR Cite
Notice of Availability.	03/10/17	82 FR 13302
NPRM	03/23/17	82 FR 14853
NPRM Comment Period End.	05/22/17	
Final Action	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BG54

30. • 2017 Summer Flounder and Scup Recreational Harvest Measures

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule would propose management measures—such as recreational possession limits, minimum fish sizes, and seasonal closures—to achieve recreational harvest limits for the 2017 summer flounder and scup recreational fisheries. Specifically, this action proposes establishing conservation equivalency in Federal waters for the 2017 recreational summer flounder fishery. Conservation equivalency means that management would defer to state management measures. If NMFS is unable to approve the Council's recommendation of conservation equivalency, the rule would propose coastwide measures to be effective in Federal waters. This rule would also propose to maintain the 2016 status quo recreational management measures for the scup fishery in 2017. The recreational harvest limits for these species were already established in a separate rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BG68

31. Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: In 2012, NMFS listed as endangered the main Hawaiian Islands (MHI) insular false killer whale (Pseudorca crassidens) Distinct Population Segment (DPS). The Endangered Species Act (ESA) requires NMFS to designate critical habitat to support the conservation and recovery of newly listed species. Accordingly, this proposed rule would designate critical habitat for the MHI insular false killer whale DPS in waters around the MHI. NMFS will consider the economic, national security, or other relevant impacts of the proposed designation, and would consider excluding areas where such negative impacts would outweigh the benefits of critical habitat designation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BC45

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Fisheries Service

32. Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 1861 *et seq.;* 5 U.S.C. 561 *et seq.*

Abstract: The National Marine Fisheries Service issued proposed regulations to refinance the voluntary fishing capacity reduction loan program implemented in 2004 in the Pacific Coast groundfish Federal limited-entry trawl, Washington coastal Dungeness crab, and California pink shrimp fisheries (collectively known hereafter as the refinanced reduction fisheries). The refinance loan of up to $30 million could establish a new industry fee system for future landings of the refinanced reduction fisheries. Upon publishing a final rule and receipt of an appropriation, the National Marine Fisheries Service would conduct three referenda to refinance the existing debt obligation in each of the refinanced reduction fisheries. If a referendum in one, two, or all three of the fisheries is successful, that fishery's current loan will be repaid in full and a new loan in the amount of the principal and interest balance as of the date of funding will be issued. The terms were prescribed in the 2015 National Defense Authorization Act and include a 45-year term to maturity, interest charged at a current Treasury interest rate, and a maximum repayment fee of 3 percent of ex-vessel value.

Timetable:

Action	Date	FR Cite
NPRM	08/06/15	80 FR 46941
NPRM Comment Period End.	09/08/15	
Final Action	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Pawlak, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8621, *Email: brian.t.pawlak@noaa.gov*.

RIN: 0648–BE90

33. Pacific Coast Groundfish Trawl Rationalization Program; Widow Rockfish Reallocation in the Individual Fishing Quota Fishery

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: In January 2011, the National Marine Fisheries Service implemented the groundfish trawl rationalization program (a catch share program) for the Pacific coast groundfish limited entry trawl fishery. The program was implemented through Amendments 20 and 21 to the Pacific Coast Groundfish Fishery Management Plan and the corresponding implementing regulations. Amendment 20 established the trawl rationalization program, which includes an Individual Fishing Quota program for limited entry trawl participants, and Amendment 21 established fixed allocations for limited entry trawl participants. During implementation of the trawl individual fishing quota program, widow rockfish was overfished and the initial allocations were based on its overfished status and management as a non-target species. The National Marine Fisheries Service declared the widow rockfish rebuilt in 2011 and, accordingly, the Pacific Fishery Management Council has now recommended actions to manage the increased abundance of widow rockfish. The action would reallocate individual fishing quota widow rockfish quota share to facilitate directed harvest and would lift the moratorium on widow rockfish quota share trading.

Timetable:

Action	Date	FR Cite
NPRM	06/29/16	81 FR 42295
NPRM Comment Period End.	07/29/16	
Final Action	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE. Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BF12

34. Amendment 18 to the Northeast Multispecies Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Amendment 18 to the Northeast Multispecies Fishery Management Plan would make necessary minor administrative adjustments to several groundfish sectors, as well as minor adjustments to fishing activity designed to protect fishery resources while maximizing flexibility and efficiency. Specifically, it would include the following management measures: Creating an accumulation limit for either the holdings of Potential Sector Contribution or of Northeast multispecies permits; creating a sub-annual catch limit that Handgear A permits could enroll in and other measures pertaining to fishing with Handgear A permits; adjusting what fishery data are considered confidential, specifically the price of annual catch entitlement transferred within a sector or leased between sectors; establishing an inshore/offshore boundary within the Gulf of Maine with associated measures, including creation of a Gulf of Maine cod sub-annual catch limit, adjusting the Gulf of Maine Gear Restricted Area boundary to align with the inshore/offshore boundary, and creating declaration time periods for fishing in the inshore or offshore areas; and establishing a Redfish Exemption Area, in which vessels could fish with a smaller mesh net than the standard mesh size, targeting redfish.

Timetable:

Action	Date	FR Cite
Notice of Availability.	12/06/16	81 FR 87862
NPRM	12/20/16	81 FR 92761
NPRM Comment Period End.	02/03/17	
Final Action	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BF26

35. Amendment 43 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Based on a recent stock assessment and per the Magnuson-Stevens Fishery Conservation and Management Act, action is needed to adjust management measures for the Gulf of Mexico (Gulf) hogfish stock to prevent overfishing and achieve optimum yield. Consistent with the stock assessment, this action would redefine the geographic range of the Gulf hogfish stock, set the status determination criteria, and set the annual catch limits. This action would also revise the hogfish minimum size limit to reduce the likelihood of a season closure due to the annual catch limit being reached and remove the provision in the regulations that exempts hogfish from the prohibition on the use of powerheads to take Gulf reef fish in the Gulf stressed area.

Timetable:

Action	Date	FR Cite
Notice of Availability.	11/04/16	81 FR 76908
NPRM	11/23/16	81 FR 84538
NPRM Comment Period End.	12/23/16	
Final Action	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BG18

36. Protected Species Hard Caps for the California/Oregon Large-Mesh Drift Gillnet Fishery

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The National Marine Fisheries Service intends to establish two-year rolling hard caps (*i.e.,* limits) on the numbers of certain marine mammals and sea turtles observed killed or injured in the California/Oregon large-mesh drift gillnet fishery. The caps would be established for five marine mammal species and four sea turtle species. When any of the caps are reached or exceeded, the fishery would close for the rest of the fishing season and possibly through the following season. This measure was recommended by the Pacific Fishery Management Council in September 2015.

Timetable:

Action	Date	FR Cite
NPRM	10/13/16	81 FR 70660
NPRM Comment Period Extended.	11/23/16	81 FR 84546
NPRM Comment Period End.	11/28/16	
Comment Period End.	12/28/16	
Final Action	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE. Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BG23

37. Reducing Disturbances to Hawaiian Spinner Dolphins From Human Interactions

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: This action would implement regulatory measures under the Marine Mammal Protection Act to protect Hawaiian spinner dolphins that are resting in protected bays from take due to close approach interactions with humans.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/05	70 FR 73426
ANPRM Comment Period End.	01/11/06	
NPRM	08/24/16	81 FR 57854
NPRM Comment Period End.	10/23/16	
NPRM Comment Period Reopened.	11/16/16	81 FR 80629
Comment Period End.	12/01/16	
Final Action	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–AU02

38. Designation of Critical Habitat for the Gulf of Maine, New York Bight, and Chesapeake Bay Distinct Population Segments of Atlantic Sturgeon

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service listed four distinct population segments of Atlantic sturgeon as endangered—and one distinct population of Atlantic sturgeon as threatened—under the Endangered Species Act on February 6, 2012. This rule would designate critical habitat for the Gulf of Maine, New York Bight, and Chesapeake Bay Distinct Population Segments of Atlantic sturgeon. A separate rule would designate critical habitat for the Carolina and South Atlantic distinct population segments of Atlantic sturgeon.

Timetable:

Action	Date	FR Cite
NPRM	06/03/16	81 FR 35701
NPRM Comment Period End.	09/01/16	
NPRM Comment Period Reopened.	09/29/16	81 FR 66911
NPRM Comment Period End.	10/14/16	
Final Action	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BF28

39. • Regulation To Reduce Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The purpose of the proposed action is to aid in the protection and recovery of listed sea turtle populations by reducing incidental bycatch and mortality of small sea turtles in the Southeastern U.S. shrimp fisheries. As a result of new information on sea turtle bycatch in shrimp trawls and turtle excluder device testing, NMFS conducted an evaluation of the Southeastern U.S. shrimp fisheries that resulted in a draft environmental impact statement. This rule proposes to withdraw the alternative tow time restriction, which would require all vessels using skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls), with the exception of vessels participating in the Biscayne Bay wing net fishery in Miami-Dade County, Florida, to use turtle excluder devices designed to exclude small sea turtles.

Timetable:

Action	Date	FR Cite
NPRM	12/16/16	81 FR 91097
NPRM Comment Period End.	02/14/17	
Final Action	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BG45

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Long-Term Actions

National Marine Fisheries Service

40. Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The purpose of this action is to facilitate management of the recreational red snapper component in the reef fish fishery by reorganizing the federal fishery management strategy to better account for biological, social, and economic differences among the regions of the Gulf of Mexico. Regional management would enable regions and their associated communities to specify the optimal management parameters that best meet the needs of their local constituents thereby addressing regional socio-economic concerns.

Timetable:

Action	Date	FR Cite
Notice	05/13/13	78 FR 27956
Next Stage Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD25

41. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna

fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: Criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require the Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. This rule is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, *Phone:* 503 231–6266, *Email: barry.thom@noaa.gov*.

RIN: 0648–BD59

42. Designation of Critical Habitat for the Arctic Ringed Seal

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service published a final rule to list the Arctic ringed seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Arctic ringed seal. The critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

Timetable:

Action	Date	FR Cite
NPRM	12/03/14	79 FR 71714
Proposed Rule	12/09/14	79 FR 73010
Notice of Public Hearings.	01/13/15	80 FR 1618
Comment Period Extended.	02/02/15	80 FR 5498
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–BC56

NOS/ONMS

43. Mallows Bay-Potomac River National Marine Sanctuary Designation

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: On September 16, 2014, pursuant to section 304 of the National Marine Sanctuaries Act (NMSA) and the Sanctuary Nomination Process (79 FR 33851), a coalition of community groups submitted a nomination asking NOAA to designate Mallows Bay-Potomac River as a national marine sanctuary. The Mallows Bay area of the tidal Potomac River being considered for designation as a national marine sanctuary is an area 40 miles south of Washington, DC, off the Nanjemoy Peninsula of Charles County, MD. The designation of a national marine sanctuary would focus on conserving the collection of maritime heritage resources (shipwrecks) in the area as well as expand the opportunities for public access, recreation, tourism, research, and education. NOAA completed its review of the nomination in accordance with the Sanctuary Nomination Process and on January 12, 2015, added the area to the inventory of nominations that are eligible for designation. On October 7, 2015, NOAA issued a notice of intent to begin the designation process and asked for public comment on making this area a national marine sanctuary. Designation under the NMSA would allow NOAA to supplement and complement work by the State of Maryland and other federal agencies to protect this collection of nationally significant shipwrecks.

Timetable:

Action	Date	FR Cite
NPRM	01/09/17	82 FR 2254
NPRM Comment Period End.	03/31/17	
Final Action	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicki Wedell, *Phone:* 301 713–7237, *Fax:* 301 713–0404, *Email: vicki.wedell@noaa.gov*.

RIN: 0648–BG02

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

44. Capital Construction Fund; Fishing Vessel Capital Construction Fund Procedures

Legal Authority: 46 U.S.C. 1177 *et seq.*

Abstract: This action would amend Fishing Vessel Capital Construction Fund (CCF) Program regulations to simplify and clarify them and to ease restrictions on vessel reconstruction to promote fleet safety, reliability and efficiency. Current regulations require an annual deposit of 2 percent of the anticipated cost of the CCF objective, that a used vessel acquired with CCF funds be reconstructed within 7 years of the acquisition date, that reconstruction projects cost a minimum of either $100,000 or 20 percent of acquisition cost, and that reconstruction projects be completed within 18 months of their commencement.

Timetable:

Action	Date	FR Cite
NPRM	09/25/14	79 FR 57496
NPRM Comment Period End.	11/10/14	
Final Action	05/30/17	82 FR 24561
Final Action Effective.	06/29/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Pawlak, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8621, *Email: brian.t.pawlak@noaa.gov*.

RIN: 0648–AW57

45. Amendment 5B to the Highly Migratory Species Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rulemaking would implement management measures for dusky sharks based on the latest stock assessment, which determined dusky sharks are still overfished and still experiencing overfishing, taking into consideration comments received on the proposed rule and Amendment 5 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan. This rulemaking considers a range of commercial and recreational management measures in both directed and incidental shark fisheries including, among other things, gear modifications, time/area closures, permitting, shark

identification requirements, and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/18/16	81 FR 71672
Public Hearing	11/14/16	81 FR 79409
NPRM Comment Period End.	12/22/16	
Final Action	04/04/17	82 FR 16478
Final Action Effective.	06/05/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BD22

46. Regulatory Amendment 16 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Regulatory Amendment 16 contained an action to address the prohibition on the use of black sea bass pots annually from November 1 through April 30 that was implemented through Regulatory Amendment 19. The prohibition was a precautionary measure to prevent interactions between black sea bass pot gear and whales listed under the Endangered Species Act during large whale migrations and the right whale calving season off the southeastern coast. The South Atlantic Fishery Management Council, through Regulatory Amendment 16, removed the closure, changed the length of the closure, and changed the area of the closure. The goal was to minimize adverse socio-economic impacts to black sea bass pot endorsement holders while maintaining protection for Endangered Species Act-listed whales in the South Atlantic region.

Timetable:

Action	Date	FR Cite
NPRM	08/11/16	81 FR 53109
NPRM Comment Period End.	09/12/16	
Final Rule	12/29/16	81 FR 95893
Final Rule Effective.	01/30/17	
Stay of Final Rule	01/31/17	82 FR 8820
Correction	02/21/17	82 FR 11156
Correction Effective.	02/21/17	
Stay of Final Rule Effective.	03/21/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD78

47. Magnuson-Stevens Fisheries Conservation and Management Act; Seafood Import Monitoring Program

Legal Authority: 16 U.S.C. 1857 *et seq.*

Abstract: The National Marine Fisheries Service implemented regulatory changes to improve the administration of the Magnuson-Stevens Fisheries Conservation and Management Act prohibition on the entry into interstate or foreign commerce of any fish taken in violation of any foreign law or regulation. The rule included adjustments to permitting and reporting requirements to provide for traceability of seafood products offered for entry into the U.S. supply chain, and to ensure that these products were lawfully acquired and are properly labeled. Requirements for an international trade permit and reporting on the origin of certain imported or exported fishery products were previously established by regulations applicable to a number of specified fishery products. This rulemaking extended those existing permitting and reporting requirements to additional fish species and seafood products.

Timetable:

Action	Date	FR Cite
NPRM	02/05/16	81 FR 6210
NPRM Comment Period Extended.	03/31/16	81 FR 18558
NPRM Comment Period End.	04/05/16	
NPRM Comment Period End.	04/12/16	
Final Rule	12/09/16	81 FR 88975
Final Rule Effective.	01/09/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov*.

RIN: 0648–BF09

48. Allow the Use of Longline Pot Gear in the Gulf of Alaska Sablefish Individual Fishing Quota Fishery

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: This action amended Federal regulations to allow fishermen to use longline pot gear to harvest sablefish in the Gulf of Alaska Individual Fishing Quota fishery. Hook-and-line gear is currently the only authorized gear type in the sablefish Individual Fishing Quota fishery. The action authorized Individual Fishing Quota fishermen to use either longline pot gear or hook-and-line gear in the sablefish Individual Fishing Quota fishery. Some fishermen would like to use longline pot gear because it is less prone to whale interactions than hook-and-line gear. The action established management measures to minimize conflicts between hook-and-line and longline pot gear on the fishing grounds and to prevent significant consolidation of sablefish Individual Fishing Quota onto fewer vessels.

Timetable:

Action	Date	FR Cite
Notice of Availability.	08/08/16	81 FR 52394
NPRM	08/19/16	81 FR 55408
NPRM Comment Period End.	09/19/16	
Final Rule	12/28/16	81 FR 95435
Final Rule Effective.	01/27/17	
Stay of Final Rule	01/31/17	82 FR 8810
Stay of Final Rule Effective.	01/31/17	
Final Action	02/07/17	82 FR 9501
Final Action Effective.	03/11/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BF42

49. Atlantic Highly Migratory Species; Atlantic Blacknose Shark Commercial Retention Limit

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule evaluated the management measures for blacknose sharks in the Atlantic region. It considered, among other things, a range of commercial management measures in both directed and incidental shark fisheries including, but not limited to,

retention limits. In addition, this action addressed commercial retention limits to help prevent early closures of the non-blacknose small coastal shark management group and fully utilize the quota.

Timetable:

Action	Date	FR Cite
NPRM	08/03/16	81 FR 51165
NPRM Comment Period End.	09/20/16	
Final Action	12/14/16	81 FR 90241
Final Action Effective.	01/13/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BF49

50. Amendment 113 to the FMP for Groundfish of the BSAI To Establish a Catcher Vessel Fishing Period and Shoreside Processing Delivery Requirements for Aleutian Islands Pacific Cod

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule restricted participation in the Aleutian Islands Pacific cod fishery. This action was necessary to provide stability to catcher vessels that participate in the Aleutian Islands Pacific cod fishery and the shoreside processors to which they deliver, and to the communities in which these processors are located. Specifically, this rule established catch limits for Pacific cod in the Aleutian Islands and the Bering Sea. The revised allocation was intended to provide catcher vessels with a sufficient opportunity to harvest Pacific cod in an inshore fishery by restricting participation in the fisheries by catcher processors that can harvest significantly larger volumes of Pacific cod further offshore. This rule included provisions to relieve the restrictions on catcher processor participation if catcher vessels would not be able to harvest the allocation or Aleutian Islands shoreside processors would not be able to process catcher vessel harvests of Pacific cod.

Timetable:

Action	Date	FR Cite
Notice of Availability.	07/19/16	81 FR 46883
NPRM	08/01/16	81 FR 50444
NPRM Comment Period End.	08/31/16	
Final Action	11/23/16	81 FR 84434
Final Action Effective.	11/23/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BF54

51. Specification of Management Measures for Atlantic Herring for the 2016–2018 Fishing Years

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The Atlantic herring fishery specifications were annual catch amounts for the 2016–2018 fishing years, January–December. These specifications are required by regulation to be set for 3 years. These specifications changed the current catch limit levels and continued to prevent overfishing of the herring resource and achieve optimum yield. The catch limits established in these specifications set a constant catch amount available to the industry that provided a stable allowable catch for 3-year business planning purposes. In addition, the specifications added catch that was not caught under last year's catch limit for one management area and reduced catch that exceeded the catch limits set in other management areas. Finally, the specifications set annual gear-specific and area-specific catch caps for river herring and shad, consistent with Framework Adjustment 3 to the Atlantic Herring Fishery Management Plan.

Timetable:

Action	Date	FR Cite
NPRM	06/21/16	81 FR 40253
NPRM Comment Period End.	07/21/16	
Final Action	11/01/16	81 FR 75731
Final Action Effective.	12/01/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BF64

52. Amendment 19 to the Atlantic Sea Scallop Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Amendment 19 incorporated a specifications process into the Atlantic Sea Scallop Fishery Management Plan and changed the start of the fishing year. Developing specifications to set annual or biennial allocations will allow for a more efficient process for setting annual allocations than currently possible through framework adjustments. By adjusting the start of the scallop fishing year, the National Marine Fisheries Service would be able to implement simple specifications actions at the start of the fishing year on a more consistent basis.

Timetable:

Action	Date	FR Cite
Notice of Availability.	07/20/16	81 FR 47152
NPRM	08/16/16	81 FR 54533
NPRM Comment Period End.	09/15/16	
Final Action	11/03/16	81 FR 76516
Final Action Effective.	12/05/16	

Regulatory Flexibility Analysis Required: No.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BF72

53. Observer Coverage Requirements for Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This rule allowed the owner of a catcher vessel in the Bering Sea and Aleutian Islands Management Area trawl limited access fisheries to annually choose to have the vessel placed in the full observer coverage category for all fishing in the Bering Sea and Aleutian Islands Management Area in the upcoming year. Under the previous regulations for the North Pacific Groundfish and Halibut Observer Program, catcher vessels in the Bering Sea and Aleutian Islands Management Area trawl limited access fisheries were assigned to the partial observer coverage category. Vessels in the partial observer coverage category must carry an observer on selected fishing trips, whereas vessels in the full

observer coverage category must carry an observer for all of their fishing activity. Owners of trawl catcher vessels requested to be allowed to voluntarily choose full coverage to obtain observer data from all of their fishing trips to better manage their halibut prohibited species catch.

Timetable:

Action	Date	FR Cite
NPRM	07/07/16	81 FR 44251
NPRM Comment Period End.	08/08/16	
Final Action	09/30/16	81 FR 67113
Final Action Effective.	10/31/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BF80

54. Framework Amendment 1 to the Dolphin and Wahoo Fishery Management Plan of the Atlantic

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: Dolphin Wahoo 1 established a commercial trip limit after a specified percentage of the commercial sector annual catch limit has been reached and would continue until the end of the fishing year or until the entire commercial annual catch limit is met, whichever comes first.

Timetable:

Action	Date	FR Cite
NPRM	06/30/16	81 FR 42625
NPRM Comment Period End.	08/01/16	
Final Rule	12/29/16	81 FR 96388
Final Rule Effective.	01/30/17	
Stay of Final Rule	01/31/17	82 FR 8820
Delayed Effective Date.	03/21/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BF81

55. Amendment 103 to the Fishery Management Plan for Groundfish of the Gulf of Alaska To Reapportion Chinook Salmon Prohibited Catch in the Gulf of Alaska Trawl Fisheries

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* 16 U.S.C. 773 *et seq.;* Pub. L. 08–199

Abstract: This action allowed the National Marine Fisheries Service to reapportion unused Chinook salmon prohibited species catch within and between trawl sectors in the Gulf of Alaska groundfish fisheries to reduce the potential for early fishery closures. Amendments 93 and 97 to the Fishery Management Plan for Groundfish of the Gulf of Alaska and implementing regulations established Chinook salmon prohibited species catch limits for pollock and non-pollock trawl fisheries. Specifically, this action: Allowed the National Marine Fisheries Service to reapportion remaining Chinook salmon prohibited species catch among trawl catcher vessel sectors and from the trawl catcher/processor sector to trawl catcher vessel sectors based on criteria established for inseason reapportionments and within specified limits; increased management flexibility without exceeding the current overall 32,500 Chinook salmon prohibited species catch limit or negating the current prohibited species catch limits under Amendments 93 and 97; and increased the likelihood that groundfish resources are more fully harvested, and minimized the adverse socioeconomic impacts of the fishery closures on harvesters, processors, and communities.

Timetable:

Action	Date	FR Cite
Notice of Availability.	05/26/16	81 FR 33456
NPRM	06/16/16	81 FR 39237
NPRM Comment Period End.	07/18/16	
Final Action	09/12/16	81 FR 62659
Final Action Effective.	10/12/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BF84

56. Framework Action To Adjust the Red Grouper Allowable Harvest in the Gulf of Mexico

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This Framework Action adjusted the red grouper allowable harvest in the Gulf of Mexico, consistent with the results of a 2015 stock assessment. The commercial annual catch limit and annual catch target were adjusted from 6.03 million pounds gutted weight and 5.72 million pounds gutted weight, to 8.19 million pounds gutted weight, and 7.78 million pounds gutted weight, respectively. The recreational annual catch limit and annual catch target were adjusted from 1.9 million pounds gutted weight and 1.73 million pounds gutted weight, to 2.58 million pounds gutted weight, and 2.37 million pounds gutted weight, respectively. These increases in the annual catch limits and annual catch targets provided more quota to the commercial fisherman and were expected to extend the recreational fishing season, which has been closed in-season in recent years, through the end of the year.

Timetable:

Action	Date	FR Cite
NPRM	07/26/16	81 FR 48728
NPRM Comment Period End.	08/25/16	
Final Action	10/12/16	81 FR 70365
Final Action Effective.	10/12/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BG12

57. Amendment 45 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: The Gulf of Mexico Fishery Management Council developed and implemented separate federal for-hire and private angling components for red snapper management measures to better prevent overfishing while achieving the optimum yield. Amendment 40 defined the components, allocated the recreational red snapper quota between the components, and established a three-year sunset provision for the components. The purpose of this action was to extend the sector separation

sunset provision established in Amendment 40 for five additional years to allow completion of component-focused management strategies.

Timetable:

Action	Date	FR Cite
Notice of Availability.	08/25/16	81 FR 58466
NPRM	09/08/16	81 FR 62069
NPRM Comment Period End.	10/24/16	
Final Action	12/02/16	81 FR 86971
Correction	12/07/16	81 FR 88135
Final Action Effective.	01/03/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BG19

58. • Framework Adjustment 28 to the Atlantic Sea Scallop Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*

Abstract: This action sets management measures for the scallop fishery for the 2017 fishing year, including the annual catch limits and annual catch targets for the limited access and fleets, as well as days-at-sea allocations and sea scallop access area trip allocations. Furthermore, Framework 28 would implement additional measures to set the limited access general category individual fishing quota based on spatial management, prevent the shucking of scallops off the days-at-sea clock, and reduce discard mortality.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6472
NPRM Comment Period End.	02/07/17	
Final Action Effective.	03/23/17	
Final Action	03/27/17	82 FR 15155

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BG46

59. Designation of Critical Habitat for the Carolina and South Atlantic Distinct Population Segments of Atlantic Sturgeon

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service listed four distinct population segments of Atlantic sturgeon as endangered—and one distinct population of Atlantic sturgeon as threatened—under the Endangered Species Act on February 6, 2012. This action proposes to designate critical habitat for the Carolina and South Atlantic Distinct Population Segments of Atlantic sturgeon, both listed as endangered.

Timetable:

Action	Date	FR Cite
NPRM	06/03/16	81 FR 36077
Correction	06/28/16	81 FR 41926
NPRM Comment Period End.	09/01/16	
NPRM Comment Period Reopened.	09/29/16	81 FR 66911
NPRM Comment Period End.	10/14/16	
Merged With 0648–BF28.	03/23/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BF32

60. Endangered and Threatened Species; Critical Habitat for the Threatened Caribbean Corals

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service listed five Caribbean corals in the Southeast Region as threatened under the Endangered Species Act on October 10, 2014. This rule proposes to designate critical habitat for the five listed corals and revises critical habitat for the previously-listed corals Acropora palmata and Acropora cervicornis.

Timetable:

Action	Date	FR Cite
Merged With 0648–BG26.	05/01/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BG20

[FR Doc. 2017–16888 Filed 8–23–17; 8:45 am]

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Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. II

Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Defense (DoD).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 ''Regulatory Planning and Review.'' This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive Order and other regulatory guidance. It contains DoD regulations initiated by DoD Components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD regulations listed in the agenda are of limited public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at *www.regulations.gov* during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on December 23, 2016, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the fall of 2017.

The complete Unified Agenda will be available online at *www.reginfo.gov.*

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Defense's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571–372–0485, or write to Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 9010 Defense Pentagon, Washington, DC 20301–9010, or email: *patricia.l.toppings.civ@mail.mil.*

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301–1600, or call 703–697–2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Morgan Park, telephone 571–372–0489, or write to Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Advisory Committee Division, 9010 Defense Pentagon, Washington, DC 20301–9010, or email: *morgan.e.park.civ@mail.mil.*

For general information on Office of the Secretary regulations which are procurement-related, contact Ms. Jennifer Hawes, telephone 571–372–6115, or write to Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, Defense Procurement and Acquisition Policy, Defense Acquisition Regulations System, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060, or email: *jennifer.l.hawes2.civ@mail.mil.*

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703–428–6173, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS–RDR–C, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, Virginia 22315–3860, or email: *brenda.s.bowen.civ@mail.mil.*

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Chip Smith, telephone 703–693–3644, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310–0108, or email: *charles.r.smith567.civ@mail.mil.*

For general information on Department of the Navy regulations, contact LCDR Audrey Nichols, telephone 703–614–7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066, or email: *audrey.nichols@navy.mil.*

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703–614–8500, or write the Office of the Secretary of the Air Force, Chief, Information Dominance/Chief Information Officer (SAF CIO/A6), 1800 Air Force Pentagon, Washington, DC 20330–1800, or email: *usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil.*

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Departments of the Army and Navy. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies regulations that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD Components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act of 1995;

c. Unfunded Mandates Reform Act of 1995.

Those DoD regulations, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a

substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD Component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

David Tillotson III,

Acting Deputy Chief Management Officer.

DEFENSE ACQUISITION REGULATIONS COUNCIL—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
61	Only One Offer (DFARS Case 2017–D009)	0750–AJ19
62	Inapplicability of Certain Defense-Unique Laws to Commercial Items (DFARS Case 2017–D010)	0750–AJ21
63	Restrictions on Acquisitions From Foreign Sources (DFARS Case 2017–D011)	0750–AJ22
64	Modification to Pilot Program for Streamlining Awards for Innovative Technology Projects (DFARS Case 2017–D015).	0750–AJ24
65	Performance-Based Payments (DFARS Case 2017–D019)	0750–AJ28
66	Acquisition of Commercial Items (DFARS Case 2017–D020)	0750–AJ29
67	Service Contract Reporting (DFARS Case 2017–D035)	0750–AJ40
68	Past Performance Information Retrieval System-Statistical Reporting (DFARS Case 2017–D003)	0750–AJ41
69	Consolidation of Contract Requirements (DFARS Case 2017–D004)	0750–AJ43
70	Electronic Submission and Processing of Payment Requests and Receiving Reports (DFARS Case 2016–D032).	0750–AJ44
71	Antiterrorism Requirements for Contractors (DFARS Case 2017–D034)	0750–AJ45

DEFENSE ACQUISITION REGULATIONS COUNCIL—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
72	Amendments Related to Sources of Electronic Parts (DFARS Case 2016–D013)	0750–AI92
73	Competition for Religious-Related Services Contracts (DFARS Case 2016–D015)	0750–AJ06
74	Use of the Government Property Clause (DFARS Case 2015–D035)	0750–AJ11

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
75	TRICARE; Reimbursement of Long Term Care Hospitals and Inpatient Rehabilitation Facilities	0720–AB47

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Proposed Rule Stage

61. • Only One Offer (DFARS Case 2017–D009)

Legal Authority: 41 U.S.C. 1303; Pub. L. 114–328, sec. 822

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 822 of the National Defense Authorization Act for Fiscal Year 2017. This rule is necessary to conform with the changes being made to the Federal Acquisition Regulation (FAR), under FAR Case 2017–006, which amends the standards for adequate price competition for DoD, NASA, and the Coast Guard. The rule requires that cost or pricing data be certified when only one offer is received in response to a competitive solicitation, unless another exception to the requirement for certified cost or pricing data applies.

This rule will increase costs to offerors, including small entities, if only one offer is received in response to a competitive solicitation, unless another exception to certified cost or pricing data applies (such as commercial item acquisitions or acquisitions valued at less than $750,000).

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email:* *jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ19

62. • Inapplicability of Certain Defense-Unique Laws to Commercial Items (DFARS Case 2017–D010)

Legal Authority: 41 U.S.C. 1303; Pub. L. 114–328, sec. 874

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 874 of the National Defense Authorization Act for Fiscal Year 2017. Section 874 amends 10 U.S.C. 2375 to address the relationship of commercial item provisions to other provisions of law and regulation.

The DFARS will include lists of defense-unique statutes, and Governmentwide contract clause requirements not expressly authorized

by statute, that are not applicable to contracts or subcontracts for the acquisition of commercial items or contracts for the acquisition of commercially available off-the-shelf items. To the maximum extent practicable, the DFARS shall prohibit the flowdown of contract clauses to subcontracts under contracts for the procurement of commercial items unless required by law or Executive order.

This rule is expected to reduce costs to contractors, including small entities, by reducing the number of regulations applicable to commercial items, including commercially available off-the-shelf items.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	
NPRM Comment Period End.	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ21

63. • Restrictions on Acquisitions From Foreign Sources (DFARS Case 2017–D011)

Legal Authority: 41 U.S.C. 1303; Pub. L. 114–328, sec. 817; 37 U.S.C. 418; Pub. L. 114–328, sec. 881(b); 10 U.S.C. 2500(1); Pub. L. 114–328, sec. 1296; Pub. L. 109–163, sec. 1211

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections 817, 881(b), and 1296 of the National Defense Authorization Action (NDAA) for Fiscal Year (FY) 2017. These sections of the NDAA for FY 2017 accomplish the following:

(1) Section 817 amends 37 U.S.C. 418, adding new paragraph (d), which extends domestic source requirements to acquisitions at or below the simplified acquisition threshold when acquiring athletic footwear to be furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.

(2) Section 881(b) amends 10 U.S.C. 2500(1) by adding Australia and the United Kingdom to the definition of ''National Technology and Industrial Base.'' 10 U.S.C. 2534 restricts acquisition of certain items to items from manufacturers that are part of the national technology and industrial base.

(3) Section 1296 amends section 1211 of the NDAA for FY 2006 (Pub. L. 109–163), which was also amended by the NDAA for FY 2012 (Pub. L. 112–81). It prohibits purchase of items from a Communist Chinese military company that meet the definition of goods and services controlled as munitions items when moved to the 600 series of the Commerce Control List of the Export Administration Regulations of the Department of Commerce.

Implementation of section 817 in the DFARS may result in some increased costs to the Government for purchase of domestic athletic footwear; however, this will benefit the manufacturers of domestic footwear and components thereof. Implementation of section 881(b) is not expected to increase costs to contractors or the Government and will improve the integration of the national technology and industrial base, expanding to include several close allies (United Kingdom and Australia). Implementation of section 1296 is not expected to significantly increase costs to contractors or the Government; there may be some costs of transition to other sources if restricted parts are currently being purchased from China.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	
NPRM Comment Period End.	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ22

64. • Modification to Pilot Program for Streamlining Awards for Innovative Technology Projects (DFARS Case 2017–D015)

Legal Authority: 41 U.S.C. 1303; Pub. L. 114–328, sec. 896; Pub. L. 114–92, sec. 873

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 896 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017, which amends section 873 of the NDAA for FY 2016 to modify the Pilot Program for Streamlining Awards for Innovative Technology Projects. This proposed rule revises DFARS to implement section 896 by providing an exception from the following:

(1) Certified cost or pricing data requirements for contracts, subcontracts, or modifications of contracts or subcontracts valued at less than $7.5 million awarded under the Small Business Technology Transfer Program. The head of the agency may determine that submission of cost or pricing data should be required based on past performance of the specific small business concern or nontraditional defense contractor or analysis of other information specific to the award.

(2) The records examination requirement at 10 U.S.C. 2313 that precludes the head of an agency, acting through an authorized representative, from examining all contractor or subcontractor records related to the proposal for the contract or subcontract, the discussions conducted on the proposal, and the pricing of the contract or subcontract. This exception applies to contracts valued at less than $7.5 million that are awarded to a small business concern or nontraditional defense contractor pursuant to a technical, merit-based selection procedure or the Small Business Innovation Research Program. Notwithstanding this exception, the head of the agency may determine within 18 months of contract completion that auditing of records should be required based on past performance of the specific small business or nontraditional defense contractor or analysis of other information specific to the award.

This rule is expected to reduce costs for small business concerns or nontraditional defense contractors who are covered by the statutory exemptions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	
NPRM Comment Period End.	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ24

65. • Performance-Based Payments (DFARS Case 2017–D019)

Legal Authority: 41 U.S.C. 1303; Pub. L. 114–328, sec. 831

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement to implements section 831 of the National Defense Authorization Act for Fiscal Year 2017 to require the following:

(1) Performance-based payments shall not be conditioned upon costs incurred in contract performance but on the achievement of performance outcomes.

(2) Nontraditional defense contractors and other private sector companies shall be eligible for performance-based payments, consistent with best commercial practices.

(3) In order to receive performance-based payments, a contractor's accounting system shall be in compliance with Generally Accepted Accounting Principles, and there shall be no requirement for a contractor to develop Government-unique accounting systems or practices as a prerequisite for agreeing to receive performance-based payments.

Nothing in the rule shall be construed to grant the Defense Contract Audit Agency the authority to audit compliance with Generally Accepted Accounting Principles.

The rule is not expected to increase costs for contractors, and the rule does not impact negotiated contract prices. The rule revises the contractual procedures for financing through performance-based payments and provides for increased utilization of this financing method for traditional and nontraditional defense contractors.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ28

66. • Acquisition of Commercial Items (DFARS Case 2017–D020)

Legal Authority: 41 U.S.C. 1303; Pub. L. 114–328, sec. 871; Pub. L. 114–328, sec. 872; Pub. L. 114–328, sec. 876; Pub. L. 114–328, sec. 877; Pub. L. 114–328, sec. 878

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement to implement the requirements of sections 871, 872, 876, 877, and 878 of the National Defense Authorization Act for Fiscal Year 2017 to address:

(1) How contracting officers may require the offeror to submit relevant information to support market research for price analysis;

(2) That an offeror may submit information or analysis relating to the value of a commercial item to aid in the determination of the reasonableness of the price of such item, and a contracting officer may consider such information or analysis pursuant to 10 U.S.C. 2379;

(3) The head of an agency may not enter into a contract for facilities-related services, knowledge-based services (except engineering services), construction services, medical services, or transportation services that are not commercial services unless it is determined in writing by the appropriate authority that no commercial services are suitable to meet the agency's needs;

(4) That items valued at less than $10,000 that are purchased by a contractor for use in the performance of multiple contracts with the DoD and other parties and are not identifiable to any particular contract shall be treated as a commercial item; and

(5) That services provided by a business unit that is a nontraditional defense contractor (as that term is defined in 10 U.S.C. 2302(9)) shall be treated as commercial items, to the extent that such services use the same pool of employees as used for commercial customers and are priced using methodology similar to methodology used for commercial pricing.

DoD expects that this rule will reduce costs for contractors since certified cost or pricing data will not be required when contracting officers use commercial item procurement procedures for: Commingled items purchased by contractors for use in the performance of multiple contracts; commercial services (when DoD is obtaining facilities-related services, knowledge-based services (except engineering services), construction services, medical services, or transportation services); and services from nontraditional defense contractors. DoD does not expect this rule to increase costs for contractors, because this rule does not add to or remove any of the existing requirements for the submission of other than certified cost or pricing data for the purpose of determining the reasonableness of prices proposed for commercial items. While the use of market research and data to support a value analysis of commercial items will be encouraged, in accordance with the statutory language, both techniques are existing practices for making price reasonableness determinations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ29

67. • Service Contract Reporting (DFARS Case 2017–D035)

Legal Authority: 41 U.S.C. 1303; Pub. L. 114–328, sec. 812; 10 U.S.C. 2330a

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulations Supplement (DFARS) to implement section 812 of the National Defense Authorization Act for Fiscal Year 2017. Section 812 amended 10 U.S.C. 2330a, which requires the Secretary of Defense to:

(1) Establish a data collection system with regard to each purchase of services by a military department or defense agency in excess of $3 million for the following service acquisition portfolio groups: Logistics managements services, equipment-related services, knowledge-based services, and electronics and communications services; and

(2) Prepare an annual inventory, and submit to Congress a summary of the inventory, of activities performed during the preceding fiscal year pursuant to staff augmentation contracts on behalf of DoD.

To create the inventory required by the statute, DoD must collect information from contractors performing such services, which will be accomplished through the use of the Enterprise-wide Contractor Manpower Reporting Application (eCMRA). This rule amends the DFARS to provide instructions to contracting officers and contractors regarding reports to be submitted through eCMRA. As such, the rule will increase costs for contractors, including small entities; however, the new reporting requirements are necessary for DoD to comply with the requirements of 10 U.S.C. 2330a.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ40

68. • Past Performance Information Retrieval System-Statistical Reporting (DFARS Case 2017–D003)

Legal Authority: 41 U.S.C. 1303

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to incorporate price risk, item risk and supplier risk factors into DFARS 252.213–7000, Notice to Prospective Suppliers on Use of Past Performance Information Retrieval System-Statistical Reporting in Past Performance Evaluations. The Past Performance Information Retrieval System-Statistical Reporting (PPIRS–SR) application provides objective, statistical information that can be used by contracting officers for evaluation of contractor quotations under simplified acquisition procedures.

This rule is necessary in order to align the DFARS with enhancements made to the PPIRS–SR application in 2016, enhancements that better enable DoD to evaluate supplier past performance in order to prevent the acquisition of counterfeit parts. PPIRS–SR captures historical pricing data from various sources to compute ''average price'' paid, applies a common statistical methodology to derive an expected cost range for previously procured items, and alerts contracting officers of items considered ''high-risk''(*i.e.,* the item to be procured has a critical use or is susceptible to counterfeiting).

The proposed rule does not increase costs for contractors; rather, the rule informs prospective suppliers that DoD will use PPIRS–SR as a source of information for past performance data.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	
NPRM Comment Period End.	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ41

69. • Consolidation of Contract Requirements (DFARS Case 2017–D004)

Legal Authority: 41 U.S.C. 1303; 14 U.S.C. 657q; Pub. L. 112–239, sec. 1671

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to remove or revise outdated DFARS coverage regarding consolidation of contract requirements, which is defined at DFARS 207.170 as ''the use of a solicitation to obtain offers for a single contract or multiple award contract to satisfy two or more requirements of a department, agency, or activity for supplies or services that previously have been provided to, or performed for, that department, agency, or activity under two or more separate contracts.'' This coverage in the DFARS implemented 10 U.S.C. 2382, which was repealed by section 1671 of the National Defense Authorization Act for Fiscal Year 2013. Section 1671 also amended section 44 of the Small Business Act (15 U.S.C. 657q) to remove the requirement for DoD to comply with 10 U.S.C. 2382. As a result, DoD is now required to comply with 15 U.S.C. 657q, which places limitations on the use of acquisition strategies involving consolidation. The Federal Acquisition Regulation (FAR) addresses consolidation, including the limitations imposed by 15 U.S.C. 657q, at FAR 7.107.

By removing the outdated DFARS coverage of consolidation, this rule will reduce confusion among the DoD contracting workforce caused by different requirements in the FAR and DFARS. Accordingly, this rule is not expected to increase costs for offerors or contractors.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ43

70. • Electronic Submission and Processing of Payment Requests and Receiving Reports (DFARS Case 2016–D032)

Legal Authority: 41 U.S.C. 1303

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update and clarify exceptions to the use of Wide Area WorkFlow (WAWF) for electronic submission and processing of payment requests and receiving reports. The rule will amend the DFARS to reflect the current exceptions to WAWF, which include classified contracts, contractor inability to create an electronic invoice for reasons beyond its reasonable control (or because the creation of an electronic invoice is unduly burdensome), or when DoD is unable to receive a payment request or provide acceptance in electronic form. The proposed rule also updates DFARS appendix F and removes obsolete language from DFARS 246.370 and its related clause at DFARS 252.246–7000, Material Inspection and Receiving Report. This rule is not expected to increase costs for contractors.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ44

71. • Antiterrorism Requirements for Contractors (DFARS Case 2017–D034)

Legal Authority: 41 U.S.C. 1303

Abstract: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement to implement requirements of DoD Instruction O–2000.16, ''DoD Antiterrorism (AT) Program Implementation: DoD AT Standards,'' as it relates to contractors. Specifically, DoDI O–2000.16 requires that contractor and subcontractor employees who, as a condition of contract performance, require routine physical access to a Federally-controlled facility or military installation for a period of performance in excess of six months, complete Level I antiterrorism awareness training annually. This rule

creates a new DFARS contract clause that informs contractors of this mandatory training requirement; therefore, this case will increase costs for contractors.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ45

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Final Rule Stage

72. Amendents Related to Sources of Electronic Parts (DFARS Case 2016–D013)

Legal Authority: 41 U.S.C. 1303; Pub. L. 114–92, sec. 885(b); Pub. L. 112–81, sec. 818(c)(3)(D)(iii)

Abstract: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement to implement section 885(b) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016, which amends section 818(c)(3)(D)(iii) of the NDAA for FY 2012, which makes contractor and subcontractor identification and use of contractor-approved distributors subject to approval (as well as review and audit) by appropriate DoD officials. Contractors are only allowed to use contractor-approved suppliers when electronic parts are not in production by the original manufacturer or an authorized aftermarket manufacturer, and are not currently available in stock from a the original manufacturer, their authorized suppliers; or suppliers that obtain such parts exclusively from the original manufacturers of the parts or their authorized suppliers. The contractor may proceed with the acquisition of electronic parts from a contractor-approved supplier unless otherwise notified by DoD.

Five respondents submitted comments on the proposed rule, which resulted in one clarification in the final rule. This rule could have some cost impact on contractors, including small entities, if a contractor-approved supplier is disapproved by DoD, but this would only occur if DoD had identified substantial risk of counterfeit parts from such supplier. DoD shares the desire of the contractors to avoid significant schedule delays and cost increases, which would result in impairment of operational readiness.

Timetable:

Action	Date	FR Cite
NPRM	08/02/16	81 FR 50680
NPRM Comment Period End.	10/03/16	
Final Action	09/00/17	
Final Action Effective.	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AI92

73. Competition for Religious-Related Services Contracts (DFARS Case 2016–D015)

Legal Authority: 41 U.S.C. 1303; Pub. L. 114–92, sec. 898

Abstract: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement to implement section 898 of the National Defense Authorization Act for Fiscal Year 2016, which prohibits DoD from precluding a nonprofit organization from competing for a contract for religious-related services on a U.S. military installation. The rule implements the prohibition set forth in the statute. In addition, since solicitations that are set aside for small businesses are likely to provide a competitive environment that excludes participation of nonprofit organizations, the rule provides a new provision to be used in solicitations for religious-related services on a U.S. military installation that are set aside for small businesses in order to advise potential offerors that nonprofit organizations will not be precluded from competing. Contracting officers are also directed to not use any of the sole source authorities at Federal Acquisition Regulation 6.302–5(b)(4) through (7), since use of those authorities would restrict award of the requirement to a small business and, contrary to statute, would bar a nonprofit organization from being considered for the award.

There were no public comments submitted in response to the proposed rule. This rule will not increase the cost of contracting for contractors. However, this rule may have an economic impact on small entities, since the rule expands opportunities for nonprofit organizations that will now be authorized to compete on solicitations that are set-aside for small businesses, when the acquisition of religious-related services on a U.S. military installation.

Timetable:

Action	Date	FR Cite
NPRM	12/22/16	81 FR 93875
NPRM Comment Period End.	02/21/17	
Final Action	09/00/17	
Final Action Effective.	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ06

74. Use of the Government Property Clause (DFARS Case 2015–D035)

Legal Authority: 41 U.S.C. 1303

Abstract: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement to expand the prescription for use of Federal Acquisition Regulation (FAR) clause 52.245–1, Government Property, to apply to all purchase orders for repair, maintenance, overhaul, or modification to Government property regardless of the acquisition cost of the items to be repaired. Currently, the FAR clause is optional for use in purchase orders for repair when the acquisition cost of the item to be repaired is less than the simplified acquisition threshold; however, acquisition cost alone is not an indicator of the criticality or sensitivity of the property. The acquisition cost of individual items of firearms, body armor, night-vision equipment, computers, or cryptologic devices may be below the simplified acquisition threshold, but the accountability requirements for these items are fairly stringent. Requiring the clause in all purchase orders for repair, regardless of the acquisition cost of the item to be repaired, will ensure DoD has better accountability and insight into military reparable assets.

One respondent submitted comments on the proposed rule. This rule will increase costs for contractors, including

small entities, who receive purchase orders for repair of Government property, because these contractors will be required to comply with the reporting requirements associated with Government property clause. However, the rule also provides the contractors with the protections of the Government Property clause (where the Government self-insures the property provided to the contractor), and provides DoD better accountability of its property.

Timetable:

Action	Date	FR Cite
NPRM	10/21/16	81 FR 73002
NPRM Comment Period End.	12/20/16	
Final Action	10/00/17	
Final Action Effective.	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AJ11

DEPARTMENT OF DEFENSE (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Final Rule Stage

75. Tricare; Reimbursement of Long Term Care Hospitals and Inpatient Rehabilitation Facilities

Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch. 55

Abstract: The Department of Defense, Defense Health Agency, proposed to revise its reimbursement of Long Term Care Hospitals (LTCHs) and Inpatient Rehabilitation Facilities (IRFs). Proposed revisions are in accordance with the statutory provision at title 10, United States Code (U.S.C.), section 1079(i)(2) that requires TRICARE payment methods for institutional care be determined, to the extent practicable, in accordance with the same reimbursement rules as apply to payments to providers of services of the same type under Medicare. 32 CFR 199.2 includes a definition for ''Hospital, long-term (tuberculosis, chronic care, or rehabilitation).'' This rule proposed to delete this definition and create separate definitions for ''Long Term Care Hospital'' and ''Inpatient Rehabilitation Facility'' in accordance with Centers for Medicare and Medicaid Services (CMS) classification criteria. Under TRICARE, LTCHs and IRFs (both freestanding rehabilitation hospitals and rehabilitation hospital units) are currently paid the lower of a negotiated rate (if they are a network provider) or billed charges (if they are a non-network provider). Although Medicare's reimbursement methods for LTCHs and IRFs are different, to the Defense Health Agency proposed adopting both the Medicare LTCH and IRF Prospective Payment System (PPS) methods simultaneously to align with our statutory requirement to reimburse like Medicare. The proposed rule set forth the regulation modifications that would be necessary for TRICARE to adopt Medicare's LTCH and IRF Prospective Payment Systems and rates applicable for inpatient services provided by LTCHs and IRFs to TRICARE beneficiaries. The Department will finalize this rule after considering public comment.

Timetable:

Action	Date	FR Cite
NPRM	01/26/15	80 FR 3926
NPRM Comment Period End.	03/27/15	
Second NPRM	08/31/16	81 FR 59934
Second NPRM Comment Period End.	10/31/16	
Final Action	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ann N. Fazzini, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301, *Phone:* 303 676–3803.

RIN: 0720–AB47

[FR Doc. 2017–16889 Filed 8–23–17; 8:45 am]

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Part VI

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Energy.

ACTION: Semi-annual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semi-annual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda) pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act.

SUPPLEMENTARY INFORMATION: The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by the Energy Independence and Security Act of 2007, the American Energy Manufacturing Technical Corrections Act and programmatic needs of DOE offices.

The Internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's Spring 2017 Agenda can be accessed online by going to *www.reginfo.gov.*

DOE's regulatory flexibility agenda is made up of rulemakings setting energy efficiency standards and requirements applicable to DOE sites.

John T. Lucas,

Acting General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
76	Modifying the Energy Conservation Program to Implement a Market-Based Approach	1904–AE11

ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
77	Energy Conservation Standards for Commercial Packaged Boilers	1904–AD01
78	Energy Conservation Standards and Definition for General Service Lamps	1904–AD09
79	Energy Conservation Standards for Residential Conventional Cooking Products	1904–AD15
80	Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces.	1904–AD20
81	Energy Conservation Standards for Commercial Water Heating Equipment	1904–AD34
82	Energy Conservation Standards for Walk-In Coolers and Walk-In Freezers	1904–AD59
83	Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps	1904–AD71
84	Energy Conservation Program: Test Procedures for Walk-In Cooler and Freezer Refrigeration Systems	1904–AD72

ENERGY EFFICIENCY AND RENEWABLE ENERGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
85	Energy Conservation Standards for Ceiling Fans	1904–AD28
86	Energy Conservation Standards for Hearth Products	1904–AD35
87	Energy Conservation Standards for Central Air Conditioners and Heat Pumps	1904–AD37
88	Energy Conservation Standards for Dedicated-Purpose Pool Pumps	1904–AD52

DEFENSE AND SECURITY AFFAIRS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
89	Workplace Substance Abuse Programs at DOE Sites	1992–AA53

DEPARTMENTAL AND OTHERS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
90	Small-Scale Natural Gas Exports (Section 610 Review)	1901–AB43

OFFICE OF GENERAL COUNSEL—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
91	Energy Conservation Program: Certification and Enforcement—Import Data Collection	1990–AA44

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Prerule Stage

76. • Modifying the Energy Conservation Program To Implement a Market-Based Approach

Legal Authority: 42 U.S.C. 6291

Abstract: The U.S. Department of Energy (DOE) is evaluating the potential use of some form of a market-based approach such as an averaging, trading, fee-base or other type of market-based policy mechanism for the U.S. Appliance and Equipment Energy Conservation Standards (ECS) program.

Timetable:

Action	Date	FR Cite
Request for Information.	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, Building Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AE11

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Final Rule Stage

77. Energy Conservation Standards for Commercial Packaged Boilers

Legal Authority: 42 U.S.C. 6313(a)(6)(C); 42 U.S.C. 6311(11)(B)

Abstract: EPCA, as amended by AEMTCA, requires the Secretary to determine whether updating the statutory energy conservation standards for commercial packaged boilers is technically feasible and economically justified and would save a significant amount of energy. If justified, the Secretary will issue amended energy conservation standards for such equipment. DOE last updated the standards for commercial packaged boilers on July 22, 2009. DOE issued a NOPR pursuant to the 6-year-look-back requirement on March 24, 2016. Under EPCA, DOE has two years to issue a final rule after publication of the NOPR.

Timetable:

Action	Date	FR Cite
Notice of Proposed Determination (NOPD).	08/13/13	78 FR 49202
NOPD Comment Period End.	09/12/13	
Notice of Public Meeting and Framework Document Availability.	09/03/13	78 FR 54197
Framework Document Comment Period End.	10/18/13	
Notice of Public Meeting and Preliminary Analysis.	11/20/14	79 FR 69066
Preliminary Analysis Comment Period End.	01/20/15	
Withdrawal of NOPD.	08/25/15	80 FR 51487
NPRM	03/24/16	81 FR 15836
NPRM Comment Period End.	05/23/16	
NPRM Comment Period Extended.	05/04/16	81 FR 26747
NPRM Comment Period Extended End.	06/22/16	
Final Action	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raba, Office of Building Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–8654, *Email: jim.raba@ee.doe.gov.*

RIN: 1904–AD01

78. Energy Conservation Standards and Definition for General Service Lamps

Legal Authority: 42 U.S.C. 6295(i)(6)(A)

Abstract: Amendments to Energy Policy and Conservation Act (EPCA) in the Energy Independence and Security Act of 2007 direct DOE to conduct two rulemaking cycles to evaluate energy conservation standards for GSLs, the first of which must be initiated no later than January 1, 2014 (42 U.S.C. 6295(i)(6)(A)–(B)). EPCA specifically states that the scope of the rulemaking is not limited to incandescent lamp technologies. EPCA also states that DOE must consider in the first rulemaking cycle the minimum backstop requirement of 45 lumens per watt for general service lamps (GSLs) effective January 1, 2020.

This RIN encompasses both the first rulemaking cycle to evaluate energy conservation standards for GSL's and also adopts a Definition Rule for GSLs. A regulatory flexibility analysis is required only in a GSL standards rule, and not in the Final Definition Rule.

Timetable:

Action	Date	FR Cite
Framework Document Availability; Notice of Public Meeting.	12/09/13	78 FR 73737
Framework Document Comment Period End.	01/23/14	
Framework Document Comment Period Extended.	01/23/14	79 FR 3742
Framework Document Comment Period Extended End.	02/07/14	
Preliminary Analysis; Notice of Public Meeting.	12/11/14	79 FR 73503
Preliminary Analysis Comment Period End.	02/09/15	
Preliminary Analysis Comment Period Extended.	01/30/15	80 FR 5052
Preliminary Analysis Comment Period Extended End.	02/23/15	
Notice of Public Meeting; Webinar.	03/15/16	81 FR 13763
NPRM	03/17/16	81 FR 14528
NPRM Comment Period End.	05/16/16	
Notice of Public Meeting; Webinar.	10/05/16	81 FR 69009
Proposed Definition and Data Availability.	10/18/16	81 FR 71794
Proposed Definition and Data Availability Comment Period End.	11/08/16	
Final Rule Adopting a Definition for GSL.	01/19/17	82 FR 7276
Final Rule Adopting a Definition for GSL Effective.	01/01/20	
Final Rule Adopting a Definition for GSL Including IRL.	01/19/17	82 FR 7322
Final Rule Adopting a Definition for GSL Including IRL Effective.	01/01/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lucy DeButts, Buildings Technologies Office, EE–5B, Department of Energy, Energy Efficiency

and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1604, *Email: lucy.debutts@ee.doe.gov.*

RIN: 1904–AD09

79. Energy Conservation Standards for Residential Conventional Cooking Products

Legal Authority: 42 U.S.C. 6295(m)(1); 42 U.S.C. 6292(a)(10)

Abstract: EPCA, as amended by EISA 2007, requires the Secretary to determine whether updating the statutory energy conservation standards for residential conventional cooking products would yield a significant savings in energy use and is technically feasible and economically justified. DOE is reviewing to make such determination.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	02/12/14	79 FR 8337
RFI Comment Period End.	03/14/14	
RFI Comment Period Extended.	03/03/14	79 FR 11714
RFI Comment Period Extended End.	04/14/14	
NPRM and Public Meeting.	06/10/15	80 FR 33030
NPRM Comment Period Extended.	07/30/15	80 FR 45452
NPRM Comment Period Extended End.	09/09/15	
Supplemental NPRM.	09/02/16	81 FR 60784
SNPRM Comment Period End.	10/03/16	
SNPRM Comment Period Extended.	09/30/16	81 FR 67219
SNPRM Comment Period Extended End.	11/02/16	
Final Action	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephanie Johnson, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Building Technologies Office, EE5B, Washington, DC 20002, *Phone:* 202 287–1943, *Email: stephanie.johnson@ee.doe.gov.*

RIN: 1904–AD15

80. Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces

Legal Authority: 42 U.S.C. 6295(f)(4)(C); 42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(gg)(3)

Abstract: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential furnaces. EPCA also requires the DOE to periodically determine every six years whether more-stringent amended standards would be technologically feasible and economically justified and would save a significant amount of energy. DOE is considering amendments to its energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces in partial fulfillment of a court-ordered remand of DOE's 2011 rulemaking for these products. DOE published a supplemental notice of proposed rulemaking on September 23, 2016.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	10/30/14	79 FR 64517
NPRM and Notice of Public Meeting.	03/12/15	80 FR 13120
NPRM Comment Period Extended.	05/20/15	80 FR 28851
NPRM Comment Period Extended End.	07/10/15	
Notice of Data Availability (NODA).	09/14/15	80 FR 55038
NODA Comment Period End.	10/14/15	
NODA Comment Period Reopened.	10/23/15	80 FR 64370
NODA Comment Period Reopened End.	11/23/15	
Supplemental NPRM and Notice of Public Meeting.	09/23/16	81 FR 65720
Supplemental NPRM Comment Period End.	11/22/16	
SNPRM Comment Period Reopened.	12/05/16	81 FR 87493
SNPRM Comment Period End.	01/06/17	
Final Action	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, Building Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD20

81. Energy Conservation Standards for Commercial Water Heating Equipment

Legal Authority: 42 U.S.C. 6313(a)(6)(C)(i) and (vi)

Abstract: Once completed, this rulemaking will fulfill DOE's statutory obligation under EPCA to either propose amended energy conservation standards for commercial water heaters and hot water supply boilers, or determine that the existing standards do not need to be amended. (Unfired hot water storage tanks and commercial heat pump water heaters are being considered in a separate rulemaking.) DOE must determine whether national standards more stringent than those that are currently in place would result in a significant additional amount of energy savings and whether such amended national standards would be technologically feasible and economically justified.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	10/21/14	79 FR 62899
RFI Comment Period End.	11/20/14	
NPRM	05/31/16	81 FR 34440
NPRM Comment Period End.	08/01/16	
NPRM Comment Period Reopened.	08/05/16	81 FR 51812
Comment Period End.	08/30/16	
Notice of Data Availability (NODA).	12/23/16	81 FR 94234
Comment Period End.	01/09/17	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Catherine Rivest, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Buildings Technologies Office, EE5B, Washington, DC 20585, *Phone:* 202 586–7335, *Email: catherine.rivest@ee.doe.gov.*

RIN: 1904–AD34

82. Energy Conservation Standards for Walk-In Coolers and Walk-In Freezers

Legal Authority: 42 U.S.C. 6311; 42 U.S.C. 6313(f)

Abstract: In 2014, the Department of Energy (DOE) issued a rule setting performance-based energy conservation standards for a variety of walk-in cooler and freezer (walk-in) components. See 79 FR 32050 (June 3, 2014). That rule was challenged by a group of walk-in refrigeration system manufacturers and walk-in installers, which led to a settlement agreement regarding certain refrigeration equipment classes addressed in that 2014 rule and certain aspects related to that rule's analysis. See *Lennox Int'l* v. *DOE,* Case No. 14–60535 (5th Cir. 2014). Consistent with the settlement agreement, and in accordance with the Federal Advisory Committee Act, a working group was established under the Appliance Standards and Rulemaking Advisory Committee (ASRAC) to engage in a negotiated rulemaking to develop energy conservation standards to replace those that had been vacated by the U.S. Court of Appeals for the Fifth Circuit. As a result of those negotiations, a Term Sheet was produced containing a series of recommendations to ASRAC for its approval and submission to DOE for the agency's further consideration. Using the Term Sheet's recommendations, DOE is establishing energy conservation standards for the six equipment classes of walk-in coolers and walk-in freezers that were vacated by the Fifth Circuit and remanded to DOE for further action. Those standards at issue involve: (1) The two standards applicable to multiplex condensing refrigeration systems operating at medium and low temperatures; and (2) the four standards applicable to dedicated condensing refrigeration systems operating at low temperatures. Also consistent with the settlement agreement, DOE explicitly considered the potential impacts of these six standards on installers. DOE also considered and addressed the potential impacts of these six standards on installers in its Manufacturer Impact Analysis, consistent with its regulatory definition of ''manufacturer,'' and, as appropriate, in its analysis of impacts on small entities under the Regulatory Flexibility Act. As part of this rulemaking (and consistent with its obligations under the settlement agreement), DOE provided an opportunity for all interested parties to submit comments concerning any proposed standards.

Timetable:

Action	Date	FR Cite
NPRM and Notice of Public Meeting.	09/13/16	81 FR 62980
NPRM Comment Period End.	11/14/16	
Final Action	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, Building Technologies Office, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD59

83. Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps

Legal Authority: 42 U.S.C. 6291 *et seq.*

Abstract: This rulemaking pertaining to test procedures for Central Air Conditioners and Heat Pumps includes revisions to the test methods to improve test repeatability and reduce the test burden of the test procedure. These revisions will be required for demonstration of compliance with the current energy conservation standards starting 180 days after publication of the final rule. These amendments include: (1) Establishing a delay time prior to off mode power measurements for some systems and limiting the internal volume of refrigerant pressure measurement lines; (2) requiring bin-by-bin EER and COP interpolations for all variable speed units; (3) requiring that the official test for a unit using the outdoor enthalpy method as a secondary check of capacity be the test without the outdoor enthalpy apparatus connected.

DOE is also amending the test procedure to improve field representativeness. These amendments will take effect coincident with updated energy conservation standards and would be part of a new Appendix M1. The new Appendix M1 includes: (1) New higher external static pressure requirements for all units, including unique minimum external static pressure requirements for certain kinds of products; (2) new default fan power values for rating coil-only units; revisions to the heating load line in the calculation of HSPF; and (3) amendments to the test procedures for variable speed heat pumps to allow better representation of their low-ambient-temperature performance, including an optional 5 °F heating mode test.

Timetable:

Action	Date	FR Cite
Supplemental NPRM.	08/24/16	81 FR 58164
SNPRM Comment Period End.	09/23/16	
Final Rule	01/05/17	82 FR 1426
Final Rule Effective.	07/08/17	
Final Rule; Delay of Effective Date.	02/02/17	82 FR 8985
Final Rule; Delay of Effective Date Effective.	03/21/17	
Final Rule; Further Delay of Effective Date.	03/21/17	82 FR 14425
Final Rule; Further Delay of Effective Date Effective.	07/03/17	
Final Rule; Technical Correction.	03/29/17	82 FR 15457

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ashley Armstrong, General Engineer, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, Building Technologies Office, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–6590, *Email: ashley.armstrong@ee.doe.gov.*

RIN: 1904–AD71

84. Energy Conservation Program: Test Procedures for Walk-In Cooler and Freezer Refrigeration Systems

Legal Authority: 42 U.S.C. 6311 *et seq.*

Abstract: DOE established a Working Group to negotiate amended energy conservation standards for six classes of walk-in cooler and freezer (walk-in) refrigeration systems. After holding a series of meetings as part of a negotiated rulemaking, the Working Group developed a Term Sheet containing a series of recommendations regarding potential energy conservation standards for these refrigeration systems and the current test procedure for evaluating the energy efficiency of a walk-in refrigeration system. This rulemaking proposed several test procedure amendments to implement these recommendations. These amendments include certain changes to improve test procedure clarity, updating related certification and enforcement provisions to address the performance-based energy conservation standards for walk-in cooler and freezer equipment, and establishing labeling requirements that will aid manufacturers in determining which components would be considered for compliance purposes as intended for walk-in cooler and freezer applications. The rule also adds certain equipment-

specific definitions, removes the test method for refrigeration systems with hot gas defrost, and includes a method to accommodate refrigeration equipment that use adaptive defrost and on-cycle variable-speed evaporator fan control.

Timetable:

Action	Date	FR Cite
NPRM	08/17/16	81 FR 54926
NPRM Comment Period End.	10/17/16	
Final Rule	12/28/16	81 FR 95758
Final Rule Effective.	01/27/17	
Final Rule; Delay of Effective Date.	01/31/17	82 FR 8805
Final Rule; Delay of Effective Date Effective.	03/21/17	
Final Rule; Further Delay of Effective Date.	03/21/17	82 FR 14426
Final Rule; Further Delay of Effective Date Effective.	06/26/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ashley Armstrong, General Engineer, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, Building Technologies Office, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–6590, *Email: ashley.armstrong@ee.doe.gov.*

RIN: 1904–AD72

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Completed Actions

85. Energy Conservation Standards for Ceiling Fans

Legal Authority: 42 U.S.C. 6295(ff); 42 U.S.C. 6291(49)

Abstract: EPCA authorizes the Secretary to determine whether updating the statutory energy conservation standards for ceiling fans is technologically feasible and economically justified and would result in significant energy savings. If these criteria are met, the Secretary may issue amended energy conservation standards for ceiling fans.

Completed:

Reason	Date	FR Cite
Final Rule	01/19/17	82 FR 6826
Final Rule Effective.	03/20/17	
Final Rule; Delay of Effective Date.	01/31/17	82 FR 8806
Final Rule; Delay of Effective Date Effective.	03/21/17	
Final Rule; Further Delay of Effective Date.	03/21/17	82 FR 14427
Final Rule; Further Delay of Effective Date Effective.	09/30/17	
Final Rule; Completion of Review; Confirmation of Rulemaking.	05/24/17	82 FR 23723

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lucy DeButts, *Phone:* 202 287–1604, *Email: lucy.debutts@ee.doe.gov.*

RIN: 1904–AD28

86. Energy Conservation Standards for Hearth Products

Legal Authority: 42 U.S.C. 6292(a)(20) and (b); 42 U.S.C. 6295(l)(1)

Abstract: DOE is conducting a rulemaking to analyze potential energy conservation standards for hearth products. DOE is developing this rulemaking concurrent with its coverage determination for these products.

Completed:

Reason	Date	FR Cite
Withdrawn	03/31/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD35

87. Energy Conservation Standards for Central Air Conditioners and Heat Pumps

Legal Authority: 42 U.S.C. 6295(m)(1); 42 U.S.C. 6292 (a)(3)

Abstract: Under the Energy Policy and Conservation Act's six-year review requirement, 42 U.S.C. 6295(m)(1), DOE must publish a notice of proposed rulemaking to propose new standards for residential central air conditioner and heat pump products, or a notice of determination that the existing standards do not need to be amended, by June 6, 2017. This rulemaking is to determine whether amended standards for residential central air conditioner and heat pump products would result in a significant amount of energy savings, and whether those standards would be technologically feasible and economically justified. On July 14, 2015, DOE announced its intention to establish a negotiated rulemaking working group to negotiate proposed federal standards for the energy efficiency requirements of central air conditioners and heat pumps. On January 19, 2016, the working group delivered a final term sheet to the Appliance Standards and Rulemaking Committee (ASRAC). DOE published a direct final rule and an accompanying notice of proposed rulemaking on January 6, 2017.

Completed:

Reason	Date	FR Cite
Notice of Data Availability (NODA).	10/27/16	81 FR 74727
NODA Comment Period End.	11/14/16	
NPRM	01/06/17	82 FR 1608
Direct Final Rule	01/06/17	82 FR 1786
Direct Final Rule Effective.	05/08/17	
Final Action; Confirmation of Effective Date and Compliance Date for Direct Final Rule.	05/26/17	82 FR 24211

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ashley Armstrong, *Phone:* 202 586–6590, *Email: ashley.armstrong@ee.doe.gov.*

RIN: 1904–AD37

88. Energy Conservation Standards for Dedicated-Purpose Pool Pumps

Legal Authority: 42 U.S.C. 6311(1)(A)

Abstract: Under the Energy Policy and Conservation Act, DOE may set energy conservation standards for types of pumps, including dedicated-purpose pool pumps (42 U.S.C. 3211(1)(A)). On August 8, 2015, DOE announced its intention to establish a negotiated rulemaking working group to negotiate proposed federal standards for dedicated-purpose pool pumps. The working group presented a final term sheet to the Appliance Standards and Rulemaking Advisory Committee (ASRAC) on December 8, 2015. DOE published a direct final rule and an accompanying notice of proposed rulemaking on January 18, 2017.

Completed:

Reason	Date	FR Cite
NPRM	01/18/17	82 FR 5446
Direct Final Rule	01/18/17	82 FR 5650
Direct Final Rule Effective.	05/18/17	

Reason	Date	FR Cite
Final Action; Confirmation of Effective Date and Compliance Date for Direct Final Rule.	05/26/17	82 FR 24218

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD52

DEPARTMENT OF ENERGY (DOE)

Defense and Security Affairs (DSA)

Proposed Rule Stage

89. Workplace Substance Abuse Programs at DOE Sites

Legal Authority: 41 U.S.C. 701 *et seq.;* 41 U.S.C. 2012, 2013, 2051, 2061, 2165, 2201b, 2201i and 2201(p); 42 U.S.C. 5814 and 5815; 42 U.S.C. 7151, 7251 and 7256; 42 U.S.C. 7254; 50 U.S.C. 2410 *et seq.*

Abstract: The Department of Energy is amending its workplace substance abuse programs at DOE sites regulation. The proposed amendments would address drug and alcohol abuse, testing workers in certain sensitive positions, development and approval of a workplace substance abuse program, employee assistance programs and training. The proposed amendments would improve and strengthen the substance abuse programs and enhance consistency with advances in similar rules and other Federal drug and alcohol programs that place similar requirements on the private sector.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Bill McArthur, Director, Office of Worker Safely and Health Policy, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 301 903–6061, *Email: bill.mcarthur@hq.doe.gov.*

RIN: 1992–AA53

DEPARTMENT OF ENERGY (DOE)

Departmental and Others (ENDEP)

Proposed Rule Stage

90. • Small-Scale Natural Gas Exports (Section 610 Review)

Legal Authority: 15 U.S.C. 717b(a); 15 U.S.C. 717b(c)

Abstract: This rule would revise DOE regulations implementing section 3(a) of the Natural Gas Act, 15 U.S.C. 717b(a), for ''qualifying small-scale'' exports of natural gas, including liquefied natural gas. Under this rule, DOE would issue an order upon receipt of any application that seeks to export natural gas to non-FTA countries, provided the application meets the criteria for small-scale exports. In promulgating this rule, DOE would clarify its interpretation of ''public interest'' under NGA section 3(a). The intent of the rule is to improve DOE's application procedures related to natural gas exports, reduce the administrative burdens associated with the small-scale natural gas export market, and result in more efficient processing of applications for small-scale natural gas exports.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Betsy Kohl, Attorney Advisor, Department of Energy, 1000 Independence Avenue SW., Room 6A–179, Washington, DC 20585, *Phone:* 202 586–7796, *Email: elizabeth.kohl@hq.doe.gov.*

RIN: 1901–AB43

DEPARTMENT OF ENERGY (DOE)

Office of General Counsel (OGC)

Final Rule Stage

91. Energy Conservation Program: Certification and Enforcement—Import Data Collection

Legal Authority: 42 U.S.C. 6291 to 6317

Abstract: This rulemaking will provide DOE an automated mechanism to advise U.S. Customs and Border Protection (CBP) of imports that do not comply with energy conservation standards and/or to advise CBP of DOE's recommendation for conditional release of goods.

Timetable:

Action	Date	FR Cite
NPRM	12/29/15	80 FR 81199
NPRM Comment Period End.	02/12/16	
Notice of Public Meeting and NPRM Comment Period Reopened.	02/17/16	81 FR 8022
NPRM Comment Period Reopened End.	02/29/16	
2nd NPRM Comment Period Reopened.	03/07/16	81 FR 11686
2nd NPRM Comment Period Reopened End.	03/14/16	
3rd NPRM Comment Period Reopened.	05/16/16	81 FR 30217
3rd NPRM Comment Period Reopened End.	06/15/16	
Final Action	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Laura Barhydt, Assistant General Counsel for Enforcement, GC–32, Department of Energy, Office of General Counsel, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–5772, *Email: laura.barhydt@hq.doe.gov.*

RIN: 1990–AA44

[FR Doc. 2017–16919 Filed 8–23–17; 8:45 am]

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Part VII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

25 CFR Ch. V

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order (EO) 12866 require the semiannual issuance of an inventory of rulemaking actions under development throughout the Department, offering for public review summarized information about forthcoming regulatory actions.

FOR FURTHER INFORMATION CONTACT: Ann C. Agnew, Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201; (202) 690–5627.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the Federal government's lead agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda presents the regulatory activities that the Department expects to undertake in the foreseeable future to advance this mission. HHS has an agency-wide effort to support the Agenda's purpose of encouraging more effective public participation in the regulatory process. For example, to encourage public participation, we regularly update our regulatory Web page (*http://www.HHS.gov/regulations*) which includes links to HHS rules currently open for public comment, and also provides a ''regulations toolkit'' with background information on regulations, the commenting process, how public comments influence the development of a rule, and how the public can provide effective comments. HHS also actively encourages meaningful public participation in its retrospective review of regulations, through a comment form on the HHS retrospective review Web page (*http://www.HHS.gov/RetrospectiveReview*).

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department's complete Regulatory Agenda is accessible online at *http://www.RegInfo.gov.*

Ann C. Agnew,

Executive Secretary to the Department.

OFFICE OF THE SECRETARY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
92	Removal of 2 CFR Subsection 376.147 **(Rulemaking Resulting From a Section 610 Review)**	0991–AC08
93	Uniform Administrative Requirements, Costs Principles and Adult Requirements (45 CFR 75) **(Rulemaking Resulting From a Section 610 Review)**.	0991–AC09

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
94	Requirements Governing the Use of Seclusion and Restraint in Certain Nonmedical Community-Based Facilities for Children and Youth.	0930–AA10
95	Medication Assisted Treatment for Opioid Use Disorders Reporting Requirements	0930–AA22

CENTERS FOR DISEASE CONTROL AND PREVENTION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
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FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
97	Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices	0910–AG48
98	Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods	0910–AH00
99	Safety and Effectiveness of Consumer Antiseptics; Topical Antimicrobial Drug Products for Over-the-Counter Human Use (Healthcare Antiseptic).	0910–AH40

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Sequence No.	Title	Regulation Identifier No.
100	Postmarketing Safety Reporting Requirements for Human Drug and Biological Products	0910–AA97
101	Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products	0910–AF31
102	Laser Products; Amendment to Performance Standard	0910–AF87
103	Updated Standards for Labeling of Pet Food	0910–AG09
104	Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products	0910–AG94
105	Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System	0910–AH03
106	General and Plastic Surgery Devices: Sunlamp Products	0910–AH14

FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
107	Medical Gas Containers and Closures; Current Good Manufacturing Practice Requirements	0910–AC53
108	Amendment to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals—Second Phase.	0910–AG20
109	Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives	0910–AG59
110	Amendments to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals—Components.	0910–AG70
111	Format and Content of Reports Intended To Demonstrate Substantial Equivalence	0910–AG96
112	Investigational New Drug Application Annual Reporting	0910–AH07
113	Requirements for Tobacco Product Manufacturing Practice	0910–AH22
114	Use of Ozone Depleting Substances (Section 610 Review)	0910–AH36

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
115	CY 2018 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1676–P) (Section 610 Review).	0938–AT02
116	CY 2018 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1678–P) (Section 610 Review).	0938–AT03
117	CY 2019 Notice of Benefit and Payment Parameters (CMS–9930–P) (Section 610 Review)	0938–AT12

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
118	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2018 Rates (CMS–1677–P) (Section 610 Review).	0938–AS98

CENTERS FOR MEDICARE & MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
119	Hospital and Critical Access Hospital (CAH) Changes to Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–F) (Rulemaking Resulting From a Section 610 Review).	0938–AS21

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
120	Imaging Accreditation (CMS–3309–P)	0938–AS62
121	Merit-Based Incentive Payment System (MIPS) and Alternative Payment Models (APMs) in Medicare Fee-for-Service (CMS–5517–FC) (Completion of a Section 610 Review).	0938–AS69
122	CY 2017 Home Health Prospective Payment System Rate Update; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements (CMS–1648–F) (Completion of a Section 610 Review).	0938–AS80
123	CY 2017 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1654–F) (Completion of a Section 610 Review).	0938–AS81

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
124	CY 2017 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1656–FC) (Completion of a Section 610 Review).	0938–AS82

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the Secretary (OS)

Completed Actions

92. Removal of 2 CFR Subsection 376.147 (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 5 U.S.C. 301; 31 U.S.C. 6101

Abstract: HHS is amending its adoption of the Office of the Management and Budget's Nonprocurement Common Rule, found at 2 CFR part 180. This will remove 2 CFR subsection 376.147, which provides information about the scope of HHS OIG exclusions under title XI of the Social Security Act.

Timetable:

Action	Date	FR Cite
Withdrawn	06/08/17	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Tiffani Redding, Program Analyst, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue SW., Washington, DC 20201, *Phone:* 202 205–4321.

RIN: 0991–AC08

93. Uniform Administrative Requirements, Costs Principles and Adult Requirements (45 CFR 75) (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 5 U.S.C. 301

Abstract: This will address the comments of the NPRM to 45 CFR 75 and to include additional provision that are not in conflict with OMB's language, and provide additional guidance regulated community.

Timetable:

Action	Date	FR Cite
Final Rule	12/12/16	81 FR 89393
Final Rule Effective.	01/17/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Quadira Dantro, Federal Assistance Policy Specialist, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue SW., Washington, DC 20201, *Phone:* 202 260–6825.

RIN: 0991–AC09

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Substance Abuse and Mental Health Services Administration (SAMHSA)

Completed Actions

94. Requirements Governing the Use of Seclusion and Restraint in Certain Nonmedical Community-Based Facilities for Children and Youth

Legal Authority: Pub. L. 106–310; 42 U.S.C. 290jj to 290jj–2

Abstract: The Secretary is required by statute to publish regulations governing States that license nonmedical, community-based residential facilities for children and youth. The regulation would require States to develop licensing rules and monitoring requirements concerning behavior management practice that will ensure compliance; requires States to develop and implement such licensing rules and implementation requirements within one year; and ensures that States require such facilities to have adequate staff, and that the States provide training for professional staff.

Timetable:

Action	Date	FR Cite
Withdrawn	06/08/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paolo Del Vecchio, Associate Director for Consumer Affairs, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Room 13–103, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, *Phone:* 301 443–2619, *Email: paolo.delvecchio@samhsa.hhs.gov.*

RIN: 0930–AA10

95. Medication Assisted Treatment for Opioid Use Disorders Reporting Requirements

Legal Authority: 21 U.S.C. 823(g)(2)

Abstract: On July 8, 2016, SAMHSA finalized a rule to increase access to buprenorphine and the combination buprenorphine/naloxone (Medication Assisted Treatment for Opioid Use Disorders). Concurrently with this final rule, SAMHSA issued a Supplemental Notice of Proposed Rulemaking seeking further comment on reporting provisions that would apply to physicians prescribing buprenorphine for up to 275 patients.

Timetable:

Action	Date	FR Cite
NPRM	03/30/16	81 FR 17639
NPRM Comment Period End.	05/31/16	
Final Action	09/27/16	81 FR 66191
Final Action Effective.	10/27/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Altman, Legislative Director, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 02857, *Phone:* 240 276–2009, *Email: brian.altman@samhsa.gov.*

RIN: 0930–AA22

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Disease Control and Prevention (CDC)

Completed Actions

96. Establishment of Minimum Standards for Birth Certificates

Legal Authority: 42 U.S.C. 264

Abstract: This proposed rule establishes minimum standards to improve security related to the use of birth certificates by Federal agencies for official purposes.

Timetable:

Action	Date	FR Cite
Withdrawn	06/08/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Rothwell, Director, Division of Vital Statistics, Department of Health and Human Services, Centers for Disease Control and Prevention, 3311 Toledo Road, Room 7311, M, Hyattsville, MD 20782, *Phone:* 301 458–4555.

RIN: 0920–AA46

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

97. Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 360; 21 U.S.C. 360c; 21 U.S.C. 360e; 21 U.S.C. 360i; 21 U.S.C. 360j; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 21 U.S.C. 393; 42 U.S.C. 264; 42 U.S.C. 271; . . .

Abstract: This rule updates FDA's requirements for accepting clinical data used to bring new medical devices to market as part of fulfilling FDA's mission. While helping to ensure the quality and integrity of clinical trial data and the protection of study participants, this rule should reduce burden on industry by avoiding the need for on-site inspections. This rule parallels the drug regulation, which should further reduce burden by having a harmonized approach. Under this new rule, a device applicant would provide FDA with information about the conduct of their study such as, the research sites where the study was conducted, the investigators who conducted the study, a summary of the protocol, information about how informed consent from the study participants was obtained, and information about the ethics committee that reviewed the study. (If such information is not available, the sponsor may explain why and request a waiver.)

Timetable:

Action	Date	FR Cite
NPRM	02/25/13	78 FR 12664
NPRM Comment Period End.	05/28/13	
Final Action	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Soma Kalb, Biomedical Engineer, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Heath, Building 66, Room 1534, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6359, *Email: soma.kalb@fda.hhs.gov*.

RIN: 0910–AG48

98. Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods

Legal Authority: Sec. 206 of the Food Allergen Labeling and Consumer Protection Act; 21 U.S.C. 343(a)(1); 21 U.S.C. 321(n); 21 U.S.C. 371(a)

Abstract: This proposed rule would establish requirements concerning compliance for using a ''gluten-free'' labeling claim for those foods for which there is no scientifically valid analytical method available that can reliably detect and accurately quantify the presence of 20 parts per million (ppm) gluten in the food.

Timetable:

Action	Date	FR Cite
NPRM	11/18/15	80 FR 71990
NPRM Comment Period Re-opened.	01/22/16	81 FR 3751
NPRM Comment Period End.	02/16/16	
NPRM Comment Period Re-opened.	02/22/16	81 FR 8869
NPRM Comment Period Re-opened End.	04/25/16	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol D'Lima, Staff Fellow, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Room 4D022, HFS 820, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2371, *Fax:* 301 436–2636, *Email: carol.dlima@fda.hhs.gov*.

RIN: 0910–AH00.

99. Safety and Effectiveness of Consumer Antiseptics; Topical Antimicrobial Drug Products for Over-the-Counter Human Use (Healthcare Antiseptic)

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360 to 361; 21 U.S.C. 371; 21 U.S.C. 374 to 375; 21 U.S.C. 379; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262

Abstract: This rulemaking addresses whether FDA considers certain active ingredients in over the counter (OTC) consumer antiseptic hand wash and health care antiseptic products to be generally recognized as safe and effective. If FDA determines that the ingredient is not generally recognized as safe and effective, a manufacturer will not be able to market the product unless it submits and receives approval of a new drug application.

Timetable:

Action	Date	FR Cite
NPRM	12/17/13	78 FR 764444
NPRM Comment Period End.	06/16/14	
Final Action	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Pranvera Ikonomi, Biologist, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 240 402–0272, *Email: pranvera.ikonomi@fda.hhs.gov*.

RIN: 0910–AH40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

100. Postmarketing Safety Reporting Requirements for Human Drug and Biological Products

Legal Authority: 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 242a; 42 U.S.C. 262 and 263; 42 U.S.C. 263a to 263n; 42 U.S.C. 264; 42 U.S.C. 300aa; 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 360b to 360j; 21 U.S.C. 361a; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 375; 21 U.S.C. 379e; 21 U.S.C. 381

Abstract: The final rule would amend the postmarketing expedited and periodic safety reporting regulations for human drugs and biological products to revise certain definitions and reporting formats as recommended by the International Council on Harmonisation and to define new terms; to add to or revise current reporting requirements; to revise certain reporting time frames; and to propose other revisions to these regulations to enhance the quality of safety reports received by FDA. These revisions were proposed as part of a single rulemaking (68 FR 12406) to clarify and revise both premarketing and postmarketing safety reporting requirements for human drug and biological products. Premarketing safety reporting requirements were finalized in a separate final rule published on September 29, 2010 (75 FR 59961). This

final rule applies to postmarketing safety reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/14/03	68 FR 12406
NPRM Comment Period Extended.	06/18/03	
NPRM Comment Period End.	07/14/03	
NPRM Comment Period Extension End.	10/14/03	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jane E. Baluss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6278, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3469, *Fax:* 301 847–8440, *Email: jane.baluss@fda.hhs.gov*.

RIN: 0910–AA97

101. Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: FDA will be proposing a rule to add the common cold indication to certain over-the-counter (OTC) antihistamine active ingredients. This proposed rule is the result of collaboration under the U.S.-Canada Regulatory Cooperation Council (RCC) as part of efforts to reduce unnecessary duplication and differences. This pilot exercise will help determine the feasibility of developing an ongoing mechanism for alignment in review and adoption of OTC drug monograph elements.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record.	08/25/00	65 FR 51780
Comment Period End.	11/24/00	
NPRM (Amendment) (Common Cold).	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF31

102. Laser Products; Amendment to Performance Standard

Legal Authority: 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 393

Abstract: FDA is proposing to amend the 2013 proposed rule for the performance standard for laser products, which will amend the performance standard for laser products to achieve closer harmonization between the current standard and the recently amended International Electrotechnical Commission (IEC) standard for laser products and medical laser products. The amendment is intended to update FDA's performance standard to reflect advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	06/24/13	78 FR 37723
NPRM Comment Period End.	09/23/13	
NPRM (Reproposal).	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Blake-Payne, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4426, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov*.

RIN: 0910–AF87

103. Updated Standards for Labeling of Pet Food

Legal Authority: 21 U.S.C. 343; 21 U.S.C. 371; Pub. L. 110–85, sec 1002(a)(3)

Abstract: FDA is proposing updated standards for the labeling of pet food that include nutritional and ingredient information, as well as style and formatting standards. FDA is taking this action to provide pet owners and animal health professionals more complete and consistent information about the nutrient content and ingredient composition of pet food products.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Burkholder, Veterinary Medical Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, MPN–4, Room 2642, HFV–228, 7519 Standish Place, Rockville, MD 20855, *Phone:* 240 402–5900, *Email: william.burkholder@fda.hhs.gov*.

RIN: 0910–AG09

104. Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 371; 42 U.S.C. 262; . . .

Abstract: This rule would amend the regulations regarding new drug applications (NDAs), abbreviated new drug applications (ANDAs), and biologics license application (BLAs) to revise and clarify procedures for changes to the labeling of an approved drug to reflect certain types of newly acquired information in advance of FDA's review of such change.

Timetable:

Action	Date	FR Cite
NPRM	11/13/13	78 FR 67985
NPRM Comment Period Extended.	12/27/13	78 FR 78796
NPRM Comment Period End.	01/13/14	
NPRM Comment Period Extended End.	03/13/14	
NPRM Comment Period Reopened.	02/18/15	80 FR 8577
NPRM Comment Period Reopened End.	04/27/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice L. Weiner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 6268, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3601, *Fax:* 301 847–8440, *Email: janice.weiner@fda.hhs.gov*.

RIN: 0910–AG94

105. Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System

Legal Authority: 21 U.S.C. 360c

Abstract: The proposed rule would establish special controls for the computed tomography (CT) X-ray system. A CT X- ray system is a diagnostic X-ray imaging system intended to produce cross-sectional images of the body through use of a computer to reconstruct an image from

the same axial plane taken at different angles. High doses of ionizing radiation can cause acute (deterministic) effects such as burns, reddening of the skin, cataracts, hair loss, sterility, and, in extremely high doses, radiation poisoning. The design of a CT X-ray system should balance the benefits of the device (*i.e.,* the ability of the device to produce a diagnostic quality image) with the known risks (*e.g.,* exposure to ionizing radiation). FDA is establishing proposed special controls, which are necessary to provide reasonable assurance of the safety and effectiveness of a class II CT X-ray system.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Blake-Payne, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4426, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: erica.payne@fda.hhs.gov.*

RIN: 0910–AH03

106. General and Plastic Surgery Devices: Sunlamp Products

Legal Authority: 21 U.S.C. 360j(e)

Abstract: This rule would apply device restrictions to sunlamp products. The incidence of skin cancer, including melanoma, has been increasing, and a large number of skin cancer cases are attributable to the use of sunlamp products. The devices may cause about 400,000 cases of skin cancer per year, and 6,000 of which are melanoma. Beginning sunlamp product use at young ages, as well as frequently using sunlamp products, both increase the risk of developing skin cancers and other illnesses, and sustaining other injuries. Even infrequent use, particularly at younger ages, can significantly increase these risks.

Sunlamp products incorporate ultraviolet (UV) lamps and include devices such as UV tanning beds and booths. People who use sunlamp products are at increased risk of developing skin cancer and other illnesses, and sustaining injuries.

Timetable:

Action	Date	FR Cite
NPRM	12/22/15	80 FR 79493
NPRM Comment Period End.	03/21/16	
Final Rule	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ian Ostermiller, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Building 66, Room 5515, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–5678, *Email: ian.ostermiller@fda.hhs.gov.*

RIN: 0910–AH14

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Completed Actions

107. Medical Gas Containers and Closures; Current Good Manufacturing Practice Requirements

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 351 to 21 U.S.C. 353

Abstract: The Food and Drug Administration is amending its current good manufacturing practice regulations and other regulations to clarify and strengthen requirements for the label, color, dedication, and design of medical gas containers and closures. Despite existing regulatory requirements and industry standards for medical gases, there have been repeated incidents in which cryogenic containers of harmful industrial gases have been connected to medical oxygen supply systems in hospitals and nursing homes and subsequently administered to patients. These incidents have resulted in death and serious injury. There have also been several incidents involving high-pressure medical gas cylinders that have resulted in death and injuries to patients. These amendments, together with existing regulations, are intended to ensure that the types of incidents that have occurred in the past, as well as other types of foreseeable and potentially deadly medical gas accidents, do not occur in the future. FDA has described a number of proposals in the proposed rule including requiring that gas use outlet connections on portable cryogenic medical gas containers be securely attached to the valve body.

Timetable:

Action	Date	FR Cite
NPRM	04/10/06	71 FR 18039
NPRM Comment Period End.	07/10/06	
Final Action	11/18/16	81 FR 81685
Final Action Effective.	01/17/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patrick Raulerson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6368, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3522, *Fax:* 301 847–8440, *Email: patrick.raulerson@fda.hhs.gov.*

RIN: 0910–AC53

108. Amendment to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals—Second Phase

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 360b; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: FDA will revise regulations for ''current good manufacturing practice'' for oversight and controls over the manufacture of drugs to ensure quality, including managing the risk of and establishing the safety of raw materials, materials used in the manufacturing of drugs, and finished drug products. This revision will update and harmonize requirements and improve detection and response to emerging product safety and quality signals.

Timetable:

Action	Date	FR Cite
Withdrawn	06/08/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paula Katz, Regulatory Counsel, Office of Compliance, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 4314, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6972, *Fax:* 301 847–8742, *Email: paula.katz@fda.hhs.gov.*

RIN: 0910–AG20

109. Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives

Legal Authority: 21 U.S.C. 301 *et seq.;* 21 U.S.C. 387; The Family Smoking Prevention and Tobacco Control Act

Abstract: The Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act, requires the Food and Drug Administration to promulgate regulations that require the testing and reporting of tobacco product constituents, ingredients, and additives,

including smoke constituents, that the Agency determines should be tested to protect the public health.

Timetable:

Action	Date	FR Cite
Withdrawn	04/05/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Laura Rich, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Building 71, G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AG59

110. Amendments to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals—Components

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 360b; 21 U.S.C. 360bbb–7; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: FDA will revise regulations for ''current good manufacturing practice'' with regard to control over components used in manufacturing finished pharmaceuticals.

Timetable:

Action	Date	FR Cite
Withdrawn	06/08/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Hasselbalch, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 4364, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3279, *Email: brian.hasselbalch@fda.hhs.gov*.

Paula Katz, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 1320, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6972, *Email: paula.katz@fda.hhs.gov*.

RIN: 0910–AG70

111. Format and Content of Reports Intended To Demonstrate Substantial Equivalence

Legal Authority: 21 U.S.C. 387e(j); 21 U.S.C. 387j(a); 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 387b; 21 U.S.C 387c; 21 U.S.C. 387i

Abstract: This regulation would establish the format and content of reports intended to demonstrate substantial equivalence. This regulation also would provide information as to how the Agency will review and act on these submissions.

Timetable:

Action	Date	FR Cite
Withdrawn	04/05/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Annette L. Marthaler, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 877 287–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AG96

112. Investigational New Drug Application Annual Reporting

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355(i); 21 U.S.C. 371(a); 42 U.S.C. 262(a)

Abstract: This proposed rule would revise the requirements concerning annual reports submitted to investigational new drug applications (INDs) by replacing the current annual reporting requirement with a requirement that is generally consistent with the format, content, and timing of submission of the development safety update report devised by the International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH).

Timetable:

Action	Date	FR Cite
Withdrawn	04/05/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ebla Ali Ibrahim, Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 6302, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3691, *Email: ebla.ali-ibrahim@fda.hhs.gov.*

RIN: 0910–AH07

113. Requirements for Tobacco Product Manufacturing Practice

Legal Authority: 21 U.S.C. 371; 21 U.S.C. 387b; 21 U.S.C. 387f

Abstract: FDA is proposing requirements that govern the methods used in, and the facilities and controls used for, the pre-production design validation, manufacture, packing, and storage of tobacco products.

Timetable:

Action	Date	FR Cite
ANPRM	03/19/13	78 FR 16824
ANPRM Comment Period End.	05/20/13	
ANPRM Withdrawn.	08/01/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Darin Achilles, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov.*

RIN: 0910–AH22

114. Use of Ozone Depleting Substances (Section 610 Review)

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 335; 21 U.S.C. 342; 21 U.S.C. 346a; 21 U.S.C. 348; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 360b; 21 U.S.C. 361; 21 U.S.C. 371; 21 U.S.C. 372; 21 U.S.C. 374; 15 U.S.C. 402; 15 U.S.C. 409

Abstract: The Food and Drug Administration (FDA or the Agency) is proposing to amend its regulation (21 CFR 2.125) on uses of ozone-depleting substances (ODSs), including chlorofluorocarbons (CFCs), to remove designations for certain products as essential uses under the Clean Air Act. Essential-use products are exempt from FDA's ban on the use of CFC propellants in FDA-regulated products and the Environmental Protection Agency's (EPA's) ban on the use of CFCs and other ODSs in pressurized dispensers. This action, if finalized, will remove essential use exemptions for sterile aerosol talc administered intrapleurally by thoracoscopy for human use, metered-dose atropine sulfate aerosol human drugs administered by oral inhalation, and anesthetic drugs for topical use on accessible mucous membranes of humans where a cannula is used for application. FDA is proposing this action because alternative products that do not use ODSs are now available and because

these products are no longer being marketed in approved versions that contain ODSs. On June 29, 2015, FDA published a notice and request for comment concerning its tentative conclusion that these products are no longer an essential use under the Clean Air Act (80 FR 36937). The Agency received no comments concerning removal of essential use designations for sterile aerosol talc and metered-dose atropine sulfate, and is proposing to remove these designations by direct final rule and a companion proposed rule in the event adverse comments are received. FDA received one comment concerning removal of anesthetic drugs for topical use in response to its 2015 notice and request for comment, and is proposing to remove this exemption through a separate notice. Because these products are not currently sold in the approved form, no significant economic impact is anticipated.

Timetable:

Action	Date	FR Cite
Withdrawn	06/30/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Daniel Orr, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Building 51, Room 5199, 10993 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 240 402–0979, *Email: daniel.orr@fda.hhs.gov.*

RIN: 0910–AH36

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

115. CY 2018 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1676–P) (Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise payment policies under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2018.

Timetable:

Action	Date	FR Cite
NPRM	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ryan Howe, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3355, *Email: ryan.howe@cms.hhs.gov.*

RIN: 0938–AT02

116. CY 2018 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1678–P) (Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates.

Timetable:

Action	Date	FR Cite
NPRM	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lela Strong, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–05–13, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3213, *Email: lela.strong@cms.hhs.gov.*

RIN: 0938–AT03

117. • CY 2019 Notice of Benefit and Payment Parameters (CMS–9930–P) (Section 610 Review)

Legal Authority: Pub. L. 111–148.

Abstract: This proposed rule would set forth payment parameters and provisions related to the risk adjustment programs; cost sharing parameters and cost-sharing reductions; and user fees for Federally-Facilitated Exchanges. It would also provide additional standards for several other Affordable Care Act programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lindsey Murtagh, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Consumer Information and Insurance Oversight, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 301 492–4106, *Email: lindsey.murtagh@cms.hhs.gov.*

RIN: 0938–AT12

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

118. Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2018 Rates (CMS–1677–P) (Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh; Pub. L. 114–255

Abstract: This annual final rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This rule implements changes arising from our continuing experience with these systems.

Timetable:

Action	Date	FR Cite
NPRM	04/28/17	82 FR 19796
NPRM Comment Period End.	06/13/17	
Final Action	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donald Thompson, Deputy Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–08–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6504, *Email: donald.thompson@cms.hhs.gov.*

RIN: 0938–AS98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

119. Hospital and Critical Access Hospital (CAH) Changes To Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–F) (Rulemaking Resulting from a Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh and 1395rr

Abstract: This final rule updates the requirements that hospitals and critical access hospitals (CAHs) must meet to participate in the Medicare and Medicaid programs. These final requirements are intended to conform the requirements to current standards of practice and support improvements in quality of care, reduce barriers to care, and reduce some issues that may exacerbate workforce shortage concerns.

Timetable:

Action	Date	FR Cite
NPRM	06/16/16	81 FR 39447
NPRM Comment Period End.	08/15/16	
Final Action	06/00/19	

Regulatory Flexibility Analysis Required: No.

Agency Contact: CDR Scott Cooper, Senior Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Mail Stop S3–01–02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9465, *Email: scott.cooper@cms.hhs.gov.*

RIN: 0938–AS21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Completed Actions

120. Imaging Accreditation (CMS–3309–P)

Legal Authority: 42 U.S.C. 1395hh; 42 U.S.C. 1102

Abstract: This proposed rule would establish standards for imaging accreditation for advanced diagnostic imaging services. These proposed standards would address qualifications for clinical personnel, standards to ensure that suppliers have established policies and procedures governing the use of equipment in furnishing the technical component of advanced diagnostic imaging, and the establishment and maintenance of a quality assurance and quality control program to ensure reliability, clarity and accuracy of the diagnostic images. This proposed rule would also address oversight of CMS approved accrediting organizations with imaging accreditation programs.

Timetable:

Action	Date	FR Cite
Withdrawn	03/23/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sonia Swancy, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–8445, *Email: sonia.swancy@cms.hhs.gov.*

RIN: 0938–AS62

121. Merit-Based Incentive Payment System (MIPS) and Alternative Payment Models (APMS) in Medicare Fee-For-Service (CMS–5517–FC) (Completion of a Section 610 Review)

Legal Authority: Pub. L. 114–10, sec. 101

Abstract: This rule implements provisions of the Medicare Access and CHIP Reauthorization Act (MACRA) related to MIPS and APMs. Section 101 of MACRA authorizes a new MIPS, which repeals the Medicare sustainable growth rate and improves Medicare payments for physician services. MACRA consolidates the current programs of the Physician Quality Reporting System, the Value-Based Modifier, and the Electronic Health Records Incentive Program into one program, MIPS, that streamlines and improves on the three distinct incentive programs. Additionally, MACRA authorizes incentive payments for providers who participate in eligible APMs.

Timetable:

Action	Date	FR Cite
NPRM	05/09/16	81 FR 28161
NPRM Comment Period End.	06/27/16	
Final Action	11/04/16	81 FR 77088
Final Action Effective.	01/01/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Molly MacHarris, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards & Quality, MS: S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4461, *Email: molly.macharris@cms.hhs.gov.*

James Sharp, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare & Medicaid Innovation Center, MS: WB–06–05, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–7388, *Email: james.sharp@cms.hhs.gov.*

RIN: 0938–AS69

122. CY 2017 Home Health Prospective Payment System Rate Update; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements (CMS–1648–F) (Completion of a Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual rule updates the 60-day national episode rate, the national per-visit rates used to calculate low utilization payment adjustments (LUPAs), and outlier payments under the Medicare prospective payment system for home health agencies. The rule also updates the provisions of the Home Health Value-Based Purchasing (HHVBP) program.

Timetable:

Action	Date	FR Cite
NPRM	07/05/16	81 FR 43714
NPRM Comment Period End.	08/26/16	
Final Action	11/03/16	81 FR 76702
Final Action Effective.	01/01/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary Loeffler, Director, Division of Home Health and Hospice, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–07–22, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–0456, *Email: hillary.loeffler@cms.hhs.gov.*

RIN: 0938–AS80

123. CY 2017 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1654–F) (Completion of a Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh; Pub. L. 114–10

Abstract: This annual rule revises payment policies under the Medicare physician fee schedule, and make other policy changes to payment under

Medicare Part B. These changes apply to services furnished beginning January 1, 2017.

Timetable:

Action	Date	FR Cite
NPRM	07/15/16	81 FR 46162
NPRM Comment Period End.	09/06/16	
Final Action	11/15/16	81 FR 80170
Final Action Effective.	01/01/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ryan Howe, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3355, *Email: ryan.howe@cms.hhs.gov.*

RIN: 0938–AS81

124. CY 2017 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1656–FC) (Completion of a Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual rule revises the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule changes the ambulatory surgical center payment system list of services and rates.

Timetable:

Action	Date	FR Cite
NPRM	07/14/16	81 FR 45604
NPRM Comment Period End.	09/06/16	
Final Action	11/14/16	81 FR 79562
Final Action Effective.	01/01/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lela Strong, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–05–13, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3213, *Email: lela.strong@cms.hhs.gov.*

RIN: 0938–AS82

[FR Doc. 2017–16920 Filed 8–23–17; 8:45 am]

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Part VIII

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of current and projected rulemakings, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS's regulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528–0485.

Specific

Please direct specific comments and inquiries on individual regulatory actions identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) and Executive Order 12866 ''Regulatory Planning and Review'' (Sept. 30, 1993) as incorporated in Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS's last semiannual regulatory agenda was published on December 23, 2016, at 81 FR 94756.

Beginning in fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the Internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: April 3, 2017.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
125	Chemical Facility Anti-Terrorism Standards (CFATS)	1601–AA69

OFFICE OF THE SECRETARY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
126	Ammonium Nitrate Security Program	1601–AA52
127	Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees.	1601–AA72
128	Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001).	1601–AA76
129	Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002).	1601–AA78
130	Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003)	1601–AA79

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
131	Requirements for Filing Motions and Administrative Appeals	1615–AB98
132	EB–5 Immigrant Investor Regional Center Program	1615–AC11

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
133	EB–5 Immigrant Investor Program Modernization	1615–AC07

U.S. Citizenship and Immigration Services—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
134	Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations.	1615–AB71

U.S. Citizenship and Immigration Services—Completed Actions

Sequence No.	Title	Regulation Identifier No.
135	Retention of EB–1, EB–2, and EB–3 Immigrant Workers and Program Improvements Affecting Highly-Skilled H–1B Nonimmigrant Workers.	1615–AC05

U.S. Coast Guard—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
136	Seafarers' Access to Maritime Facilities	1625–AC15

U.S. Coast Guard—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
137	Numbering of Undocumented Barges	1625–AA14
138	Outer Continental Shelf Activities	1625–AA18
139	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85

U.S. Coast Guard—Completed Actions

Sequence No.	Title	Regulation Identifier No.
140	Transportation Worker Identification Credential (TWIC); Card Reader Requirements	1625–AB21
141	Updates to Maritime Security	1625–AB38

U.S. Customs and Border Protection—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
142	Waiver of Passport and Visa Requirements Due to an Unforeseen Emergency	1651–AA97

U.S. Customs and Border Protection—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
143	Importer Security Filing and Additional Carrier Requirements (Section 610 Review)	1651–AA70
144	Implementation of the Guam-CNMI Visa Waiver Program (Section 610 Review)	1651–AA77

Transportation Security Administration—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
145	General Aviation Security and Other Aircraft Operator Security	1652–AA53
146	Security Training for Surface Transportation Employees	1652–AA55

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
147	Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches.	1653–AA67

FEDERAL EMERGENCY MANAGEMENT AGENCY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
148	Updates to Floodplain Management and Protection of Wetlands Regulations to Implement Executive Order 13690 and the Federal Flood Risk Management Standard.	1660–AA85

FEDERAL EMERGENCY MANAGEMENT AGENCY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
149	National Flood Insurance Program (NFIP) Financial Assistance/Subsidy Arrangement	1660–AA86

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Proposed Rule Stage

125. Chemical Facility Anti-Terrorism Standards (CFATS)

Legal Authority: Pub. L. 113–254

Abstract: The Department of Homeland Security (DHS) previously invited public comment on an advance notice of proposed rulemaking (ANPRM) for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. DHS is reviewing the public comments received in response to the ANPRM, after which DHS intends to publish a Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	08/18/14	79 FR 48693
ANPRM Comment Period End.	10/17/14	
NPRM	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov.*

RIN: 1601–AA69

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Long-Term Actions

126. Ammonium Nitrate Security Program

Legal Authority: Pub. L. 110–161, 2008 Consolidated Appropriations Act, section 563

Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled ''Secure Handling of Ammonium Nitrate.'' The amendment requires the Department of Homeland Security to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.''

Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
Correction	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov.*

RIN: 1601–AA52

127. Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees

Legal Authority: Sec. 827 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013, (Pub. L. 112–239, enacted January 2, 2013); 41 U.S.C. 1302(a)(2); 41 U.S.C. 1707

Abstract: The Department of Homeland Security (DHS) is proposing to amend its Homeland Security Acquisition Regulation (HSAR) parts 3003 and 3052 to implement section 827 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239, enacted January 2, 2013) for the United States Coast Guard (USCG). Section 827 of the NDAA for FY 2013 established enhancements to the Whistleblower Protections for Contractor Employees for all agencies subject to section 2409 of title 10, United States Code, which includes the USCG.

Timetable:

Action	Date	FR Cite
NPRM	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15,

301 7th Street SW., Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA72

128. Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001)

Legal Authority: 5 U.S.C. 301 to 302; 41 U.S.C. 1302; 41 U.S.C. 1303; 41 U.S.C. 1707

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would implement adequate security and privacy measures to safeguard Controlled Unclassified Information (CUI), such as Personally Identifiable Information (PII), for DHS contractors. Specifically, the rule would define key terms, outline security requirements and inspection provisions for contractor information technology (IT) systems that store or process sensitive information, institute incident notification and response procedures, and identify post-incident credit monitoring requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6429
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
Second NPRM Comment Period End.	04/19/17	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, Room 3114, 245 Murray Lane, Washington, DC 20528, *Phone:* 202 447–0056, *Email: shaundra.duggans@hq.dhs.gov.*

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW., Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA76

129. Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002)

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707; 41 U.S.C. 1302; 41 U.S.C. 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would standardize information technology security awareness training and DHS Rules of Behavior requirements for contractor and subcontractor employees who access DHS information systems and information resources or contractor-owned and/or operated information systems and information resources capable of collecting, processing, storing or transmitting controlled unclassified information (CUI).

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6446
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
Second NPRM Comment Period End.	04/19/17	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, Room 3114, 245 Murray Lane, Washington, DC 20528, *Phone:* 202 447–0056, *Email: shaundra.duggans@hq.dhs.gov.*

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW., Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA78

130. Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003)

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707; 41 U.S.C. 1702; 41 U.S.C. 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would require contractors to complete training that addresses the protection of privacy, in accordance with the Privacy Act of 1974, and the handling and safeguarding of Personally Identifiable Information and Sensitive Personally Identifiable Information.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6425
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
Second NPRM Comment Period End.	04/19/17	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Candace Lightfoot, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, Building 410 (RDS), 245 Murray Drive, Washington, DC 20528, *Phone:* 202 447–0082, *Email: candace.lightfoot@hq.dhs.gov.*

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW., Washington, DC 20528, *Phone:* 202 447–0956, *Email: nancy.harvey@hq.dhs.gov.*

RIN: 1601–AA79

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

131. Requirements for Filing Motions and Administrative Appeals

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112

Abstract: This rule proposes to revise the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office (AAO). The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components. The proposed changes are intended to promote simplicity, accessibility, and efficiency in the administration of USCIS appeals and motions. The Department also solicits public comment on proposed changes to the AAO's appellate jurisdiction.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles ''Locky'' Nimick, Deputy Chief, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, 20 Massachusetts Avenue NW., Washington, DC 20529–2090, *Phone:* 703 224–4501, *Email: charles.nimick@usics.dhs.gov.*

RIN: 1615–AB98

132. • EB–5 Immigrant Investor Regional Center Program

Legal Authority: 8 U.S.C. 1153(b)(5); Pub. L. 102–395, secs. 610 and 601(a); Pub. L. 107–273, sec. 11037; Pub. L. 101–649, sec. 121(a); Pub. L. 105–119, sec. 116; Pub. L. 106–396, sec. 402; Pub. L. 108–156, sec. 4; Pub. L. 112–176, sec. 1; Pub. L. 114–113, sec. 575; Pub. L. 114–53, sec. 131; Pub. L. 107–273

Abstract: The Department of Homeland Security (DHS) is considering making regulatory changes to the EB–5 Immigrant Investor Regional Center Program. Based on decades of experience operating the program, DHS has determined that program changes are needed to better reflect business realities for regional centers and EB–5 immigrant investors, to increase predictability and transparency in the adjudication process for stakeholders, to improve operational efficiency for the agency, and to enhance program integrity. DHS issued an Advance Notice of Proposed Rulemaking (ANPRM) to seek comment from all interested stakeholders on several topics, including: (1) The process for initially designating entities as regional centers, (2) a potential requirement for regional centers to utilize an exemplar filing process, (3) continued participation requirements for maintaining regional center designation, and (4) the process for terminating regional center designation. While DHS has gathered some information related to these topics, the ANPRM sought additional information that can help the Department make operational and security updates to the Regional Center Program while minimizing the impact of such changes on regional center operations and EB–5 investors. The ANPRM is organized to include requests for comment immediately following discussions of the relevant issues.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/17	82 FR 3211
ANPRM Comment Period End.	04/11/17	
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lori S. MacKenzie, Division Chief, Operations Policy & Performance, Immigrant Investor Program, Department of Homeland Security, U.S. Citizenship and Immigration Services, 131 M Street NE., Washington, DC 20529–2200, *Phone:* 202 357–9214, *Email: lori.s.mackenzie@uscis.dhs.gov.*

RIN: 1615–AC11

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Final Rule Stage

133. EB–5 Immigrant Investor Program Modernization

Legal Authority: 8 U.S.C. 1153(b)(5)

Abstract: In January 2017, the Department of Homeland Security (DHS) proposed to amend its regulations governing the employment-based, fifth preference (EB–5) immigrant investor classification. In general, under the EB–5 program, individuals are eligible to apply for lawful permanent residence in the United States if they make the necessary investment in a commercial enterprise in the United States and create or, in certain circumstances, preserve 10 permanent full-time jobs for qualified U.S. workers. This rule sought public comment on a number of proposed changes to the EB–5 program regulations. Such proposed changes included: raising the minimum investment amount; allowing certain EB–5 petitioners to retain their original priority date; changing the designation process for targeted employment areas; and other miscellaneous changes to filing and interview processes.

Timetable:

Action	Date	FR Cite
NPRM	01/13/17	82 FR 4738
NPRM Comment Period End.	04/11/17	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lori S. MacKenzie, Division Chief, Operations Policy & Performance, Immigrant Investor Program, Department of Homeland Security, U.S. Citizenship and Immigration Services, 131 M Street NE., Washington, DC 20529–2200, *Phone:* 202 357–9214, *Email: lori.s.mackenzie@uscis.dhs.gov.*

RIN: 1615–AC07

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Long-Term Actions

134. Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations

Legal Authority: 8 U.S.C. 1184(g)

Abstract: The Department of Homeland Security will finalize its regulations governing petitions filed on behalf of alien workers subject to annual numerical limitations. This rule proposes to establish an electronic registration program for petitions subject to numerical limitations for the H–1B nonimmigrant classification. This action is necessary because the demand for H–1B specialty occupation workers by U.S. companies may exceed the numerical limitation. This rule is intended to allow USCIS to more efficiently manage the intake and lottery process for these H–1B petitions.

Timetable:

Action	Date	FR Cite
NPRM	03/03/11	76 FR 11686
NPRM Comment Period End.	05/02/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Susan Arroyo, Chief of Staff, Service Center Operations, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529, *Phone:* 202 272–1094, *Fax:* 202 272–1543, *Email: susan.k.arroyo@uscis.dhs.gov.*

RIN: 1615–AB71

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Completed Actions

135. Retention of EB–1, EB–2, and EB–3 Immigrant Workers and Program Improvements Affecting Highly-Skilled H–1B Nonimmigrant Workers

Legal Authority: 6 U.S.C. 112; 8 U.S.C. 1154 and 1155; 8 U.S.C. 1184; 8 U.S.C. 1255; 8 U.S.C. 1324a

Abstract: In November 2016, the Department of Homeland Security (DHS) amended its regulations affecting certain employment-based immigrant

and nonimmigrant classifications. This rule amended regulations to provide stability and job flexibility for the beneficiaries of approved employment-based immigrant visa petitions while they wait to become lawful permanent residents. DHS also updated its regulations to conform them with the American Competitiveness in the Twenty-First Century Act of 2000 (AC21) as amended by the Twenty-First Century Department of Justice Appropriations Authorization Act (the 21st Century DOJ Appropriations Act), as well as the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA). The rule clarified several interpretive questions raised by ACWIA and AC21 regarding H–1B petitions, and incorporated relevant AC21 policy memoranda and an Administrative Appeals Office precedent decision.

Timetable:

Action	Date	FR Cite
NPRM	12/31/15	80 FR 81900
NPRM Comment Period End.	02/29/16	
Final Rule	11/18/16	81 FR 82398
Final Rule Effective.	01/17/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Cummings, Division Chief, Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW., Washington, DC 20529, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov.*

RIN: 1615–AC05

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Final Rule Stage

136. Seafarers' Access to Maritime Facilities

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; Pub. L. 111–281, sec. 811

Abstract: This regulatory action will implement section 811 of the Coast Guard Authorization Act of 2010 (Pub. L. 111–281), which requires the owner/operator of a facility regulated by the Coast Guard under the Maritime Transportation Security Act of 2002 (Pub. L. 107–295) (MTSA) to provide a system that enables seafarers and certain other individuals to transit between vessels moored at the facility and the facility gate in a timely manner at no cost to the seafarer or other individual. Ensuring that such access through a facility is consistent with the security requirements in MTSA is part of the Coast Guard's Ports, Waterways, and Coastal Security (PWCS) mission.

Timetable:

Action	Date	FR Cite
NPRM	12/29/14	79 FR 77981
NPRM Comment Period Reopened.	05/27/15	80 FR 30189
NPRM Comment Period End.	07/01/15	
Final Rule	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Kevin McDonald, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., Commandant (CG–FAC–2), STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1168, *Email: kevin.j.mcdonald@uscg.mil.*

RIN: 1625–AC15

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

137. Numbering of Undocumented Barges

Legal Authority: 46 U.S.C. 12301

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system and user fees for an original or renewed Certificate of Number for these barges. The numbering of undocumented barges allows the Coast Guard to identify the owners of abandoned barges. This rulemaking supports the Coast Guard's broad role and responsibility of protecting natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments.	10/18/94	59 FR 52646
Comment Period End.	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End.	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End.	04/11/01	
NPRM Reopening of Comment Period.	08/12/04	69 FR 49844
NPRM Reopening Comment Period End.	11/10/04	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrea Heck, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419, *Phone:* 304 271–2400, *Email: andrea.m.heck@uscg.mil.*

RIN: 1625–AA14

138. Outer Continental Shelf Activities

Legal Authority: 43 U.S.C. 1333(d)(1); 43 U.S.C. 1348(c); 43 U.S.C. 1356; DHS Delegation No 0170.1

Abstract: The Coast Guard is the lead Federal agency for workplace safety and health on facilities and vessels engaged in the exploration for, or development, or production of, minerals on the Outer Continental Shelf (OCS), other than for matters generally related to drilling and production that are regulated by the Bureau of Safety and Environmental Enforcement (BSEE). This project would revise the regulations on OCS activities by: (1) Adding new requirements, for OCS units for lifesaving, fire protection, training, and helidecks; (2) providing for USCG acceptance and approval of specified classification society plan reviews, inspections, audits, and surveys; and (3) requiring foreign vessels engaged in OCS activities to comply with rules similar to those imposed on U.S. vessels similarly engaged. This project would affect the owners and operators of facilities and vessels engaged in offshore activities.

Timetable:

Action	Date	FR Cite
Request for Comments.	06/27/95	60 FR 33185
Comment Period End.	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended.	03/16/00	65 FR 14226
NPRM Comment Period Extended.	06/30/00	65 FR 40559
NPRM Comment Period End.	11/30/00	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Rawson, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–ENG–2), 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1390, *Email: charles.e.rawson@uscg.mil.*

RIN: 1625–AA18

139. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation

Legal Authority: Pub. L. 111–281

Abstract: The Coast Guard proposes to implement those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard's maritime safety mission.

Timetable:

Action	Date	FR Cite
NPRM	06/21/16	81 FR 40437
NPRM Comment Period Extended.	08/15/16	81 FR 53986
NPRM Comment Period End.	10/19/16	
Second NPRM Comment Period End.	12/18/16	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jack Kemerer, Project Manager, CG–CVC–3, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1249, *Email: jack.a.kemerer@uscg.mil.*

RIN: 1625–AB85

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Completed Actions

140. Transportation Worker Identification Credential (TWIC); Card Reader Requirements

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191; 50 U.S.C. 192; E.O. 12656

Abstract: The Coast Guard established electronic card reader requirements for maritime facilities and vessels to be used in combination with TSA's Transportation Worker Identification Credential (TWIC). Congress enacted several statutory requirements within the Security and Accountability for Every (SAFE) Port Act of 2006 to guide regulations pertaining to TWIC readers, including the need to evaluate TSA's final pilot program report as part of the TWIC reader rulemaking. During the rulemaking process, we took into account the final pilot data and the various conditions in which TWIC readers may be employed. For example, we considered the types of vessels and facilities that will use TWIC readers, locations of secure and restricted areas, operational constraints, and need for accessibility. Recordkeeping requirements, amendments to security plans, and the requirement for data exchanges (*i.e.,* Canceled Card List) between TSA and vessel or facility owners/operators were also addressed in this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/09	74 FR 13360
Notice of Public Meeting.	04/15/09	74 FR 17444
ANPRM Comment Period End.	05/26/09	
Notice of Public Meeting Comment Period End.	05/26/09	
NPRM	03/22/13	78 FR 20558
NPRM Comment Period Extended.	05/10/13	78 FR 27335
NPRM Comment Period Extended End.	06/20/13	
Final Rule	08/23/16	81 FR 57651
Final Rule Effective.	08/23/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Kevin McDonald, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–FAC–2), 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1168, *Email: kevin.j.mcdonald@uscg.mil.*

RIN: 1625–AB21

141. Updates to Maritime Security

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191 and 192; E.O. 12656; 33 CFR 1.05–1; 33 CFR 6.04–11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No. 0170.1

Abstract: The Coast Guard is no longer pursuing this rulemaking.

Timetable:

Action	Date	FR Cite
Withdrawn	03/10/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Kevin McDonald, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., Commandant (CG–FAC–2), STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1168, *Email: kevin.j.mcdonald@uscg.mil.*

RIN: 1625–AB38

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Final Rule Stage

142. Waiver of Passport and Visa Requirements Due to an Unforeseen Emergency

Legal Authority: 212(a)(7)(B) INA 8 U.S.C. 1182(a)(7)

Abstract: This rule reinstates a 1996 amendment to 8 CFR 212.1(g) regarding a waiver of documentary requirements for nonimmigrants seeking admission to the United States. The 1996 amendment allowed the former Immigration and Naturalization Service (INS) to waive passport and visa requirements due to

an unforeseen emergency while preserving its ability to fine carriers for unlawfully transporting aliens to the United States who do not have a valid passport or visa. On November 20, 2009, the United States Court of Appeals for the Second Circuit invalidated the 1996 amendment based on procedural grounds.

Timetable:

Action	Date	FR Cite
NPRM	03/08/16	81 FR 12032
NPRM Comment Period End.	05/09/16	
Final Rule	07/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph R. O'Donnell, Program Manager, Fines, Penalties and Forfeitures Division, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–1691, *Email: joseph.r.odonnell@dhs.gov.*

RIN: 1651–AA97

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Long-Term Actions

143. Importer Security Filing and Additional Carrier Requirements (Section 610 Review)

Legal Authority: Pub. L. 109–347, sec. 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

Abstract: This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, Customs and Border Protection (CBP) published an interim final rule (CBP Dec. 08–46) in the **Federal Register** (73 FR 71730), that finalized most of the provisions proposed in the NPRM. It requires carrier and importers to provide to CBP, via a CBP approved electronic data interchange system, certain advance information pertaining to cargo brought into the United States by vessel to enable CBP to identify high-risk shipments to prevent smuggling and ensure cargo safety and security. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data elements, is conducting a structured review, and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. (See 73 FR 71782–85 for regulatory text and 73 CFR 71733–34 for general discussion.) The remaining requirements of the rule were adopted as final. CBP plans to issue a final rule after CBP completes a structured review of the flexibilities and analyzes the comments.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Craig Clark, Program Manager, Vessel Manifest & Importer Security Filing, Office of Cargo and Conveyance Security, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–3052, *Email: craig.clark@cbp.dhs.gov.*

RIN: 1651–AA70

144. Implementation of the Guam–CNMI Visa Waiver Program (Section 610 Review)

Legal Authority: Pub. L. 110–229, sec. 702

Abstract: The interim final rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the **Federal Register** replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed 45 days. This rulemaking would finalize the January 2009 interim final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/09	74 FR 2824
Interim Final Rule Effective.	01/16/09	
Interim Final Rule Comment Period End.	03/17/09	
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action	08/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Stephanie Watson, Supervisory Program Manager, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., 2.5B–38, Washington, DC 20229, *Phone:* 202 325–4548, *Email: stephanie.e.watson@cbp.dhs.gov.*

RIN: 1651–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Long-Term Actions

145. General Aviation Security and Other Aircraft Operator Security

Legal Authority: 6 U.S.C. 469; 18 U.S.C. 842; 18 U.S.C. 845; 46 U.S.C. 70102 to 70106; 46 U.S.C. 70117; 49 U.S.C. 114; 49 U.S.C. 114(f)(3); 49 U.S.C. 5103; 49 U.S.C. 5103a; 49 U.S.C. 40113; 49 U.S.C. 44901 to 44907; 49 U.S.C. 44913 to 44914; 49 U.S.C. 44916 to 44918; 49 U.S.C. 44932; 49 U.S.C. 44935 to 44936; 49 U.S.C. 44942; 49 U.S.C. 46105

Abstract: On October 30, 2008, the Transportation Security Administration (TSA) issued a notice of proposed rulemaking (NPRM), proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements, and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certificated takeoff weight (MTOW) above 12,500 pounds (large aircraft) be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs. TSA is considering publishing a supplemental NPRM (SNPRM) in response to comments received on the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	10/30/08	73 FR 64790
NPRM Comment Period End.	12/29/08	
Notice—NPRM Comment Period Extended.	11/25/08	73 FR 71590
NPRM Extended Comment Period End.	02/27/09	
Notice—Public Meetings; Requests for Comments.	12/18/08	73 FR 77045
Supplemental NPRM.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Knott, Branch Manager, Industry Engagement Branch–Aviation Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 22304, *Phone:* 571 227–4370, *Email: kevin.knott@tsa.dhs.gov.*

Alex Moscoso, Lead Economist, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5839, *Email: alex.moscoso@tsa.dhs.gov.*

Mardi Ruth Thompson, Senior Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 202 365–1850, *Fax:* 571 227–1379, *Email: mardi.thompson@tsa.dhs.gov.*

RIN: 1652–AA53

146. Security Training for Surface Transportation Employees

Legal Authority: 49 U.S.C. 114; Pub. L. 110–53, secs. 1405, 1408, 1501, 1512, 1517, 1531, and 1534

Abstract: As required by the 9/11 Act, this final rule requires security training for employees of higher-risk freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus (OTRB) companies. Owner/operators of these higher-risk railroads, systems, and companies will be required to train employees performing security-sensitive functions, using a curriculum addressing preparedness and how to observe, assess, and respond to terrorist-related threats and/or incidents. As part of this rulemaking, TSA is expanding its current requirements for rail security coordinators and reporting of significant security concerns (currently limited to freight railroads, passenger railroads, and the rail operations of public transportation systems) to include the bus components of higher-risk public transportation systems and higher-risk OTRB companies. TSA is also adding a definition for Transportation Security-Sensitive Materials (TSSM). Other provisions are being amended or added, as necessary, to implement these additional requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/16/16	81 FR 91336
NPRM Comment Period End.	03/16/17	
Final Rule	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chandru (Jack) Kalro, Deputy Director, Surface Division, Office of Security Policy and Industry Engagement, Department of Homeland Security, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Fax:* 571 227–2935, *Email: surfacefrontoffice@tsa.dhs.gov.*

Alex Moscoso, Lead Economist, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5839, *Email: alex.moscoso@tsa.dhs.gov.*

Traci Klemm, Assistant Chief Counsel for Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3596, *Email: traci.klemm@tsa.dhs.gov.*

RIN: 1652–AA55

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Immigration and Customs Enforcement (USICE)

Proposed Rule Stage

147. Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches

Legal Authority: 8 U.S.C. 1103

Abstract: U.S. Immigration and Customs Enforcement (ICE) proposes to set forth standards and procedures ICE will follow before making a determination to stop accepting immigration bonds posted by a surety company that has been certified to issue bonds by the Department of the Treasury when the company does not cure deficient performance. Treasury administers the Federal corporate surety program and, in its current regulations, allows agencies to prescribe ''for cause'' standards and procedures for declining to accept bonds from Treasury-certified sureties. ICE would also require surety companies seeking to overturn a breach determination to file an administrative appeal raising all legal and factual defenses.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Beth Cook, Deputy Chief, Office of the Principal Legal Advisor, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Suite 200, 166 Sycamore Street, Williston, VT 05495, *Phone:* 802 288–7742, *Email: beth.e.cook@ice.dhs.gov.*

Molly Stubbs, ICE Regulatory Coordinator, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW., Washington, DC 20536, *Phone:* 202 732–6202, *Email: molly.stubbs@ice.dhs.gov.*

Brad Tuttle, Attorney Advisor, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW., Washington, DC 20536, *Phone:* 202 732–5000, *Email: bradley.c.tuttle@ice.dhs.gov.*

RIN: 1653–AA67

DEPARTMENT OF HOMELAND SECURITY (DHS)

Federal Emergency Management Agency (FEMA)

Long-Term Actions

148. Updates to Floodplain Management and Protection of Wetlands Regulations To Implement Executive Order 13690 and the Federal Flood Risk Management Standard

Legal Authority: E.O. 11988, as amended; E.O. 13690

Abstract: The Federal Emergency Management Agency (FEMA) proposes to amend its regulations at 44 CFR part 9 ''Floodplain Management and Protection of Wetlands'' to implement Executive Order 13690, which establishes the Federal Flood Risk Management Standard (FFRMS). 44 CFR part 9 describes FEMA's process for determining whether the proposed location for an action falls within a floodplain. In addition, for those projects that would fall within a floodplain, part 9 describes FEMA's framework for deciding whether and how to complete the action in the floodplain, in light of the risk of flooding. Consistent with Executive Order 13690 and the FFRMS, the proposed rule would change how FEMA defines a ''floodplain'' with respect to certain actions. Additionally, under the proposed rule, FEMA would use natural systems, ecosystem process, and nature-based approaches, where practicable, when developing alternatives to locating a proposed action in the floodplain.

Timetable:

Action	Date	FR Cite
NPRM	08/22/16	81 FR 57401
NPRM Comment Period End.	10/21/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristin Fontenot, Office of Environmental and Historic Preservation, Department of Homeland Security, Federal Emergency Management Agency, 400 C Street SW., Washington, DC 20472, *Phone:* 202 646–2741, *Email: kristin.fontenot@fema.dhs.gov.*

RIN: 1660–AA85

DEPARTMENT OF HOMELAND SECURITY (DHS)

Federal Emergency Management Agency (FEMA)

Completed Actions

149. National Flood Insurance Program (NFIP) Financial Assistance/Subsidy Arrangement

Legal Authority: 42 U.S.C. 4001 *et seq.*

Abstract: The Federal Emergency Management Agency (FEMA) issued this final rule to remove the copy of the Financial Assistance/Subsidy Arrangement (Arrangement) and the summary of the Financial Control Plan from the appendices of the National Flood Insurance Program (NFIP) regulations. It is no longer necessary or appropriate to retain a contract, agreement, or any other arrangement between FEMA and private insurance companies in the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/23/16	81 FR 32261
NPRM Comment Period End.	07/22/16	
Final Rule	11/23/16	81 FR 84483
Final Rule Effective.	12/23/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Claudia Murphy, Policyholder Services Division, Department of Homeland Security, Federal Emergency Management Agency, 400 C Street SW., Washington, DC 20472, *Phone:* 202 646–2775, *Email: claudia.murphy@fema.dhs.gov.*

RIN: 1660–AA86

[FR Doc. 2017–16921 Filed 8–23–17; 8:45 am]

BILLING CODE 9110–9B–P

FEDERAL REGISTER

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Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. FR–6028–N–01]

Semiannual Regulatory Agenda

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual regulatory agenda.

SUMMARY: In accordance with section 4(b) of Executive Order 12866, ''Regulatory Planning and Review,'' as amended, HUD is publishing its agenda of regulations already issued or that are expected to be issued during the next several months. The agenda also includes rules currently in effect that are under review and describes those regulations that may affect small entities, as required by section 602 of the Regulatory Flexibility Act. The purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with advance information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel for Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500; telephone number 202–708–3055. (This is not a toll-free number.) A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at 800–877–8339 (Federal Relay Service).

SUPPLEMENTARY INFORMATION: Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735), as amended, requires each department or agency to prepare semiannually an agenda of: (1) Regulations that the department or agency has issued or expects to issue, and; (2) rules currently in effect that are under departmental or agency review. The Regulatory Flexibility Act (5 U.S.C. 601–612) requires each department or agency to publish semiannually a regulatory agenda of rules expected to be proposed or promulgated that are likely to have a significant economic impact on a substantial number of ''small entities,'' meaning small businesses, small organizations, or small governmental jurisdictions. Executive Order 12866 and the Regulatory Flexibility Act permit incorporation of the agenda required by these two authorities with any other prescribed agenda.

HUD's regulatory agenda combines the information required by Executive Order 12866 and the Regulatory Flexibility Act. As in the past, HUD's complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

The Department is subject to certain rulemaking requirements set forth in the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*). Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight of HUD (the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Financial Services), a semiannual agenda of all rules or regulations that are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days after transmittal of the agenda. Section 7(o) provides that if, within that period, either committee notifies the Secretary that it intends to review any rule or regulation that appears on the agenda, the Secretary must submit to both committees a copy of the rule or regulation, in the form that it is intended to be proposed, at least 15 calendar days before it is to be published for comment. The semiannual agenda posted on *www.reginfo.gov* is the agenda transmitted to the committees in compliance with the above requirements.

HUD has attempted to list in this agenda all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently omitted, or may have arisen too late to be included in the published agenda. There is no legal significance to the omission of an item from this agenda. Also, where a date is provided for the next rulemaking action, the date is an estimate and is not a commitment to act on or by the date shown.

Since the purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about the Department's future regulatory actions, HUD invites all interested members of the public to comment on the rules listed in the agenda.

Dated: April 21, 2017.

Linda M. Cruciani,

Deputy General Counsel for Operations.

OFFICE OF HOUSING—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
150	24 CFR 3280 Manufactured Home Construction and Safety Standards (FR–5739)	2502–AJ34

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Proposed Rule Stage

150. Manufactured Home Construction and Safety Standards (FR–5739)

Legal Authority: 42 U.S.C. 5401 *et seq.;* 42 U.S.C. 3535(d)

Abstract: This proposed rule would amend the Federal Manufactured Home Construction and Safety Standards by adopting certain recommendations made to HUD by the Manufactured Housing Consensus Committee (MHCC). The National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act) requires HUD to publish all proposed revised construction and safety standards submitted by the MHCC. This proposed rule is based on the third set of MHCC recommendations to update and improve various aspects of the Manufactured Housing Construction and Safety Standards. HUD has reviewed those proposals and has made several editorial revisions to the proposals which were reviewed and accepted by the MHCC. This rule proposes to add new standards that would establish requirements for carbon monoxide detection, stairways, fire safety considerations for attached garages, and for draftstops when there is a usable space above and below the concealed space of a floor/ceiling assembly and would establish requirements for venting systems to ensure that proper separation is

maintained between the air intake and exhaust systems.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard Mendlen, Structural Engineer, Office of Manufactured Housing Programs, Office of Housing, Department of Housing and Urban Development, Office of Housing, 451 Seventh Street SW., Washington, DC 20410, *Phone:* 202 708–6423.

RIN: 2502–AJ34

[FR Doc. 2017–16922 Filed 8–23–17; 8:45 am]

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Part X

Department of Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

[167D0102DM; DS6CS00000; DLSN00000.00000; DX6CS25]

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice provides the semiannual agenda of Department of the Interior (Department) rules scheduled for review or development between spring 2017 and spring 2018. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Please direct all comments and inquiries about these rules to the appropriate agency contact. Please direct general comments relating to the agenda to the Office of Executive Secretariat and Regulatory Affairs, Department of the Interior, at the address above or at (202) 208–5257.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects.

In some cases, the Department has withdrawn rules that were placed on previous agendas for which there has been no publication activity or for which a proposed or interim rule was published. There is no legal significance to the omission of an item from this agenda. Withdrawal of a rule does not necessarily mean that the Department will not proceed with the rulemaking. Withdrawal allows the Department to assess the action further and determine whether rulemaking is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate for promulgation. If that determination is made, such rules will comply with Executive Order 13771.

Mark Lawyer,
Federal Register Liaison Officer.

Bureau of Safety and Environmental Enforcement—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
151	Cost Recovery Adjustment	1014–AA31

United States Fish and Wildlife Service—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
152	Migratory Bird Hunting; 2018–2019 Migratory Game Bird Hunting Regulations	1018–BB73

United States Fish and Wildlife Service—Completed Actions

Sequence No.	Title	Regulation Identifier No.
153	National Wildlife Refuge System; Management of Non-Federal Oil and Gas Rights	1018–AX36
154	Migratory Bird Permits; Incidental Take of Migratory Birds	1018–BA69

National Park Service—Completed Actions

Sequence No.	Title	Regulation Identifier No.
155	Non-Federal Oil and Gas Rights	1024–AD78

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
156	Stream Protection Rule	1029–AC63

BUREAU OF LAND MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
157	Waste Prevention, Production Subject to Royalties, and Resource Conservation	1004–AE14
158	Onshore Oil and Gas Order 4: Oil Measurement	1004–AE16

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Proposed Rule Stage

151. Cost Recovery Adjustment

Legal Authority: 31 U.S.C. 9701

Abstract: This supplemental proposal will seek additional comments on the proposed adjustments to 31 cost recovery fees to allow the Bureau of Safety and Environmental Enforcement to recover the full costs of the services it provides to the oil and gas industry. It complies with the Independent Office Appropriations Act of 1952, which established that government services should be self-sustaining to the extent possible, and with OMB Circular A–25, which requires federal agencies to biannually review user charges and to determine whether new fees should be established for agency services. Rulemaking is the only method available to update these fees and comply with the intent of Congress to recover government costs when a special benefit is bestowed on an identifiable recipient.

Timetable:

Action	Date	FR Cite
NPRM	11/17/16	81 FR 81033
NPRM Comment Period End.	02/16/17	82 FR 1284
Supplemental NPRM.	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kimberly Monaco, Department of the Interior, Bureau of Safety and Environmental Enforcement, 1849 C Street NW., Washington, DC 20240, *Phone:* 703 787–1658.

RIN: 1014–AA31

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

152. Migratory Bird Hunting; 2018–2019 Migratory Game Bird Hunting Regulations

Legal Authority: 16 U.S.C. 703 to 711; 16 U.S.C. 742a–j

Abstract: We propose to establish annual hunting regulations for certain migratory game birds for the 2018–2019 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes the proposed regulatory alternatives for the 2018–2019 duck hunting seasons, requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands, and requests proposals for the 2018 spring and summer migratory bird subsistence season in Alaska. Migratory game bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/17	
Supplemental	08/00/17	
NPRM; Proposed Frameworks.	12/00/17	
NPRM; Proposed Tribal Regulations.	01/00/18	
Final Rule; Final Frameworks.	03/00/18	
Final Rule; Final Tribal Regulations.	05/00/18	
Final Rule; Final Season Selections.	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronald Kokel, Wildlife Biologist, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041–3808, *Phone:* 703 358–1714, *Email: ronald_kokel@fws.gov.*

RIN: 1018–BB73

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Completed Actions

153. National Wildlife Refuge System; Management of Non-Federal Oil and Gas Rights

Legal Authority: 16 U.S.C. 668dd to 668ee; 42 U.S.C. 7401 *et seq.;* 16 U.S.C. 1131 to 1136

Abstract: We published regulations that ensure that all operators conducting oil or gas operations within a National Wildlife Refuge System unit do so in a manner that prevents or minimizes damage to National Wildlife Refuge System resources, visitor values, and management objectives. These regulations will not result in a taking of a property interest, but rather impose reasonable controls on operations that affect federally owned or controlled lands, and/or waters.

Timetable:

Action	Date	FR Cite
ANPRM	02/24/14	79 FR 10080
ANPRM Comment Period End.	04/25/14	
ANPRM Comment Period Reopened.	06/09/14	79 FR 32903
ANPRM Comment Period Reopening End.	07/09/14	
NPRM	12/11/15	80 FR 77200
NPRM Comment Period End.	02/09/16	
NPRM; Final Environmental Impact Statement.	08/22/16	81 FR 56575
Supplemental NPRM.	11/14/16	81 FR 79408
Final Action	11/14/16	81 FR 79948
Final Action Effective.	12/14/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jillian Cohen, Conservation Policy Analyst, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: NWRS, Falls Church, VA 22041, *Phone:* 703 358–1764, *Email: jillian_cohen@fws.gov.*

RIN: 1018–AX36

154. Migratory Bird Permits; Incidental Take of Migratory Birds

Legal Authority: 16 U.S.C. 703 to 712; 42 U.S.C. 4321 *et seq.*

Abstract: This rule would establish regulations to govern the incidental take of migratory birds from activities under which migratory birds are killed incidental to otherwise lawful activities, including requirements for individual permits and programmatic agreements with Federal agencies. This agenda item is being withdrawn at the present time to allow the Department to assess the action further and determine whether rulemaking is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate for promulgation. If that determination is made, such rules will be included in a succeeding semiannual agenda under new RINs.

Timetable:

Action	Date	FR Cite
Notice	05/26/15	80 FR 30032
Comment Period End.	07/27/15	
Withdrawn	04/11/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen Earsom, Biologist—Pilot, Regions 4 & 5 Aviation Manager, Department of the Interior, United States Fish and Wildlife Service, 11510 American Holly Drive, Laurel, MD 20708, *Phone:* 301 980–8711, *Email: stephen_earsom@fws.gov.*

RIN: 1018–BA69

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Completed Actions

155. Non-Federal Oil and Gas Rights

Legal Authority: 54 U.S.C. 100101; 54 U.S.C. 100301; 54 U.S.C. 100302; 54 U.S.C. 100731; 54 U.S.C. 100732

Abstract: This rule would update National Park Service (NPS) regulations governing the exercise of non-Federal oil and gas rights within NPS unit boundaries outside of Alaska. It would accommodate new technology and industry practices, eliminate regulatory exemptions, update requirements, remove caps on bond amounts, and allow NPS to recover administrative costs. The changes make the regulations more effective and efficient and maintain the highest level of protection compatible with park resources and values.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/09	74 FR 61596
ANPRM Comment Period End.	01/25/10	
NPRM	10/26/15	80 FR 65571
NPRM Comment Period End.	12/28/15	
Final Action	11/04/16	81 FR 77972
Final Action Effective.	12/05/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward O. Kassman Jr., Geologic Resources Division, Department of the Interior, National Park Service, P.O. Box 25287, Denver, CO 80225, *Phone:* 303 969–2146, *Email: edward_kassman@nps.gov.*

RIN: 1024–AD78

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Final Rule Stage

156. Stream Protection Rule

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

Abstract: The final rule published December 20, 2016 (81 FR 93066) and became effective January 19, 2017. The final rule was nullified by a joint resolution of disapproval under the Congressional Review Act, signed by the President on February 16, 2017 (Pub. L. 115–5). This action conforms to Public Law 115–5 by changing the Code of Federal Regulations to reflect the regulations as they existed before the effective date of the final rule that was nullified under the Congressional Review Act.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/09	74 FR 62664
ANPRM Comment Period End.	12/30/09	
NPRM	07/27/15	80 FR 44436
NPRM Comment Period Extended.	09/10/15	80 FR 54590
NPRM Comment Period End.	09/25/15	
NPRM Comment Period Extended End.	10/26/15	
Final Action	12/20/16	81 FR 93066
Final Action Effective.	01/19/17	
Final Rule; CRA Revocation.	07/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dennis Rice, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, *Phone:* 202 208–2829, *Email: drice@osmre.gov.*

RIN: 1029–AC63

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Land Management (BLM)

Completed Actions

157. Waste Prevention, Production Subject to Royalties, and Resource Conservation

Legal Authority: 25 U.S.C. 396d; 25 U.S.C. 2107; 30 U.S.C. 189; 30 U.S.C. 306; 30 U.S.C. 359; 30 U.S.C. 1751; 43 U.S.C. 1732(b); 43 U.S.C. 1733; 43 U.S.C. 1740

Abstract: The rule would update decades-old standards to reduce wasteful venting, flaring, and leaks of natural gas from onshore wells located on Federal and Indian oil and gas leases. The proposed standards would establish requirements and incentives to reduce waste of gas and clarify when royalties apply to lost gas. This action will enhance our energy security and economy by boosting America's natural gas supplies, ensuring that taxpayers receive the royalties due to them from development of public resources, and reducing emissions.

Timetable:

Action	Date	FR Cite
NPRM	02/08/16	81 FR 6616
NPRM Comment Period Extended.	04/04/16	81 FR 19110
NPRM Comment Period End.	04/08/16	
NPRM Comment Period Extended End.	04/22/16	
Final Action	11/18/16	81 FR 83008
Final Action Effective.	01/17/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven Wells, Division Chief, Fluid Minerals Division, Department of the Interior, Bureau of Land Management, Room 2134 LM, 20 M Street SE., Washington, DC 20003, *Phone:* 202 912–7143, *Fax:* 202 912–7194, *Email: s1wells@blm.gov.*

RIN: 1004–AE14

158. Onshore Oil and Gas Order 4: Oil Measurement

Legal Authority: 25 U.S.C. 396(d); 25 U.S.C. 2107; 30 U.S.C. 189; 30 U.S.C. 306; 30 U.S.C. 359; 30 U.S.C. 1751; 43

U.S.C. 1732(b); 43 U.S.C. 1733; 43 U.S.C. 1740

Abstract: Onshore Order 4 establishes minimum standards to ensure liquid hydrocarbons are accurately measured and reported. This Order was last updated in 1989, and since then changes in technology have allowed for more accurate fluid measurement. This order will incorporate current industry standards and allow for the use of new technology.

Timetable:

Action	Date	FR Cite
NPRM	09/30/15	80 FR 58952
NPRM Comment Period Extended.	11/23/15	80 FR 72943
NPRM Comment Period End.	11/30/15	
NPRM Comment Period Extended End.	12/14/15	
Final Action	11/17/16	81 FR 81462
Final Action Effective.	01/17/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven Wells, Division Chief, Fluid Minerals Division, Department of the Interior, Bureau of Land Management, Room 2134 LM, 20 M Street SE., Washington, DC 20003, *Phone:* 202 912–7143, *Fax:* 202 912–7194, *Email: s1wells@blm.gov.*

RIN: 1004–AE16

[FR Doc. 2017–16923 Filed 8–23–17; 8:45 am]

BILLING CODE 4334–63–P

FEDERAL REGISTER

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Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I, V

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2017 regulatory agenda pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514–8059.

SUPPLEMENTARY INFORMATION: Beginning with the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: March 31, 2017.

Ryan Newman,

Acting Assistant Attorney General, Office of Legal Policy.

CIVIL RIGHTS DIVISION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
159	Nondiscrimination on the Basis of Disability; Movie Captioning and Audio Description	1190–AA63

DEPARTMENT OF JUSTICE (DOJ)

Civil Rights Division (CRT)

Completed Actions

159. Nondiscrimination on the Basis of Disability; Movie Captioning and Audio Description

Legal Authority: 42 U.S.C. 12101, *et seq.*

Abstract: Following its advance notice of proposed rulemaking published on July 26, 2010, and the notice of proposed rulemaking published on August 1, 2014, the Department published a rule addressing the requirements for captioning and video description of movies exhibited in movie theatres under title III of the Americans with Disabilities Act of 1990 (ADA). Title III prohibits discrimination on the basis of disability in the activities of places of public accommodation (private entities whose operations affect commerce and that fall into one of twelve categories listed in the ADA). 42 U.S.C. 12181–12189. Title III makes it unlawful for places of public accommodation, such as movie theaters, to discriminate against individuals with disabilities in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation (42 U.S.C. 12182[a]). Moreover, title III prohibits places of public accommodation from affording an unequal or lesser service to individuals or classes of individuals with disabilities than is offered to other individuals (42 U.S.C. 12182(b)(1)(A)(ii)). Title III requires places of public accommodation to take ''such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently because of the absence of auxiliary aids and services, such as captioning and video description, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden,'' (42 U.S.C. 12182(b)(2)(A)(iii)).

Completed:

Reason	Date	FR Cite
Final Action	12/02/16	81 FR 87348
Final Action Effective.	01/17/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anne Raish, *Phone:* 800 514–0301.

RIN: 1190–AA63

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Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** Notice contains the regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT: Laura M. Dawkins, Director, Office of Regulatory and Programmatic Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–2312, Washington, DC 20210; (202) 693–5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at *www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda, published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. The Department of Labor is withdrawing the only section 610 item on the Department of Labor's Regulatory Flexibility Agenda:

Occupational Safety and Health Administration

Bloodborne Pathogens (RIN 1218–AC34)

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

Edward C. Hugler,
Acting Secretary of Labor.

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
160	Change of Mailing Address for the Benefits Review Board (Section 610 Review)	1290–AA32

EMPLOYEE BENEFITS SECURITY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
161	Guide or Similar Requirement for Section 408(b)(2) Disclosures	1210–AB53
162	Definition of the Term Fiduciary—Delay of Applicability Date	1210–AB79

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
163	Occupational Exposure to Beryllium	1218–AB76

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
164	Infectious Diseases	1218–AC46

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
165	Bloodborne Pathogens (Completion of a Section 610 Review)	1218–AC34
166	Combustible Dust	1218–AC41
167	Preventing Backover Injuries and Fatalities	1218–AC51

DEPARTMENT OF LABOR (DOL)

Office of the Secretary (OS)

Final Rule Stage

160. • Change of Mailing Address for the Benefits Review Board (Section 610 Review)

Legal Authority: 5 U.S.C. 301; 30 U.S.C. 901 *et seq.;* 33 U.S.C. 901 *et seq.*

Abstract: The rule amends one section of the Benefits Review Board's regulations in order to change the mailing address for correspondence and legal pleadings sent to the Board.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Thomas Shepherd, Clerk of the Appellate Boards, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room S–5220, Washington, DC 20210, *Phone:* 202 693–6319, *Email: shepherd.thomas@dol.gov.*

RIN: 1290–AA32

DEPARTMENT OF LABOR (DOL)

Employee Benefits Security Administration (EBSA)

Completed Actions

161. Guide or Similar Requirement for Section 408(b)(2) Disclosures

Legal Authority: 29 U.S.C. 1108(b)(2); 29 U.S.C. 1135

Abstract: Paragraph (c) of 29 CFR 2550.408(b)–2 requires covered service providers to make certain disclosures to responsible plan fiduciaries in order for contracts or arrangements between the parties to be considered reasonable under section 408(b)(2) of the Employee Retirement Income Security Act (ERISA). This rulemaking would amend the disclosure provisions in paragraph (c) so that covered service providers may be required to furnish a guide or similar tool along with such disclosures. A guide or similar requirement may assist fiduciaries, especially fiduciaries to small and medium-sized plans, in identifying and understanding the potentially complex disclosure documents that are provided to them, or if disclosures are located in multiple documents.

EBSA is withdrawing this entry from the agenda at this time. Withdrawal of an entry does not necessarily mean that EBSA will not proceed with the rulemaking in the future. Withdrawal allows EBSA to assess the subject matter further and determine whether rulemaking in this area is appropriate. Following such an assessment, EBSA may determine that rulemaking is appropriate. If that determination is made, this or a similar matter will be included in succeeding semiannual agenda.

Timetable:

Action	Date	FR Cite
NPRM	03/12/14	79 FR 13949
NPRM Comment Period End.	06/10/14	
Withdrawn	03/30/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeffrey J. Turner, Deputy Director, Office of Regulations and Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N–5655, Washington, DC 20210, *Phone:* 202 693–8500.

RIN: 1210–AB53

162. • Definition of the Term Fiduciary—Delay of Applicability Date

Legal Authority: 29 U.S.C. 1002 (ERISA sec 3(21)); 29 U.S.C. 1135 (ERISA sec 505)

Abstract: This rulemaking extends for 60 days the applicability date of the final regulation, published on April 8, 2016, defining who is a ''fiduciary'' under the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986. It also extends for 60 days the applicability dates of the Best Interest Contract Exemption and the Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs. It requires that fiduciaries relying on these exemptions for covered transactions adhere only to the Impartial Conduct Standards (including the best ''interest'' standard), as conditions of the exemptions during the transition period from June 9, 2017, through January 1, 2018. Thus, the fiduciary definition in the rule (Fiduciary Rule or Rule) published on April 8, 2016, and Impartial Conduct Standards in these exemptions, are applicable on June 9, 2017, while compliance with the remaining conditions in these exemptions, such as requirements to make specific written disclosures and representations of fiduciary compliance in communications with investors, is not required until January 1, 2018. This rulemaking also delays the applicability of amendments to Prohibited Transaction Exemption 84–24 until January 1, 2018, other than the Impartial Conduct Standards, which will become applicable on June 9, 2017. Finally, this rulemaking extends for 60 days the applicability dates of amendments to other previously granted exemptions. The President, by Memorandum to the Secretary of Labor dated February 3, 2017, directed the Department of Labor to examine whether the Fiduciary Rule may adversely affect the ability of Americans to gain access to retirement information and financial advice, and to prepare an updated economic and legal analysis concerning the likely impact of the Fiduciary Rule as part of that examination. The extensions announced in this rulemaking are necessary to enable the Department to perform this examination and to consider possible changes with respect to the Fiduciary Rule and PTEs based on new evidence or analysis developed pursuant to the examination.

Timetable:

Action	Date	FR Cite
Proposed Rule; Extension of Applicability Date.	03/03/17	82 FR 12319
Proposed Rule Comment Period End.	03/17/17	
Final Rule; Delay of Applicability Date.	04/07/17	82 FR 16902
Final Rule; Delay of Applicability Date Effective.	06/09/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeffrey J. Turner, Deputy Director, Office of Regulations and Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N–5655, Washington, DC 20210, Phone: 202 693–8500, Fax: 202 219–7291.

RIN: 1210–AB79

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

163. Occupational Exposure to Beryllium

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard for permissible exposure limit (PEL) to beryllium by the

United Steel Workers (formerly the Paper Allied-Industrial, Chemical, and Energy Workers Union), Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage. On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium, including: Current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected worksites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008. OSHA also completed a scientific peer review of its draft risk assessment. OSHA published a NPRM for a comprehensive beryllium standard for general industry on August 7, 2015 (80 FR 47565) and convened an informal public hearing on the proposed hearings in Washington, DC, on March 21 and 22, 2016. Following the Agency's review and consideration of comments and testimony received on the proposed standard, OSHA published final comprehensive standards for general industry, construction and shipyards on January 9, 2017 (82 FR 2470). In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017 from the Assistant to the President and Chief of Staff entitled ''Regulatory Freeze Pending Review,'' OSHA delayed the effective date of the standard to May 20, 2017, to allow OSHA officials the opportunity for further review and consideration of the new regulations. Based on this review and the comments received in response to extending the effective date on June 27, 2017. OSHA proposed changes to the standards that apply to construction and shipyard operations.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	11/26/02	67 FR 70707
RFI Comment Period End.	02/24/03	
SBREFA Report Completed.	01/23/08	
Initiated Peer Review of Health Effects and Risk Assessment.	03/22/10	
Complete Peer Review.	11/19/10	
NPRM	08/07/15	80 FR 47565
NPRM Comment Period End.	11/05/15	
Notice of Public Hearing; Date 02/29/2016.	12/30/15	80 FR 81475
Notice of Public Hearing; Date Change 03/21/2016.	02/16/16	81 FR 7717
Final Rule	01/09/17	82 FR 2470
Final Rule; Delay of Effective Date.	02/01/17	82 FR 8901
Final Rule; Proposed Further Delay of Effective Date.	03/02/17	82 FR 12318
Final Rule; Further Delay of Effective Date.	03/21/17	82 FR 14439
Final Rule; Further Delay of Effective Date Effective.	05/20/17	
NPRM	06/27/17	82 FR 29182
NPRM Comment Period End.	08/28/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, Fax: 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AB76

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Long-Term Actions

164. Infectious Diseases

Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673

Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-resistant Staphylococcus aureus (MRSA), and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is concerned about the ability of employees to continue to provide health care and other critical services without unreasonably jeopardizing their health. OSHA is developing a standard to ensure that employers establish a comprehensive infection control program and control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: Health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	
Stakeholder Meetings.	07/05/11	76 FR 39041
Initiate SBREFA ..	06/04/14	
Complete SBREFA.	12/22/14	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AC46

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Completed Actions

165. Bloodborne Pathogens (Completion of a Section 610 Review)

Legal Authority: 5 U.S.C. 533; 5 U.S.C. 610; 29 U.S.C. 655(b)

Abstract: OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated. OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Begin Review	10/22/09	
Notice of Request for Comment.	05/14/10	75 FR 27237
Notice of Request for Comment Period End.	08/12/10	
Withdrawn	03/30/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Amanda Edens, Director, Directorate of Technical Support and Emergency Management, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3653, Washington, DC 20210, *Phone:* 202 693–2300, *Fax:* 202 693–1644, *Email: edens.mandy@dol.gov*.

RIN: 1218–AC34

166. Combustible Dust

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: Occupational Safety and Health Administration (OSHA) has initiated rulemaking to develop a combustible dust standard for general industry. OSHA will use information gathered, including from an upcoming SBREFA panel, to develop a comprehensive standard that addresses combustible dust hazards. OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/09	74 FR 54333
Notice of Stakeholder Meetings.	12/14/09	
ANPRM Comment Period End.	01/19/10	
Notice of Stakeholder Meetings.	03/09/10	75 FR 10739
Withdrawn	03/30/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AC41

167. Preventing Backover Injuries and Fatalities

Legal Authority: 29 U.S.C. 655(b)

Abstract: Backing vehicles and equipment are common causes of struck-by injuries and can also cause caught-between injuries when backing vehicles and equipment pin a worker against an object. Struck-by injuries and caught-between injuries are two of the four leading causes of workplace fatalities. The Bureau of Labor Statistics reports that in 2013, 67 workers were fatally backed over while working. While many backing incidents can prove to be fatal, workers can suffer severe, non-fatal injuries as well. A review of OSHA's Integrated Management Information System (IMIS) database found that backing incidents can result in serious injury to the back and pelvis, fractured bones, concussions, amputations, and other injuries. Emerging technologies in the field of backing operations may prevent incidents. The technologies include cameras and proximity detection systems. The use of spotters and internal traffic control plans can also make backing operations safer. The Agency has held stakeholder meetings on backovers, and is conducting site visits to employers, and is developing a standard to address these hazards. OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	03/29/12	77 FR 18973
RFI Comment Period End.	07/27/12	
Withdrawn	03/30/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean McKenzie, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3468, Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email: mckenzie.dean@dol.gov*.

RIN: 1218–AC51

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Part XIII

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

23 CFR Chs. I–III

33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII

[DOT–OST–1999–5129]

Department Regulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Unified agenda of Federal regulatory and deregulatory actions (regulatory agenda).

SUMMARY: The Regulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is expected that this information will enable the public to more effectively participate in the Department's regulatory process. The public is also invited to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the Agenda in general to Jonathan Moss, Assistant General Counsel for Regulation, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 366–4723.

Specific

You should direct all comments and inquiries on particular items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in appendix B.

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SUPPLEMENTARY INFORMATION:

Background

Improvement of our regulations is a prime goal of the Department of Transportation (Department or DOT). Our regulations should be clear, simple, timely, fair, reasonable, and necessary. They should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to ensure that they continue to meet the needs for which they originally were designed. To view additional information about the Department's regulatory activities online, go to *http://www.dot.gov/regulations.*

To help the Department achieve its goals and in accordance with Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' (58 FR 51735; Oct. 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979), the Department prepares a semiannual regulatory agenda. It summarizes all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the next 12 months or for which action has been completed since the last Agenda.

On January 30, 2017, President Trump issued E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' 82 FR 9339 (January 30, 2017), which establishes principles for prioritizing an agency's regulatory and deregulatory actions. E.O. 13771 was shortly followed by E.O. 13777, ''Enforcing the Regulatory Agenda,'' 82 FR 12285 (February 24, 2017), which identified processes for agencies to follow in overseeing their regulatory programs. This Agenda was prepared in accordance with both E.O. 13771 and E.O. 13777, and the Department will continue to work internally, as well as with the Office of Management and Budget, to fully implement their principles into our rulemaking processes.

As part of our ongoing regulatory effort, the Department will likely revisit a number of proposed and final rulemakings to further streamline project delivery and reduce unnecessary administrative burdens; safety, however, will continue to be a priority. That's why we must ensure that regulatory decisions are rooted in analysis derived from sound science and data. They should also include risk-based analysis that prevents accidents before they happen, and considers the costs and benefits of new rulemakings.

As new automated technologies are rapidly advancing, they carry with them the potential to dramatically change commercial transportation and private travel, expanding access for millions and improving safety on our roads, rails, and in our skies. We are committed to ensuring the safe integration of these technologies into our transportation system.

We remain mindful, though, that infrastructure is the required underpinning of our country's world-class economy, so we will remain vigilant for opportunities where regulatory action can help strengthen and modernize our infrastructure.

The Agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by OST.

The Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list, see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the Internet.

Significant Rulemakings

The Agenda covers all rules and regulations of the Department. We have classified rules as significant in the

Agenda if they are, essentially, very beneficial, controversial, or of substantial public interest under our Regulatory Policies and Procedures. All DOT significant rulemaking documents are subject to review by the Secretary of Transportation. If the Office of Management and Budget (OMB) decided a rule is subject to its review under Executive Order 12866, we have also classified it as significant in the Agenda.

Explanation of Information on the Agenda

An Office of Management and Budget memorandum, dated March 2, 2017, requires the format for this Agenda.

First, the Agenda is divided by initiating offices. Then the Agenda is divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the Agenda provides the following information: (1) Its ''significance''; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (*e.g.,* NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for when a rulemaking document may publish; (8) whether the rulemaking will affect small entities and/or levels of Government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which a rulemaking document may publish. In addition, these dates are based on current schedules. Information received after the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the Agenda for the first time.

Request for Comments

General

Our Agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as making the Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in appendix D. In response to Executive Order 13563 ''Retrospective Review and Analysis of Existing Rules,'' in 2011 we prepared a retrospective review plan providing more detail on the process we use to conduct reviews of existing rules, including changes in response to Executive Order 13563. Any updates related to our retrospective plan and review results can be found at *http://www.dot.gov/regulations.*

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an accountable process to ensure ''meaningful and timely input'' by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have ''substantial direct effects'' on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian tribes to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: March 22, 2017.

Elaine L. Chao,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the Semiannual Regulatory Agenda, are

available through the Internet at *http://www.regulations.gov.* See appendix C for more information.

(Name of contact person), (Name of the DOT agency), 1200 New Jersey Avenue SE., Washington, DC 20590. (For the Federal Aviation Administration, substitute the following address: Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591).

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Lirio Liu, Director, Office of Rulemaking, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–7833.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0761.

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0596.

NHTSA—Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–2992.

FRA—Elliott Gillooly, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 493–6047.

FTA—Chaya Koffman, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–3101.

SLSDC—Carrie Mann Lavigne, Chief Counsel, 180 Andrews Street, Massena, NY 13662; telephone (315) 764–3200.

PHMSA—Stephen Gordon, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–1101.

MARAD—Gabriel Chavez, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–2621.

OST—Jonathan Moss, Assistant General Counsel for Regulation, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4723.

Appendix C—Public Rulemaking Dockets

All comments via the Internet are submitted through the Federal Docket Management System (FDMS) at the following address: *http://www.regulations.gov.* The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced Internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at or deliver comments on proposed rulemakings to the Dockets Office at 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, 1–800–647–5527. Working Hours: 9:00 a.m. to 5:00 p.m.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our Regulatory Policies and Procedures require such reviews. We also have responsibilities under E.O. 12866, ''Regulatory Planning and Review,'' E.O. 13563, ''Improving Regulation and Regulatory Review,'' 76 FR 3821 (January 18, 2011), E.O. 13771 ''Reducing Regulation and Controlling Regulatory Costs,'' E.O. 13777, ''Enforcing the Regulatory Agenda,'' and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the designation of a Regulatory Reform Officer, the establishment of a Regulatory Reform Task Force, and the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to revise them. We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that: (1) Have been published within the last 10 years, and (2) have a ''significant economic impact on a substantial number of small entities'' (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially mandated review. If there is any change to the review plan, we will note the change in the following Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010, and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses should be submitted to the regulatory contacts listed in appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (*e.g.,* ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be

conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT section 610 Reviews by inserting ''(Section 610 Review)'' after the title for the specific entry. For further information on the pending reviews, see the Agenda entries at *www.reginfo.gov.* For example, to obtain a list of all entries that are in section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting ''advanced search'') and, in effect, generate the desired ''index'' of reviews.

Office of the Secretary

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99 and 14 CFR parts 200 through 212	2008	2009
2	48 CFR parts 1201 through 1253 and new parts and subparts	2009	2010
3	14 CFR parts 213 through 232	2010	2011
4	14 CFR parts 234 through 254	2011	2012
5	14 CFR parts 255 through 298 and 49 CFR part 40	2012	2013
6	14 CFR parts 300 through 373	2013	2014
7	14 CFR parts 374 through 398	2014	2015
8	14 CFR part 399 and 49 CFR parts 1 through 11	2015	2016
9	49 CFR parts 17 through 28	2016	2017
10	49 CFR parts 29 through 39 and parts 41 through 89	2017	2018

Year 9 (2016) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 17—Intergovernmental review of Department of Transportation programs and activities
49 CFR part 20—New restrictions on lobbying
49 CFR part 21—Nondiscrimination In Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act Of 1964
49 CFR part 22—Short-Term Lending Program (STLP)
49 CFR part 23—Participation of Disadvantaged Business Enterprise in Airport Concessions
49 CFR part 24—Uniform Relocation Assistance And Real Property Acquisition For Federal And Federally-Assisted Programs
49 CFR part 25—Nondiscrimination On The Basis Of Sex in Education Programs or Activities Receiving Federal Financial Assistance
49 CFR part 26—Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs
49 CFR part 27—Nondiscrimination On The Basis Of Disability in Programs or Activities Receiving Federal Financial Assistance
49 CFR part 28—Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation

Year 8 (2015) List of Rules With Ongoing Analysis

14 CFR part 399—Fees and Charges for Special Services
49 CFR part 1—Organization and Delegation of Power and Duties
49 CFR part 3—Official Seal
49 CFR part 5—Rulemaking Procedures
49 CFR part 6—Implementation of Equal Access to Justice Act in Agency Proceedings
49 CFR part —Public Availability of Information
49 CFR part 8—Classified Information: Classification/Declassification/Access
49 CFR part 9—Testimony of Employees of the Department and Production of Records in Legal Proceedings
49 CFR part 10—Maintenance of and Access to Records Pertaining to Individuals
49 CFR part 11—Protection of Human Subjects

Year 7 (2014) List of Rules With Ongoing Analysis

14 CFR part 374—Implementation of the Consumer Credit Protection Act with Respect to Air Carriers and Foreign Air Carriers
14 CFR part 374a—Extension of Credit by Airlines to Federal Political Candidates
14 CFR part 375—Navigation of Foreign Civil Aircraft within the United States
14 CFR part 377—Continuance of Expired Authorizations by Operation of Law Pending Final Determination of Applications for Renewal Thereof
14 CFR part 380—Public Charters
14 CFR part 381—Special Event Tours
14 CFR part 382—Nondiscrimination On The Basis Of Disability in Air Travel
14 CFR part 383—Civil Penalties
14 CFR part 385—Staff Assignments and Review of Action under Assignments
14 CFR part 389—Fees and Charges for Special Services
14 CFR part 398—Guidelines for Individual Determinations of Basic Essential Air Service

Year 6 (2013) List of Rules With Ongoing Analysis

14 CFR part 300—Rules of Conduct in DOT Proceedings Under This Chapter
14 CFR part 302—Rules of Practice in Proceedings
14 CFR part 303—Review of Air Carrier Agreements
14 CFR part 305—Rules of Practice in Informal Nonpublic Investigations
14 CFR part 313—Implementation of the Energy Policy and Conservation Act
14 CFR part 323—Terminations, Suspensions, and Reductions of Service
14 CFR part 325—Essential Air Service Procedures
14 CFR part 330—Procedures For Compensation of Air Carriers
14 CFR part 372—Overseas Military Personnel Charters

Year 5 (Fall 2012) List of Rules With Ongoing Analysis

14 CFR part 255—Airline Computer Reservations Systems
14 CFR part 256—[Reserved]
14 CFR part 271—Guidelines for Subsidizing Air Carriers Providing Essential Air Transportation
14 CFR part 272—Essential Air Service to the Freely Associated States
14 CFR part 291—Cargo Operations in Interstate Air Transportation
14 CFR part 292—International Cargo Transportation
14 CFR part 293—International Passenger Transportation
14 CFR part 294—Canadian Charter Air Taxi Operators
14 CFR part 296—Indirect Air Transportation of Property
14 CFR part 297—Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations
14 CFR part 298—Exemptions for Air Taxi and Commuter Air Carrier Operations

Year 4 (Fall 2011) List of Rules With Ongoing Analysis

14 CFR part 240—Inspection of Accounts and Property
14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers
14 CFR part 243—Passenger Manifest Information
14 CFR part 247—Direct Airport-to-Airport Mileage Records
14 CFR part 248—Submission of Audit Reports
14 CFR part 249—Preservation of Air Carrier Records

Year 3 (Fall 2010) List of Rules With Ongoing Analysis

14 CFR part 213—Terms, Conditions, and Limitations of Foreign Air Carrier Permits
14 CFR part 214—Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only
14 CFR part 215—Use and Change of Names of Air Carriers, Foreign Air Carriers, and Commuter Air Carriers
14 CFR part 216—Commingling of Blind Sector Traffic by Foreign Air Carriers
14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services
14 CFR part 218—Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With Crew
14 CFR part 221—Tariffs
14 CFR part 222—Intermodal Cargo Services by Foreign Air Carriers
14 CFR part 223—Free and Reduced-Rate Transportation
14 CFR part 232—Transportation of Mail, Review of Orders of Postmaster General
14 CFR part 234—Airline Service Quality Performance Reports

Year 1 (Fall 2008) List of Rules With Ongoing Analysis

49 CFR part 91—International Air Transportation Fair Competitive Practices
49 CFR part 92—Recovering Debts to the United States by Salary Offset
49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities
49 CFR part 99—Employee Responsibilities and Conduct
14 CFR part 200—Definitions and Instructions
14 CFR part 201—Air Carrier Authority Under Subtitle VII of Title 49 of the United States Code [Amended]
14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses
14 CFR part 204—Data to Support Fitness Determinations
14 CFR part 205—Aircraft Accident Liability Insurance
14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions
14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers
14 CFR part 208—Charter Trips by U.S. Charter Air Carriers
14 CFR part 211—Applications for Permits to Foreign Air Carriers
14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers

Federal Aviation Administration

Section 610 and Other Reviews

Section 610 Review Plan

The Federal Aviation Administration (FAA) has elected to use the two-step, two-year process used by most Department of Transportation (DOT) modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the ''analysis year''), all rules published during the previous 10 years within a 10% block of the regulations will be analyzed to identify those with a significant economic impact on a substantial number of small entities (SEISNOSE). During the second year (the ''review year''), each rule identified in the analysis year as having a SEISNOSE will be reviewed in accordance with Section 610(b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 119 through 129 and parts 150 through 156	2008	2009
2	14 CFR parts 133 through 139 and parts 157 through 169	2009	2010
3	14 CFR parts 141 through 147 and parts 170 through 187	2010	2011
4	14 CFR parts 189 through 198 and parts 1 through 16	2011	2012
5	14 CFR parts 17 through 33	2012	2013
6	14 CFR parts 34 through 39 and parts 400 through 405	2013	2014
7	14 CFR parts 43 through 49 and parts 406 through 415	2014	2015
8	14 CFR parts 60 through 77	2015	2016
9	14 CFR parts 91 through 105	2016	2017
10	14 CFR parts 417 through 460	2017	2018

Background on the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 as amended (RFA), sections 601 through 612 of Title 5, United States Code (5 U.S.C.)) requires Federal regulatory agencies to analyze all proposed and final rules to determine their economic impact on small entities, which includes small businesses, small organizations, and small governmental jurisdictions. The primary purpose of the RFA is to establish as a principle of regulatory issuance that Federal agencies endeavor, consistent with the objectives of the rule and applicable statutes, to fit regulatory and informational requirements to the scale of entities subject to the regulation. The FAA performed the required RFA analyses of each final rulemaking action

and amendment it has initiated since enactment of the RFA in 1980.

Section 610 of 5 U.S.C. requires government agencies to periodically review all regulations that will have a SEISNOSE. The FAA must analyze each rule within 10 years of its publication date.

Defining SEISNOSE

The RFA does not define ''significant economic impact.'' Therefore, there is no clear rule or number to determine when a significant economic impact occurs. However, the Small Business Administration (SBA) states that significance should be determined by considering the size of the business, the size of the competitor's business, and the impact the same regulation has on larger competitors.

Likewise, the RFA does not define ''substantial number.'' However, the legislative history of the RFA suggests that a substantial number must be at least one but does not need to be an overwhelming percentage such as more than half. The SBA states that the substantiality of the number of small businesses affected should be determined on an industry-specific basis.

This analysis consisted of the following three steps:

- Review of the number of small entities affected by the amendments to parts 91 through 105.
- Identification and analysis of all amendments to parts 91 through 105 since 2006 to determine whether any still have or now have a SEISNOSE.
- Review of the FAA Office of Aviation Policy, and Plans regulatory flexibility assessment of each amendment performed as required by the RFA.

Year 10 (2017) List of Rules To Be Analyzed During the Next Year

14 CFR part 417—Launch Safety
14 CFR part 420—License to Operate a Launch Site
14 CFR part 431—Launch and Reentry of a Reusable Launch Vehicle (RLV)
14 CFR part 433—License to Operate a Reentry Site
14 CFR part 43—Reentry of a Reentry Vehicle Other Than a Reusable Launch Vehicle (RLV)
14 CFR part 437—Experimental Permits
14 CFR part 440—Financial Responsibility
14 CFR part 460—Human Space Flight Requirements

Year 9 (2016) List of Rules Analyzed and Summary of Results

14 CFR part 9—General Operating and Flight Rules
- Section 610: The agency conducted a Section 610 review of this part and found Amendment 91–314, 75 FR 30193, May 28, 2010; Amendment 91–314, 75 FR 30193, May 28, 2010; and Amendment 91–330, 79 FR 9972, Feb. 21, 2014 trigger SEISNOSE within the meaning of the RFA.
- General: No changes are needed. The FAA has considered a number of alternatives in attempts to lower compliance costs for small entities, but could not go forward with the lower cost alternatives without compromising the safety for the industry.

14 CFR part 93—Special Air Traffic Rules
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR part 95—IFR Altitudes
- Section 610: The agency conducted a Section 610 review of this part and found there were no amendments since 2016. Therefore, part 99 does not trigger SEISNOSE.
- General: No changes are needed.

14 CFR part 97—Standard Instrument Procedures
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR part 99—Security Control of Air Traffic
- Section 610: The agency conducted a Section 610 review of this part and found there were no amendments since 2016. Therefore, part 99 does not trigger SEISNOSE.
- General: No changes are needed.

14 CFR part 101—Moored Balloons, Kites, Amateur Rockets and Unmanned Free Balloons
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

14 CFR part 103—Ultralight Vehicles
- Section 610: The agency conducted a Section 610 review of this part and found there were no amendments since 2016. Therefore, part 99 does not trigger SEISNOSE.
- General: No changes are needed.

14 CFR part 105—Parachute Operations
- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden.

Federal Highway Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2008	2009
2	23 CFR parts 1 to 260	2009	2010
3	23 CFR parts 420 to 470	2010	2011
4	23 CFR part 500	2011	2012
5	23 CFR parts 620 to 637	2012	2013
6	23 CFR parts 645 to 669	2013	2014
7	23 CFR parts 710 to 924	2014	2015
8	23 CFR parts 940 to 973	2015	2016
9	23 CFR parts 1200 to 1252	2016	2017
10	New parts and subparts	2017	2018

Federal-Aid Highway Program

The Federal Highway Administration (FHWA) has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highway is chapter I of title 23 of the U.S.C. 145 of title 23, expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the

construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 8 (Fall 2015) List of Rules Analyzed and a Summary of Results

23 CFR part 940—Intelligent Transportation System Architecture and Standards
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 950—Electronic Toll Collection
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 FR part 970—National Park Service Management Systems
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 971—Forest Service Management Systems
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 972—Fish and Wildlife Service Management Systems
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 973—Management Systems Pertaining to the Bureau of Indian Affairs and the Indian Reservation Roads Program
- Section 610: No SEIOSNOSE. No small entities are affected
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

Year 9 (Fall 2016) List of Rules That Will Be Analyzed During the Next Year

23 CFR part 1200—Uniform Procedures for State Highway Safety Grant Programs

23 CFR part 1208—National Minimum Drinking Age

23 CFR part 1210—Operation of Motor Vehicles by Intoxicated Minors

23 CFR part 1215—Use of Safety Belts—Compliance and Transfer-of-funds Procedures

23 CFR part 1225—Operation of Motor Vehicles by Intoxicated Persons

23 CFR part 1235—Uniform System for Parking for Persons with Disabilities

23 CFR part 1240—Safety Incentive Grants for Use of Seat Belts—Allocations Based on Seat Belt Use Rates

Federal Motor Carrier Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 372, subpart A	2008	2009
2	49 CFR part 386	2009	2010
3	49 CFR parts 325 and 390 (General)	2010	2011
4	49 CFR parts 390 (Small Passenger-Carrying Vehicles), 391 to 393 and 396 to 399	2011	2012
5	49 CFR part 387	2012	2013
6	49 CFR parts 360, 365, 366, 368, 374, 377, and 378	2013	2014
7	49 CFR parts 356, 367, 369, 370, 371, 372 (subparts B and C)	2014	2015
8	49 CFR parts 373, 376, and 379	2015	2016
9	49 CFR part 375	2016	2017
10	49 CFR part 395	2017	2018

Year 7 (Fall 2014) List of Rules With Ongoing Analysis

49 CFR part 356—Motor Carrier Routing Regulations
- Section 610: There is no SEIOSNOSE. FMCSA requires for-hire interstate carriers to pay a single $300 registration fee (49 CFR part 365); making the process of paying by the route obsolete.
- General: These regulations are cost effective and impose the least burden. The commercial routes discussed in this rule have been eclipsed by the advent of the Unified Carrier Registration (UCR) and the International Registration Plan (IRP). It is our opinion that 49 CFR part 356 is obsolete and should be removed in its entirety.

49 CFR part 367—Standards for Registration With States
- Section 610: There is no SEIOSNOSE. This action is not economically significant. All costs associated with this rule are required pursuant to an explicit Congressional mandate in Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Also, a majority of the fees under the current rule replace fees that were paid under the Single State Registration System (SSRS). Much of the revenue collected by the new fees would have been collected under SSRS from the same entities.
- General: These regulations are cost effective and impose the least burden. FMCSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 369—Reports of Motor Carriers
- Section 610: There is no SEIOSNOSE. This rule requires the reporting of principally financial data and it impacts only a small percentage of larger motor carriers (class I and class II carriers).
- General: These regulations are cost effective and impose the least burden to carriers. It is our opinion that the rule is obsolete and should be removed in its entirety. However, Congressional action to modify the statute is required and has not been granted to eliminate

this regulation.

49 CFR part 370—Principles and Practices for the Investigation and Voluntary Disposition of Loss and Damage Claims and Processing Salvage

- Section 610: There is no SEIOSNOSE, largely due to the fact that compliance with the rule is required by contract law and prudent commercial business practices.
- General: These regulations are cost effective and impose the least burden. This rule offers guidance on the business approach to deal with claims made against carriers for loss or damage of property. It is our opinion that the 49 CFR part 370 is obsolete in that it serves no discernible safety function. The requirement to follow and comply with the terms of Bills of Lading contracts are already captured by other laws.

49 CFR part 371—Brokers of Property

- Section 610: There is no SEIOSNOSE. The potential costs identified in the Agency's worst case analysis are minimal, and represent costs that the vast majority of Brokers should already be incurring.
- General: This rule prescribes rules for brokers of property. Comments received during the rulemaking process indicate that some level of regulation is appropriate and should be retained.

49 CFR part 372 (subparts B and C)—Exemptions, Commercial Zones and Terminal Areas

- Section 610: There is no SEIOSNOSE. FMCSA requires for-hire interstate carriers to pay a single $300 registration fee (49 CFR part 365). The process addressed under 49 CFR part 372 identifies exemptions and commercial zones for which registration fees may not be required.
- General: These regulations are cost effective and impose the least burden. FMCSA's plain language review of these rules indicates no need for substantial revision.

Year 8 (2015) List of Rules Will Ongoing Analysis

49 CFR part 373—Receipts and Bills

49 CFR part 376—Lease and Interchange of Vehicles

49 CFR part 379—Preservation of Records

Year 9 (2016) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 375—Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations

National Highway Traffic Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 571.223 through 571.500, and parts 575 and 579	2008	2009
2	23 CFR parts 1200 through 1300	2009	2010
3	49 CFR parts 501 through 526 and 571.213	2010	2011
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2011	2012
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.138, and 571.139	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575	2013	2014
7	49 CFR parts 571.111 through 571.129 and parts 580 through 588	2014	2015
8	49 CFR parts 571.201 through 571.212	2015	2016
9	49 CFR parts 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

Year 8 (Fall 2015) List of Rules Analyzed and a Summary of the Results

49 CFR part 571.201—Occupant Protection in Interior Impact

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.202—Head Restraints; Applicable at the Manufacturers Option Until September 1, 2009

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.202a—Head Restraints; Mandatory Applicability Begins on September 1, 2009

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.203—Impact Protection for the Driver From the Steering Control System

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.204—Steering Control Rearward Displacement

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.205—Glazing Materials

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.205a—Glazing Equipment Manufactured Before September 1, 2006 and Glazing Materials Used in Vehicles Manufactured Before November 1, 2006

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.206—Door Locks and Door Retention Components

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.207—Seating Systems

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.208—Occupant Crash Protection

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.209—Seat Belt Assemblies

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.210—Seat Belt Assembly Anchorages

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.211—[Reserved]

49 CFR part 571.212—Windshield Mounting

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

Year 9 (Fall 2016) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 571.214—Side Impact Protection

49 CFR part 571.215—[Reserved]

49 CFR part 571.216—Roof Crush Resistance; Applicable Unless a Vehicle is Certified to 571.216a

49 CFR part 571.216a—Roof Crush Resistance; Upgraded Standard

49 CFR part 571.218—Motorcycle Helmets

49 CFR part 571.219—Windshield Zone Intrusion

Federal Railroad Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200 and 201	2008	2009
2	49 CFR parts 207, 209, 211, 215, 238, and 256	2009	2010
3	49 CFR parts 210, 212, 214, 217, and 268	2010	2011
4	49 CFR part 219	2011	2012
5	49 CFR parts 218, 221, 241, and 244	2012	2013
6	49 CFR parts 216, 228, and 229	2013	2014
7	49 CFR parts 223 and 233	2014	2015
8	49 CFR parts 224, 225, 231, and 234	2015	2016
9	49 CFR parts 222, 227, 235, 236, 250, 260, and 266	2016	2017
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265	2017	2018

Year 8 (Fall 2016) List of Rules Analyzed and a Summary of Results

49 CFR part 224—Reflectorization of Rail Freight Rolling Stock

- Section 610: There is no SEIOSNOSE.
- General: The regulation requires freight rolling stock owners and railroads to have all freight rolling properly equipped with retroreflective material within 10 years of the effective date of the final rule for the purpose of enhancing its detectability at highway-rail crossings. Freight rolling stock owners and railroads are also required to periodically inspect and maintain that material. The rule also established a 10-year implementation schedule to help facilitate the initial application of retoreflective material to non-reflectorized freight rolling stock. Further, the regulation prescribes standards for the application, inspection, and maintenance of retroreflective material on rail freight rolling. FRA's plain language review of this rule indicates no need for revision.

49 CFR part 225—Railroad Accidents/Incidents: Reports Classification and Investigations

- Section 610: There is no SEIOSNOSE. Section 225.3 specifically states that certain Internal Control Plan and recordkeeping requirements are not applicable to railroads below a certain size. FRA makes available a free software package to all railroads that would allow for FRA recordkeeping and reporting. FRA also makes available the FRA Guide for Preparing Accident/Incident Reports, and model Internal Control Plans for small railroads.
- General: Since the FRA needs accurate information on the hazards and risks that exist on the nation's railroads to effectively carry out its regulatory responsibilities, to determine comparative trends of railroad safety, and to develop hazard elimination and risk reduction programs that focus on preventing railroad injuries and accidents, the requirements set forth in part 225 will improve railroad safety for industry employees and general public. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 231—Railroad Safety Appliances Standards

- Section 610: There is no SEIOSNOSE. Small railroads generally purchase rail equipment that has already been used in transportation by Class I and Class II railroads. As a result, rail equipment used by small railroads is often in compliance with Part 231 standards at the time of acquisition. In addition, small railroads are not substantially affected by rail equipment maintenance costs that are associated with Part 231 requirements because most rail equipment repairs are performed by Class I and Class II railroads and/or billed to the car owner. Although Part 231 may have some impact on small railroads, FRA has deemed any such impact to be necessary to ensure uniform and consistent equipment design requirements, which contribute to the safety of railroad employees who work on or about the rail equipment.
- General: The rule provides for railroad safety standards which are necessary to ensure the protection

and safety of railroad employees and general public, and to minimize the number of casualties. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 234—Grade Crossing Safety

- Section 610: There is no SEIOSNOSE. This rule does not apply to railroads that exclusively operate freight trains only on track which is not part of the general railroad system of transportation, rapid transit operations within an urban area that are not connected to the general railroad system of transportation or railroads that operates passenger trains only on track inside insular installations. Since small railroads have proportionately smaller number of grade crossing warning systems to inspect, test and maintain, therefore, smaller railroads would have a smaller burden of cost per crossing. So far as the State Highway-Rail Grade Crossing Action Plans are concerned, the requirements would apply to States—none of which is small.
- General: Since the rule prescribes maintenance, inspection and testing standards for highway-rail grade crossing warning systems, standards for the reporting of failures of such systems and minimum actions railroads must take when such warning systems malfunction. These regulations are necessary to ensure the protection and safety of railroad employees and general public, and to minimize the number of casualties. FRA's plain language review of this rule indicates no need for substantial revision.

Year 9 (Fall 2017) List of Rule(s) That Will Be Analyzed During Next Year

49 CFR part 222—Use of Locomotive Horns at Public Highway-Rail Grade Crossings

49 CFR part 227—Occupational Noise Exposure

49 CFR part 235—Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief from the Requirements of Part 236

49 CFR part 236—Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances

49 CFR part 250—Guarantee of Certificates of Trustees of Railroads in Reorganization

49 CFR part 260—Regulations Governing Loans and Loan Guarantees Under the Railroad Rehabilitation and Improvement Financing Program

49 CFR part 266—Assistance to States For Local Rail Service Under Section 5 of the Department of Transportation Act

Federal Transit Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 633	2008	2009
2	49 CFR parts 661 and 665	2009	2010
3	49 CFR part 633	2010	2011
4	49 CFR parts 609 and 611	2011	2012
5	49 CFR parts 613 and 614	2012	2013
6	49 CFR part 622	2013	2014
7	49 CFR part 630	2014	2015
8	49 CFR part 639	2015	2016
9	49 CFR parts 659 and 663	2016	2017
10	49 CFR part 665	2017	2018

Year 8 (Fall 2015) List of Rules Analyzed and Summary of Results

49 CFR part 639—Capital Leases

- Section 610: The agency has determined that the rule continues to not have a significant effect on a substantial number of small entities. Provisions of the recently enacted Fixing America's Surface Transportation (FAST) Act removed the requirement for a recipient to conduct a cost-effectiveness analysis before entering any lease agreement using Federal capital assistance and removed the applicability of part 639 to rolling stock procurements through capital leases. However, other provisions of part 639 continue to apply. FTA is currently revising the Grant Management Requirements Circular 5010, to provide guidance to recipients for the capital lease program. FTA has evaluated the likely effects of the proposed rule on small entities and requested public comment on proposed revisions to Circular 5010. FTA has determined that the proposed revisions and the current regulation do not have a significant economic impact on a substantial number of small entities.
- General: The rule was promulgated to prescribe requirements and procedures to procure capital assets through lease agreements with the use of Federal capital assistance. Recently, Congress enacted the Fixing America's Surface Transportation Act (FAST), Public Law 114–357, (2015). The statue revised the definition of capital project so that a recipient is no longer required to conduct a cost-effectiveness analysis before leasing public transportation equipment or facilities with Federal funds. In addition, the statue exempts certain rolling stock procurements from the requirements of 49 CFR part 639. FTA has proposed revisions to Circular 5010 and requested public comment on its proposal to conform its capital lease requirements to the FAST Act provisions. Although, the FAST Act has revised some requirements of this part, other provisions of the rule continue to apply.

Year 9 (Fall 2016)—List of Rule(s) That Will Be Analyzed This Year

49 CFR part 659—Sate Safety Oversight and 49 CFR part 663—Pre-Award and post-deliver audits of rolling stock purchases

Maritime Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205	2008	2009
2	46 CFR parts 221 through 232	2009	2010
3	46 CFR parts 249 through 296	2010	2011
4	46 CFR parts 221, 298, 308, and 309	2011	2012
5	46 CFR parts 307 through 309	2012	2013
6	46 CFR part 310	2013	2014
7	46 CFR parts 315 through 340	2014	2015
8	46 CFR parts 345 through 381	2015	2016
9	46 CFR parts 382 through 389	2016	2017
10	46 CFR parts 390 through 393	2017	2018

Year 6 (2013) List of Rules Analyzed and a Summary of Results

46 CFR part 310—Merchant Marine Training

- Section 610: There is no SEIONOSE.
- General: Changes that are being considered require coordination between multiple offices and Maritime educational institutions. Our ongoing review has confirmed that the proposed rule will not apply to small entities.

Year 7 (2014) List of Rules Analyzed and a Summary of Results

46 CFR parts 315 through 340—Subchapter 1–A—National Shipping Authority

- Section 610 review: There is no SEIOSNOSE.
- General: The agency is preparing a technical final update which will delete obsolete references, including entire parts, and will provide new office and contact information. Our ongoing review has confirmed that this rule will not apply to small entities.

Year 8 (2015) List of Rules Analyzed and a Summary of Results

46 CFR part 356—Requirements for vessels over 100 feet or greater in registered length to obtain a fishery endorsement to the vessel's documentation

- Section 610 review: There is no SEIOSNOSE.
- General: The agency is preparing a final rule which will implement statutorily required updates. Our ongoing review has confirmed that this rule will not apply to small entities.

Year 8 (2015) List of Rules With Ongoing Analysis

46 CFR part 345—Restrictions upon the transfer or change in use or in terms governing utilization of port facilities

46 CFR part 346—Federal port controllers

46 CFR part 370—Claims

46 CFR part 381—Cargo preference—U.S.-flag vessels

Year 9 (2016) List of Rules That Will Be Analyzed During the Next Year

46 CFR part 382—Determination of fair and reasonable rates for the carriage of bulk and packaged preference cargoes on U.S.-flag commercial vessels

46 CFR part 385—Research and development grant and cooperative agreements regulations

46 CFR part 386—Regulations governing public buildings and grounds at the United States Merchant Marine Academy

46 CFR part 387—Utilization and disposal of surplus Federal real property for development or operation of a port facility

46 CFR part 388—Administrative waivers of the Coastwise Trade Laws

46 CFR part 389—Determination of availability of coast-wise-qualified vessels for transportation of platform jackets

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2008	2009
2	49 CFR parts 178 through 180	2009	2010
3	49 CFR parts 172 and 175	2010	2011
4	49 CFR part 171, sections 171.15 and 171.16	2011	2012
5	49 CFR parts 106, 107, 171, 190, and 195	2012	2013
6	49 CFR parts 174, 177, 191, and 192	2013	2014
7	49 CFR parts 176 and 199	2014	2015
8	49 CFR parts 172 and 178	2015	2016
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2016	2017
10	49 CFR parts 173 and 194	2017	2018

Year 8 (Fall 2016) List of Rules Analyzed and a Summary of Results

49 CFR part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans

- Section 610: There is no SEIOSNOSE. A substantial number of small entities may be affected by this rule, but the economic impact on those entities is not significant. Plain Language: PHMSA's plain language review of this rule indicates no need for substantial revision. Where confusing or wordy language has been identified, revisions have been and will be made to simplify.
- General: This rule prescribes minimum requirements for the communication of risks associated with materials classed as hazardous in accordance with the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). On June 2, 2016 PHMSA published a final rule entitled ''Hazardous Materials: Miscellaneous Amendments (RRR)'' 81 FR 35483. As this final rule clarifies provisions based on PHMSA's initiatives and

correspondence with the regulated community, the impact that it will have on small entities is not expected to be significant. The changes are generally intended to provide relief and, as a result, marginal positive economic benefits to shippers, carriers, and packaging manufactures and testers, including small entities. These benefits are not at a level that can be considered economically significant. Consequently, this final rule will not have a significant economic impact on a substantial number of small entities. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 178—Specifications for Packagings

- Section 610: There is no SEIOSNOSE. A substantial number of small entities, particularly those that use performance oriented packagings, may be affected by this rule, but the economic impact on those entities is not significant.
- General: This rule prescribes minimum Federal safety standards for the construction of DOT specification packagings, these requirements are necessary to protect transportation workers and the public and to ensure the survivability of DOT specification packagings during transportation incidents. PHMSA's plain language review of this rule indicates no need for substantial revision.

Year 9 (Fall 2017) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans

49 CFR part 173—Shippers—General Requirements for Shipments and Packagings

49 CFR part 174—Carriage by Rail

49 CFR part 176—Carriage by Vessel

49 CFR part 177—Carriage by Public Highway

49 CFR part 193—Liquefied Natural Gas Faculties: Federal Safety Standards

Saint Lawrence Seaway Development Corporation

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	33 CFR parts 401 through 403	2008	2009

Year 1 (Fall 2008) List of Rules With Ongoing Analysis

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

OFFICE OF THE SECRETARY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
168	+ Enhancing Airline Passenger Protections III	2105–AE11

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
169	+ Applying the Flight, Duty, and Rest Rules of 14 CFR part 135 to Tail-End Ferry Operations (FAA Reauthorization).	2120–AK26

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
170	+Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States.	2120–AK09
171	+ Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization).	2120–AK22
172	+ Pilot Records Database (HR 5900)	2120–AK31
173	+ Aircraft Registration and Airmen Certification Fees	2120–AK37

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
174	+ Airport Safety Management System	2120–AJ38

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
175	+ Regulation Of Flight Operations Conducted By Alaska Guide Pilots	2120–AJ78
176	+ Registration and Marking Requirements for Small Unmanned Aircraft	2120–AK82

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
177	+ Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes (RRR).	2120–AK65

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
178	Commercial Learner's Permit Validity (Section 610 Review)	2126–AB98

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
179	+ Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.	2126–AA35

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
180	+ Carrier Safety Fitness Determination	2126–AB11
181	+ Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)	2126–AB18
182	+ Entry-Level Driver Training	2126–AB66

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
183	Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards.	2137–AF06

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
184	+ Pipeline Safety: Safety of Hazardous Liquid Pipelines	2137–AE66
185	Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry (RRR)	2137–AE93
186	+ Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains.	2137–AF08

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
187	Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR).	2137–AE94
188	+ Hazardous Materials: Sampling and Testing Requirements for Unrefined Petroleum Products	2137–AF28

+ DOT-designated significant regulation.

MARITIME ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
189	+ Cargo Preference	2133–AB74

+ DOT-designated significant regulation.

DEPARTMENT 0F TRANSPORTION (DOT)

Office of the Secretary (OST)

Completed Actions

168. + Enhancing Airline Passenger Protections III

Legal Authority: 49 U.S.C. 41712; 49 U.S.C. 40101; 49 U.S.C. 41702

Abstract: The rulemaking previously titled ''Airline Pricing Transparency and Other Consumer Protection Issues'' has been separated into three proceedings. This final rule would address the following topics from the notice of proposed rulemaking issued on May 23, 2014: The scope of carriers required to report service quality data, reporting of mainline carriers' domestic code-share partner operations; the statutory requirement that carriers and ticket agents disclose any code-share arrangements on their Web sites; undisclosed biasing by carriers and ticket agents in electronic displays of flight search results; and disclosure by ticket agents of the carriers whose tickets they sell in order to avoid having consumers mistakenly believe they are searching all possible flight options for a particular city-pair market when in fact there may be other options available. Additionally, the rulemaking would correct drafting errors and make a few clarifying changes to the Department's second Enhancing Airline Passenger Protections rule. Two other proceedings will address other provisions identified in the 2014 NPRM. See RIN 2105–AE56, Transparency of Airline Ancillary Service Fees; and RIN 2105–AE57, Air Transportation Consumer Protection Requirements for Ticket Agents. These rulemakings address unrelated matters and were separated into three proceedings to avoid the risk of any delay in finalizing one issue resulting in a delay in finalizing other issues.

Timetable:

Action	Date	FR Cite
NPRM	05/23/14	79 FR 29970
Final Rule	11/03/16	81 FR 76800
Final Rule Effective.	12/05/16	
Final Rule; Extension of Compliance Date.	03/22/17	82 FR 14604
Extension of Compliance Effective Date.	03/22/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A Workie, Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–9342, *TDD Phone:* 202 755–7687, *Fax:* 202 366–7152, *Email: blane.workie@dot.gov.*

RIN: 2105–AE11

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTION (DOT)

Federal Aviation Administration (FAA)

Prerule Stage

169. + Applying the Flight, Duty, and Rest Rules of 14 CFR Part 135 to Tail–end Ferry Operations (FAA Reauthorization)

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 40101; 49 U.S.C. 40102; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44105; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903; 49 U.S.C. 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46103

Abstract: This rulemaking would require a flightcrew member who is employed by an air carrier conducting operations under part 135, and who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times under part 135.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202–267–5749, *Email: dale.roberts@faa.gov.*

RIN: 2120–AK26

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

170. + Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States

Legal Authority: 14 CFR; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

Abstract: This rulemaking is required by the FAA Modernization and Reform 2012. It would require controlled substance testing of some employees working in repair stations located outside the United States. The intended

effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level of safety of the flying public. This rulemaking is required by the FAA Modernization and Reform Act of 2012.

Timetable:

Action	Date	FR Cite
ANPRM	03/17/14	79 FR 14621
Comment Period Extended.	05/01/14	79 FR 24631
ANPRM Comment Period End.	05/16/14	
Comment Period End.	07/17/14	
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicky Dunne, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202–267–8522, *Email: vicky.dunne@faa.gov.*

RIN: 2120–AK09

171. + Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization)

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44717

Abstract: This rulemaking would require a flightcrew member who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times. This rule is necessary as it will make part 121 flight, duty, and rest limits applicable to tail-end ferries that follow an all-cargo flight.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202–267–5749, *Email: dale.roberts@faa.gov.*

RIN: 2120–AK22

172. + Pilot Records Database (HR 5900)

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 40120; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44705; 49 U.S.C. 44709 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531

Abstract: This rulemaking would implement a Pilot Records Database as required by Public Law 111–216 (Aug. 1, 2010). Section 203 amends the Pilot Records Improvement Act by requiring the FAA to create a pilot records database that contains various types of pilot records. These records would be provided by the FAA, air carriers, and other persons who employ pilots. The FAA must maintain these records until it receives notice that a pilot is deceased. Air carriers would use this database to perform a record check on a pilot prior to making a hiring decision.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bradley Palmer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202 267–7739, *Email: bradley.palmer@faa.gov.*

RIN: 2120–AK31

173. + Aircraft Registration and Airmen Certification Fees

Legal Authority: 31 U.S.C. 9701; 4 U.S.C. 1830; 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 106(l)(6); 49 U.S.C. 40104; 49 U.S.C. 40105; 49 U.S.C. 40109; 49 U.S.C. 40113; 49 U.S.C. 40114; 49 U.S.C. 44101 to 44108; 49 U.S.C. 44110 to 44113; 49 U.S.C. 44701 to 44704; 49 U.S.C. 44707; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 45102; 49 U.S.C. 45103; 49 U.S.C. 45301; 49 U.S.C. 45302; 49 U.S.C. 45305; 49 U.S.C. 46104; 49 U.S.C. 46301; Pub. L. 108–297, 118 Stat. 1095

Abstract: This rulemaking would establish fees for airman certificates, medical certificates, and provision of legal opinions pertaining to aircraft registration or recordation. This rulemaking also would revise existing fees for aircraft registration, recording of security interests in aircraft or aircraft parts, and replacement of an airman certificate. This rulemaking addresses provisions of the FAA Modernization and Reform Act of 2012. This rulemaking is intended to recover the estimated costs of the various services and activities for which fees would be established or revised.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Isra Raza, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202–267–8994, *Email: isra.raza@faa.gov.*

RIN: 2120–AK37

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

174. + Airport Safety Management System

Legal Authority: 49 U.S.C. 44706; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701 to 44706; 49 U.S.C. 44709; 49 U.S.C. 44719

Abstract: This rulemaking would require certain airport certificate holders to develop, implement, maintain, and adhere to a safety management system (SMS) for its aviation related activities. An SMS is a formalized approach to managing safety by developing an organization-wide safety policy, developing formal methods of identifying hazards, analyzing and mitigating risk, developing methods for ensuring continuous safety improvement, and creating organization-wide safety promotion strategies.

Timetable:

Action	Date	FR Cite
NPRM	10/07/10	75 FR 62008
NPRM Comment Period Extended.	12/10/10	75 FR 76928
NPRM Comment Period End.	01/05/11	
End of Extended Comment Period.	03/07/11	

Action	Date	FR Cite
Second Extension of Comment Period.	03/07/11	76 FR 12300
End of Second Extended Comment Period.	07/05/11	
Second NPRM	07/14/16	81 FR 45871
Second NPRM Comment Period End.	09/12/16	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Keri Lyons, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202–267–8972, *Email: keri.lyons@faa.gov.*

RIN: 2120–AJ38

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Long-Term Actions

175. + Regulation of Flight Operations Conducted by Alaska Guide Pilots

Legal Authority: 49 U.S.C. 106(g) ; 49 U.S.C. 1153; 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40113; 49 U.S.C. 40120; 49 U.S.C. 44101; 49 U.S.C. 44105 to 44016; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 to 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 46103; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315 to 46316; 49 U.S.C. 46504; 49 U.S.C. 46506 to 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; Articles 12 and 29 of 61 Stat. 1180; Pub. L. 106–181, sec. 732

Abstract: The rulemaking would establish regulations concerning Alaska guide pilot operations. The rulemaking would implement Congressional legislation and establish additional safety requirements for the conduct of these operations. The intended effect of this rulemaking is to enhance the level of safety for persons and property transported in Alaska guide pilot operations. In addition, the rulemaking would add a general provision applicable to pilots operating under the general operating and flight rules concerning falsification, reproduction, and alteration of applications, logbooks, reports, or records.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20785, *Phone:* 202–385–9615, *Email: jeffrey.smith@faa.gov.*

RIN: 2120–AJ78

176. + Registration and Marking Requirements for Small Unmanned Aircraft

Legal Authority: 49 U.S.C. 106(f), 49 U.S.C. 41703, 44101 to 44106, 44110 to 44113, and 44701

Abstract: This interim final rule would establish an alternative, streamlined, web-based aircraft registration system for certain small unmanned aircraft systems, to help facilitate compliance with existing statutory obligations for aircraft registration. The alternative process will help create a culture of accountability and ensure responsible use of small UAS. As evidenced by the recent reports of unsafe UAS operations, the lack of awareness of operators regarding what must be done to operate UAS safely in the NAS, and the lack of identification of UAS and their operators pose significant challenges in ensuring accountability for responsible use. Without increased awareness and knowledge of the statutory and regulatory requirements for safe operation, the risk of unsafe UAS operations will only rise. Aircraft registration, identification, and marking will assist the Department in identifying owners of UAS that are operated in an unsafe manner, so we may continue to educate these users, and when appropriate, take enforcement action. This rulemaking is based on public comment regarding the proposed aircraft registration process for small UAS in the Operation and Use of Small UAS notice of proposed rulemaking and recommendations from the UAS Registration task force.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/15	80 FR 78593
Interim Final Rule Effective.	12/21/15	
OMB approval of information collection.	12/21/15	80 FR 79255
Interim Final Rule Comment Period End.	01/15/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sara Mikolop, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202–267–7776, *Email: sara.mikolop@faa.gov.*

RIN: 2120–AK82

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Completed Actions

177. + Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes (RRR)

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44704

Abstract: This rulemaking would revise title 14, Code of Federal Regulations (14 CFR) part 23 as a set of performance based regulations for the design and certification of small transport category aircraft. This rulemaking would: (1) Reorganize part 23 into performance-based requirements by removing the detailed design requirements from part 23. The detailed design provisions that would assist applicants in complying with the new performance-based requirements would be identified in means of compliance (MOC) documents to support this effort; (2) Promote the adoption of the newly created performance-based airworthiness design standard as an internationally accepted standard by the majority of other civil aviation authorities; (3) Re-align the part 23 requirements to promote the development of entry-level airplanes similar to those certified under Certification Specification for Very Light Aircraft (CS–VLA); (4) enhance the FAA's ability to address new technology; (5) Increase the general aviation (GA) level of safety provided by new and modified airplanes; (6) Amend the stall, stall warning, and spin requirements to reduce fatal accidents and increase crashworthiness by allowing new methods for occupant protection; and (7) Address icing conditions that are currently not included in part 23 regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/14/16	81 FR 13452
NPRM Comment Period End.	05/13/16	
Final Rule	12/30/16	81 FR 96572
Final Rule Effective.	08/30/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lowell Foster, Department of Transportation, Federal Aviation Administration, 901 Locust St., Kansas City, MO 64106, *Phone:* 816–329–4125, Email: *lowell.foster@faa.gov.*

RIN: 2120–AK65

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

178. • Commercial Learner's Permit Validity (Section 610 Review)

Legal Authority: 49 U.S.C. 31305; 49 U.S.C. 31308

Abstract: This rulemaking would amend Commercial Driver's License (CDL) regulations to allow a commercial learner's permit to be issued for 1 year, without renewal, rather than for no more than 180 days with an additional 180 day renewal. This change would reduce costs to CDL applicants who are unable to complete the required training and testing within the current validity period, with no expected negative safety benefits.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Thomas Yager, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202–366–4325, *Email: tom.yager@dot.gov.*

RIN: 2126–AB98

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Long-Term Actions

179. + Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States

Legal Authority: Pub. L. 107–87, sec. 350; 49 U.S.C. 113; 49 U.S.C. 31136; 49 U.S.C. 31144; 49 U.S.C. 31502; 49 U.S.C. 504; 49 U.S.C. 5113; 49 U.S.C. 521(b)(5)(A)

Abstract: This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY–2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA originally planned to publish a final rule by November 28, 2003. FMCSA will determine the next steps to be taken after the pilot program on the long haul trucking provisions of NAFTA is completed.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End.	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End.	04/18/02	
Interim Final Rule Effective.	05/03/02	
Notice of Intent To Prepare an EIS.	08/26/03	68 FR 51322
EIS Public Scoping Meetings.	10/08/03	68 FR 58162
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dolores Macias, Acting Division Chief, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, *Phone:* 202 366–2995, *Email: dolores.macias@dot.gov.*

RIN: 2126–AA35

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Completed Actions

180. + Carrier Safety Fitness Determination

Legal Authority: 49 U.S.C. 31144; sec. 4009 of TEA–21

Abstract: FMCSA withdraws its notice of proposed rulemaking (NPRM), which proposed a revised methodology for issuance of a safety fitness determination (SFD) for motor carriers. The new methodology would have determined when a motor carrier is not fit to operate commercial motor vehicles in or affecting interstate commerce based on the carrier's on-road safety data; an investigation; or a combination of on-road safety data and investigation information. However, after reviewing the record in this matter, FMCSA withdraws the NPRM. The Agency must receive the Correlation Study from the National Academies of Science, as required by the Fixing America's Surface Transportation Act, assess whether and, if so, what corrective actions are advisable, and complete additional analysis before determining whether further rulemaking action is necessary to revise the SFD process.

Timetable:

Action	Date	FR Cite
NPRM	01/21/16	81 FR 2561
NPRM Comment Period Extended.	03/08/16	81 FR 12062
NPRM Comment Period End.	03/21/16	
NPRM Comment Period Extended End.	05/23/16	
End of Extended Comment Period.	06/23/16	
NPRM; Notice of Withdrawal.	03/23/17	82 FR 14848

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Miller, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5370, *Email: david.miller@dot.gov.*

RIN: 2126–AB11

181. + Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)

Legal Authority: 49 U.S.C. 31306

Abstract: This rulemaking would create a central database for verified

positive controlled substances and alcohol test results for commercial driver's license (CDL) holders and refusals by such drivers to submit to testing. This rulemaking would require employers of CDL holders and service agents to report positive test results and refusals to test into the Clearinghouse. Prospective employers, acting on an application for a CDL driver position with the applicant's written consent to access the Clearinghouse, would query the Clearinghouse to determine if any specific information about the driver applicant is in the Clearinghouse before allowing the applicant to be hired and to drive CMVs. This rulemaking is intended to increase highway safety by ensuring CDL holders, who have tested positive or have refused to submit to testing, have completed the U.S. DOT's return-to-duty process before driving CMVs in interstate or intrastate commerce. It is also intended to ensure that employers are meeting their drug and alcohol testing responsibilities. Additionally, provisions in this rulemaking would also be responsive to requirements of the Moving Ahead for Progress in the 21st Century (MAP–21) Act. MAP–21 required creation of the Clearinghouse by 10/1/14.

Timetable:

Action	Date	FR Cite
NPRM	02/20/14	79 FR 9703
NPRM Comment Period End.	04/21/14	
NPRM Comment Period Extended.	04/22/14	79 FR 22467
NPRM Comment Period Extended End.	04/22/14	
Final Rule	12/05/16	81 FR 87686
Final Rule Effective.	01/04/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Juan Moya, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, *Phone:* 202 366–4844, *Email: juan.moya@dot.gov.*

RIN: 2126–AB18

182. + Entry-Level Driver Training

Legal Authority: 49 U.S.C. 31136

Abstract: FMCSA establishes new minimum training standards for certain individuals applying for their commercial driver's license (CDL) for the first time; an upgrade of their CDL (*e.g.,* a Class B CDL holder seeking a Class A CDL); or a hazardous materials (H), passenger (P), or school bus (S) endorsement for the first time. These individuals are subject to the entry-level driver training (ELDT) requirements and must complete a prescribed program of instruction provided by an entity that is listed on FMCSA's Training Provider Registry (TPR). FMCSA will submit training certification information to State driver licensing agencies (SDLAs), who may only administer CDL skills tests to applicants for the Class A and B CDL, and/or the P or S endorsements, or knowledge test for the H endorsement, after verifying the information is present in the driver's record. This final rule responds to a Congressional mandate imposed under the Moving Ahead for Progress in the 21st Century Act (MAP–21). The rule is based on consensus recommendations from the Agency's Entry-Level Driver Training Advisory Committee (ELDTAC), a negotiated rulemaking committee that held a series of meetings between February and May 2015.

Timetable:

Action	Date	FR Cite
NPRM	03/07/16	81 FR 11944
NPRM Comment Period End.	04/06/16	
Final Rule	12/08/16	81 FR 88732
Final Rule Effective.	02/06/17	
Final Rule; Delay of Effective Date.	03/21/17	82 FR 14476
Delayed Effective Date.	05/22/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Gallagher, MC–PRR, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, *Phone:* 202 366–3740, *Email: sean.gallagher@dot.gov.*

RIN: 2126–AB66

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

183. Pipeline Safety: Amendments to Parts 192 and 195 To Require Valve Installation and Minimum Rupture Detection Standards

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is proposing to revise the Pipeline Safety Regulations applicable to natural gas transmission and hazardous liquid pipelines to improve rupture mitigation and shorten pipeline segment isolation times in high consequence and select non-high consequence areas. The proposed rule defines certain pipeline events as ''ruptures'' and outlines certain performance standards related to rupture identification and pipeline segment isolation. PHMSA also proposes specific valve maintenance and inspection requirements, valve spacing requirements, more guidance regarding shut-off valve risk analysis, and 9–1–1 notification requirements to help operators achieve better rupture response and mitigation. These proposals address congressional mandates, incorporate recommendations from the National Transportation Safety Board, and are necessary to reduce the serious consequences of large-volume, uncontrolled releases of natural gas and hazardous liquids.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Jagger, Technical Writer, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, Washington, DC 20590, *Phone:* 202–366–4595, *Email: robert.jagger@dot.gov.*

RIN: 2137–AF06

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

184. + Pipeline Safety: Safety of Hazardous Liquid Pipelines

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: In recent years, there have been significant hazardous liquid pipeline accidents, most notably the 2010 crude oil spill near Marshall, Michigan, during which almost one million gallons of crude oil were spilled into the Kalamazoo River. In response to accident investigation findings, incident report data and trends, and stakeholder input, PHMSA published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on October 13, 2015. Previously, Congress had enacted the Pipeline Safety, Regulatory Certainty, and Job Creation Act that included several provisions that are relevant to

the regulation of hazardous liquid pipelines. Shortly after the Pipeline Safety, Regulatory Certainty, and Job Creation Act was passed, the National Transportation Safety Board (NTSB) issued its accident investigation report on the Marshall, Michigan accident. In this rulemaking action, PHMSA is amending the Pipeline Safety Regulations to improve protection of the public, property, and the environment by closing regulatory gaps where appropriate, and ensuring that operators are increasing the detection and remediation of unsafe conditions, and mitigating the adverse effects of hazardous liquid pipeline failures.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/10	75 FR 63774
Comment Period Extended.	01/04/11	76 FR 303
ANPRM Comment Period End.	01/18/11	
Extended Comment Period End.	02/18/11	
NPRM	10/13/15	80 FR 61610
NPRM Comment Period End.	01/08/16	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John A. Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202–366–0434, *Email: john.gale@dot.gov.*

RIN: 2137–AE66

185. Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry (RRR)

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: In this rule, PHMSA is amending the natural and other gas pipeline safety regulations (49 CFR part 192) to address regulatory requirements involving plastic piping systems used in gas services. These amendments are intended to correct errors, address inconsistencies, and respond to petitions for rulemaking. The requirements in several subject matter areas are affected, including incorporation of tracking and traceability provisions; design factor for polyethylene (PE) pipe; more stringent mechanical fitting requirements; updated and additional regulations for risers; expanded use of Polyamide-11 (PA-11) thermoplastic pipe; incorporation of newer Polyamide-12 (PA-12) thermoplastic pipe; and incorporation of updated and additional standards for fittings.

Timetable:

Action	Date	FR Cite
NPRM	05/21/15	80 FR 29263
NPRM Comment Period End.	07/31/15	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8553, *Email: cameron.satterthwaite@dot.gov.*

RIN: 2137–AE93

186. + Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains

Legal Authority: 33 U.S.C. 1321; 49 U.S.C. 5101 *et seq.*

Abstract: PHMSA, in consultation with the Federal Railroad Administration, is adopting a number of commonsense measures that will better ensure the safety of communities living alongside railroads and protect our environment by codifying: (1) Comprehensive Oil Spill Response Plans (OSRPs)—Expands the applicability of comprehensive OSRPs based on thresholds of liquid petroleum oil that apply to an entire train consist; (2) HHFT Information Sharing Notification—Requires railroads to share information about high-hazard flammable train operations with state and tribal emergency response commissions to improve community preparedness in accordance with the Fixing America's Surface Transportation Act of 2015 (FAST Act). Section 7302 mandates PHMSA to require each Class I railroad to provide advanced notification and information on HHFTs to each SERC, consistent with Emergency Order DOT–OST–2014–0067. FAST Act requires HHFT notification to SERCs by 12/4/16; and (3) Incorporation by Reference of Class 3 Packing Group Test—Incorporates by reference an initial boiling point test for flammable liquids for better consistency with the American National Standards Institute/American Petroleum Institute Recommend Practices 3000, ''Classifying and Loading of Crude Oil into Rail Tank Cars,'' First Edition, September 2014.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/14	79 FR 45079
ANPRM Comment Period End.	09/30/14	
NPRM	07/29/16	81 FR 50067
NPRM Comment Period End.	09/27/16	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Victoria Lehman, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, *Phone:* 202–366–8553, *Email: victoria.lehman@dot.gov.*

RIN: 2137–AF08

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Completed Actions

187. Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR)

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: PHMSA is amending the pipeline safety regulations to address requirements of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (2011 Act), and to update and clarify certain regulatory requirements. Under the 2011 Act, PHMSA is adding a specific time frame for telephonic or electronic notifications of accidents and incidents and adding provisions for cost recovery for design reviews of certain new projects. Among other provisions, PHMSA is adding a procedure for renewal of expiring special permits, and for submitters of information requesting PHMSA to keep some information confidential. In addition, PHMSA is amending the operator qualification (OQ) requirements, drug and alcohol testing requirements, and incorporating consensus standards by reference for in-line inspection (ILI) and Stress Corrosion Cracking Direct Assessment (SCCDA).

Timetable:

Action	Date	FR Cite
NPRM	07/10/15	80 FR 39916
NPRM Comment Period End.	09/08/15	
Final Rule	01/23/17	82 FR 7972

Action	Date	FR Cite
Final Rule Effective.	03/24/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John A. Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202–366–0434, *Email: john.gale@dot.gov.*

RIN: 2137–AE94

188. + Hazardous Materials: Sampling and Testing Requirements for Unrefined Petroleum Products

Legal Authority: 49 U.S.C. 5101 *et seq.*

Abstract: This rulemaking considered revising the Hazardous Materials Regulations (HMR) to apply particular methods for conducting vapor pressure testing and sampling of unrefined petroleum-based products, such as petroleum crude oil. Specifically, this rulemaking would have proposed that persons who offer unrefined petroleum-based products for transportation, regardless of mode of transportation, apply particular methods for conducting vapor pressure testing when vapor pressure testing is a component of their written testing program. However, after a thorough review of the issues, PHMSA decided to terminate this rulemaking action.

Timetable:

Action	Date	FR Cite
Terminated	03/13/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lad Falat, Director, Engineering and Research, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–4545, *Email: lad.falat@dot.gov.*

RIN: 2137–AF28

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MARAD)

Completed Actions

189. + Cargo Preference

Legal Authority: 49 CFR 1.66; 46 app U.S.C. 1101; 46 App U.S.C. 1241; 46 U.S.C. 2302 (e)(1); Pub. L. 91–469

Abstract: This RIN was terminated. MARAD anticipates restarting the regulatory development process contemplated by Public Law 110–417, div. C, title XXV 3511(c), after further consideration. Pending that, MARAD will continue to enforce the existing cargo preference regulations, working with all relevant Federal agencies to help achieve full compliance with the law. We will also engage in outreach to agencies to offer assistance in maintaining programs for cargo preference and relationships with U.S.-flag carriers.

Timetable:

Action	Date	FR Cite
Terminated	02/16/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mitch Hudson, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202–366–9373, *TDD Phone:* 202–366–9373, *Email: mitch.hudson@dot.gov.*

RIN: 2133–AB74

[FR Doc. 2017–17027 Filed 8–23–17; 8:45 am]

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FEDERAL REGISTER

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Part XIV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY

31 CFR Subtitles A and B

Semiannual Agenda

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order 12866 (''Regulatory Planning and Review''), which require the publication by the Department of a semiannual agenda of regulations.

FOR FURTHER INFORMATION CONTACT: The Agency contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review.

Beginning with the fall 2007 edition, the Internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* and *www.regulations.gov,* in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda available on the Internet.

The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

Brian J. Sonfield,

Deputy Assistant General Counsel for General Law and Regulation.

INTERNAL REVENUE SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
190	Deemed Distributions Under Section 305(c) of Stock and Rights to Acquire Stock	1545–BN07

INTERNAL REVENUE SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
191	Issue Price Definition for Tax-Exempt Bonds	1545–BM46

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Long-Term Actions

190. Deemed Distributions Under Section 305(C) of Stock and Rights To Acquire Stock

Legal Authority: 26 U.S.C. 7805

Abstract: Provide guidance on the amount and timing of distributions under section 305(c) and 305(b), and to clarify that deemed distributions caused by changes in conversion ratios are considered a distribution of additional rights to acquire the underlying stock, and not a distribution of the underlying stock itself. Guidance is also provided to withholding agents regarding their withholding obligations, and on information reporting for such distributions under sections 860G, 861, 1441, 1461, 1471, 1473, and 6045(B).

Timetable:

Action	Date	FR Cite
NPRM	04/13/16	81 FR 21795
NPRM Comment Period End.	07/12/16	
Final Action	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Maurice LaBrie, Phone: 202 317–6848.

RIN: 1545–BN07

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Completed Actions

191. Issue Price Definition for Tax-Exempt Bonds

Legal Authority: 26 U.S.C. 148(i); 26 U.S.C. 7805

Abstract: The final regulations define issue price for purposes of the arbitrage restrictions under section 148 of the Internal Revenue Code applicable to tax-exempt bonds and other tax-advantaged bonds.

Completed:

Reason	Date	FR Cite
Final Action: TD 9801.	12/09/16	81 FR 88999
Final Action Effective.	12/09/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lewis Bell, Phone: 202 317–4565, Fax: 855 574–9028, Email: *lewis.bell@irscounsel.treas.gov.*

RIN: 1545–BM46

[FR Doc. 2017–17059 Filed 8–23–17; 8:45 am]

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Part XV

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised by the agency during the coming months as a result of action taken by the Board.

ADDRESSES: Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Gretchen Jacobs, General Counsel, (202) 272–0040 (voice) or (202) 272–0062 (TTY).

David M. Capozzi,

Executive Director.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
192	Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels	3014–AA11
193	Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way	3014–AA26

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Long-Term Actions

192. Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels

Legal Authority: 42 U.S.C. 12204, Americans with Disabilities Act of 1990

Abstract: This rulemaking would establish accessibility guidelines to ensure that newly constructed and altered passenger vessels covered by the Americans with Disabilities Act (ADA) are accessible to and usable by individuals with disabilities. The U.S. Department of Transportation and U.S. Department of Justice are expected to adopt the guidelines as enforceable standards in separate rulemakings for the construction and alteration of passenger vessels covered by the ADA.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Advisory Committee.	03/30/98	63 FR 15175
Establishment of Advisory Committee.	08/12/98	63 FR 43136
Availability of Draft Guidelines.	11/26/04	69 FR 69244
ANPRM	11/26/04	69 FR 69246
ANPRM Comment Period Extended.	03/22/05	70 FR 14435
ANPRM Comment Period Extended End.	07/28/05	
Availability of Draft Guidelines.	07/07/06	71 FR 38563
Notice of Intent to Establish Advisory Committee.	06/25/07	72 FR 34653
Establishment of Advisory Committee.	08/13/07	72 FR 45200
NPRM	06/25/13	78 FR 38102
NPRM Comment Period Extended.	08/13/13	78 FR 49248
NPRM Comment Period Extended End.	01/24/14	
Final Action	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: jacobs@access-board.gov.*

RIN: 3014–AA11

193. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

Legal Authority: 42 U.S.C. 12204, Americans With Disabilities Act; 29 U.S.C. 792, Rehabilitation Act

Abstract: This rulemaking would establish accessibility guidelines to ensure that sidewalks and pedestrian facilities in the public right-of-way are accessible to and usable by individuals with disabilities. A Supplemental Notice of Proposed Rulemaking consolidated this rulemaking with RIN 3014–AA41; accessibility guidelines for shared use paths (which are multi-use paths designed primarily for use by bicyclists and pedestrians—including persons with disabilities—for transportation and recreation purposes). The U.S. Department of Justice, U.S. Department of Transportation, and other Federal agencies are expected to adopt the accessibility guidelines for pedestrian facilities in the public right-of-way and for shared use paths, as enforceable standards in separate rulemakings for the construction and alteration of facilities covered by the Americans With Disabilities Act, section 504 of the Rehabilitation Act, and the Architectural Barriers Act.

Timetable:

Action	Date	FR Cite
Notice of Intent to Form Advisory Committee.	08/12/99	64 FR 43980
Notice of Appointment of Advisory Committee Members.	10/20/99	64 FR 56482
Availability of Draft Guidelines.	06/17/02	67 FR 41206
Availability of Draft Guidelines.	11/23/05	70 FR 70734
NPRM	07/26/11	76 FR 44664
NPRM Comment Period End.	11/23/11	
Notice Reopening Comment Period.	12/05/11	76 FR 75844
Reopening NPRM Comment Period End.	02/02/12	
Second NPRM	02/13/13	78 FR 10110
Second NPRM Comment Period End.	05/14/13	
Final Action	11/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–

0062, *Fax:* 202 272–0081, *Email:* *jacobs@access-board.gov.*

RIN: 3014–AA26

[FR Doc. 2017–17064 Filed 8–23–17; 8:45 am]

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Part XVI

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL–9961–35–OP]

Spring 2017 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-Agenda) at *http://www.reginfo.gov* and at *www.regulations.gov* to update the public. This document contains information about:

- Regulations in the semiannual regulatory agenda that are under development, completed, or canceled since the last agenda; and
- Reviews of regulations with small business impacts under Section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the semiannual regulatory agenda, please contact: Caryn Muellerleile (*muellerleile.caryn@epa.gov;* 202–564–2855).

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SUPPLEMENTARY INFORMATION:

I. Introduction

EPA is committed to a regulatory strategy that effectively achieves the Agency's mission of protecting the environment and the health, welfare, and safety of Americans while also supporting economic growth, job creation, competitiveness, and innovation. EPA publishes the Semiannual Regulatory Agenda to update the public about regulatory activity undertaken in support of this mission. Within the Semiannual Regulatory Agenda, EPA provides notice of our plans to review, propose, and issue regulations.

EPA's Semiannual Regulatory Agenda also includes information about rules that may have a significant economic impact on a substantial number of small entities, and review of those regulations under the Regulatory Flexibility Act, as amended.

Within this document, EPA explains in greater detail the types of actions and information available in the Semiannual Regulatory Agenda, the opportunity to suggest regulations that may be appropriate for retrospective review, and actions that are currently undergoing review specifically for impacts on small entities.

A. EPA's Regulatory Information

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register** but now is only available through an online database, at both *www.reginfo.gov/* and *www.regulations.gov.*

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish it in the **Federal Register** pursuant to the Regulatory Flexibility Act of 1980. This document is available at *http://www.gpo.gov/fdsys/search/home.action.*

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the General Service Administration.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both the Regulatory Flexibility Agenda and the e-Agenda.

''Regulatory Development and Retrospective Review Tracker'' refers to an online portal to EPA's priority rules and retrospective reviews of existing regulations. This portal is available at *www.epa.gov/regdarrt/.*

''610 Review'' is an action EPA is committed to reviewing within ten years of promulgating a final rule that has or may have a significant economic impact on a substantial number of small entities. EPA maintains a list of these actions at *https://www.epa.gov/reg-flex/section-610-reviews.*

B. What key statutes and executive orders guide EPA's rule and policymaking process?

A number of environmental laws authorize EPA's actions, including but not limited to:

- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

Not only must EPA comply with environmental laws, but also administrative legal requirements that apply to the issuance of regulations, such as: The Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive Orders: 13771, ''Reducing Regulation and Controlling Regulatory Costs'' (82 FR 9339, Feb. 3, 2017); 12866, ''Regulatory Planning and Review'' (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011); 12898, ''Environmental Justice'' (59 FR 7629, Feb. 16, 1994); 13045, ''Children's Health Protection'' (62 FR 19885, Apr. 23, 1997); 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999); 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000); 13211, ''Actions Concerning Regulations That Significantly Affect

Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to problems. EPA encourages you to become involved in its rule and policymaking process. For more information about public involvement in EPA activities, please visit *www.epa.gov/open.*

II. Semiannual Regulatory Agenda

A. What actions are included in the e-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the CAA: Revisions to state implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to states; area designations for air quality planning purposes;
- Under FIFRA: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under RCRA: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the CWA: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under SDWA: Actions on State underground injection control programs.

Meanwhile, the Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA has one ongoing 610 review at this time.

B. How is the E-Agenda organized?

You can choose how to organize the agenda entries online by specifying the characteristics of the entries of interest in the desired individual data fields for both the *www.reginfo.gov* and *www.regulations.gov* versions of the e-Agenda. You can sort based on the following characteristics: EPA subagency; stage of rulemaking, which is explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda. Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—This section includes EPA actions generally intended to determine whether the agency should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as Advance Notices of Proposed Rulemaking (ANPRMs), studies or analyses of the possible need for regulatory action.
2. *Proposed Rule Stage*—This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings [NPRMs]).
3. *Final Rule Stage*—This section includes rules that will be issued as a final rule within a year.
4. *Long-Term Actions*—This section includes rulemakings for which the next scheduled regulatory action is beyond 12 months away. We urge you to explore becoming involved even if an action is listed in the Long-Term category.
5. *Completed Actions*—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the fall 2016 Agenda. It also includes actions that EPA is no longer considering and has elected to ''withdraw.'' EPA also announces the results of any RFA section 610 review in this section of the agenda.

C. What information is in the Regulatory Flexibility Agenda and the E-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule and Contact Person. Note that the electronic version of the Agenda (E-Agenda) has more extensive information on each of these actions.

E-Agenda entries include:

Title: A brief description of the subject of the regulation. The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Entries are placed into one of five categories described below.

a. Economically Significant: Under Executive Order 12866, a rulemaking that may have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or
3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (*e.g.,* certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management

Program actions, and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget under Executive Order 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of Executive Order 12866.

Major: A rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (EO), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 10/00/16 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to 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.

Energy Impacts: Indicates whether the action is a significant energy action under EO 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the Internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (**Note:** To submit comments on proposals, you can go to the associated electronic docket, which is housed at *www.regulations.gov.* Once there, follow the online instructions to access the docket in question and submit comments. A docket identification [ID] number will assist in the search for materials.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN identify the EPA office with lead responsibility for developing the action.

D. How can you find out about rulemakings that start up after the Regulatory Agenda is signed?

EPA posts monthly information of new rulemakings that the Agency's senior managers have decided to develop. This list is also distributed via email. You can find the current list, known as the Action Initiation List (AIL), at *http://www.epa.gov/laws-regulations/actions-initiated-month* where you will also find information about how to get an email notification when a new list is posted.

E. What tools are available for mining Regulatory Agenda data and for finding more about EPA rules and policies?

1. The *http://www.reginfo.gov/* Searchable Database

The Regulatory Information Service Center and Office of Information and Regulatory Affairs have a Federal regulatory dashboard that allows users to view the Regulatory Agenda database (*http://www.reginfo.gov/public/do/eAgendaMain*), which includes search, display, and data transmission options.

2. Subject Matter EPA Web Sites

Some actions listed in the Agenda include a URL that provides additional information about the action.

3. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to a particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for RFA section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *www.regulations.gov.*

4. EPA's Regulatory Development and Retrospective Review Tracker

EPA's Regulatory Development and Retrospective Review Tracker (*www.epa.gov/regdarrt/*) serves as a

portal to EPA's priority rules, providing you with earlier and more frequently updated information about Agency regulations than is provided by the Regulatory Agenda. Not all of EPA's Regulatory Agenda entries appear on Reg DaRRT; only priority rulemakings can be found on this Web site.

III. Review of Regulations Under 610 of the Regulatory Flexibility Act

A. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. At this time, EPA has one ongoing 610 review and is completing one 610 review.

Review title	RIN	Docket ID #	Status
Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3).	2070–AK17	EPA–HQ–OPPT–2016–0126	Ongoing.

EPA established an official public docket for this 610 Review. EPA is no longer accepting comment on the review itself, but comments received in 2016 can be accessed at *https://www.regulations.gov/* with docket identification number EPA–HQ–OPPT–2016–0126.

B. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given to whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit EPA's RFA/SBREFA Web site at *www.epa.gov/reg-flex.*

IV. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: April 10, 2017.

Samantha K. Dravis,

Associate Administrator, Office of Policy.

10—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
194	Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act	2050–AG82

10—Completed Actions

Sequence No.	Title	Regulation Identifier No.
195	Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014.	2060–AS78
196	Section 610 Review of Control of Hazardous Air Pollutants From Mobile Sources **(Completion of a Section 610 Review)**.	2060–AS88

35—Prerule Stage

Sequence No.	Title	Regulation Identifier No.
197	Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(c)(3) **(Section 610 Review)**.	2070–AK17

35—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
198	N-Methylpyrrolidone (NMP) and Methylene Chloride; Rulemaking Under TSCA Section 6(a)	2070–AK07

35—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
199	Formaldehyde Emission Standards for Composite Wood Products	2070–AJ44

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Long-Term Actions

194. Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act

Legal Authority: 42 U.S.C. 7412(r)

Abstract: The EPA, in response to Executive Order 13650, has amended its Risk Management Program regulations. Such revisions include several changes to the accident prevention program requirements including an additional analysis of safer technology and alternatives for the process hazard analysis for some Program 3 processes, third-party audits and incident investigation root cause analysis for Program 2 and Program 3 processes, enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions and data elements submitted in risk management plans. Such amendments are intended to improve chemical process safety, assist local emergency authorities in planning for and responding to accidents, and improve public awareness of chemical hazards at regulated sources.

Timetable:

Action	Date	FR Cite
NPRM	03/14/16	81 FR 13637
NPRM Comment Period End.	05/13/16	
Final Rule	01/13/17	82 FR 4594
Notice	01/26/17	82 FR 8499
Final Rule Effective.	03/14/17	
Notice	03/16/17	82 FR 13968
Final Rule Effective (TBD).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jim Belke, Environmental Protection Agency, Office of Land and Emergency Management, 5104A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, *Phone:* 202 564–8023, *Fax:* 202 564–8444, *Email: belke.jim@epa.gov*.

Kathy Franklin, Environmental Protection Agency, Office of Land and Emergency Management, 5104A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, *Phone:* 202 564–7987, *Fax:* 202 564–2625, *Email: franklin.kathy@epa.gov*.

RIN: 2050–AG82

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Completed Actions

195. Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed On or Before January 8, 2014

Legal Authority: 42 U.S.C. 7401 *et seq.* Clean Air Act

Abstract: In the final Clean Power Plan (CPP) published on October 23, 2015, the EPA set emission guidelines for the best system of emission reductions for carbon dioxide from existing power plants. Under section 111(d) of the Clean Air Act, states were then required with developing plans to achieve reductions in carbon dioxide emissions from the existing power plants in each state. On the same date that the final CPP was published, the EPA proposed a federal plan to implement the CPP in states that did not submit a state plan. On February 9, 2016, the Supreme Court stayed implementation of the CPP pending judicial review. On March 28, 2017, the President signed an Executive Order directing EPA to review the Clean Power Plan. Consistent with that Executive Order, the EPA withdrew this proposed rule. 82 FR 16144 (April 3, 2017).

Timetable:

Action	Date	FR Cite
Notice	04/03/17	82 FR 16144

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Tsirigotis, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code D205–01, Research Triangle Park, NC 27711, *Phone:* 888 627–7764, *Email: airaction@epa.gov*.

RIN: 2060–AS78

196. Section 610 Review of Control of Hazardous Air Pollutants From Mobile Sources (Completion of a Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: The rulemaking ''Control of Hazardous Air Pollutants From Mobile Sources'' was finalized by the EPA in February 2007 (72 FR 8428, February 26, 2007). This program established stringent new controls on gasoline, passenger vehicles, and gas cans to further reduce emissions of benzene and other mobile source air toxics. The EPA developed a Small Entity Compliance Guide, which provides descriptions of the regulations and small entity provisions, Q&As, and other helpful compliance information. This new entry in the regulatory agenda announces that EPA has reviewed this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA solicited comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. The EPA received one comment about the program unrelated to the impact of the rulemaking on small entities. The current mobile source air toxics standards program provided substantial flexibility for regulated entities, especially small entities, and does not warrant revision at this time. See EPA's report summarizing the results of this review in the docket EPA–HQ–OAR–2016–0175. This docket can be accessed at *www.regulations.gov*.

Timetable:

Action	Date	FR Cite
Final Rule	02/26/07	72 FR 8427
Begin Review	06/09/16	81 FR 37373
End Review	11/17/16	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Tom Eagles, Environmental Protection Agency, Office of Air and Radiation, 6103A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, *Phone:* 202 564–1952, *Fax:* 202 564–1554, *Email: eagles.tom@epamail.epa.gov.*

RIN: 2060–AS88

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Prerule Stage

197. Section 610 Review of Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling Section 402(C)(3) (Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: EPA is continuing a review of the 2008 Lead; Renovation, Repair, and Painting Program (RRP) (73 FR 21692) pursuant to section 610 of the Regulatory Flexibility Act (RFA, 5 U.S.C. 610). The rule was amended in 2010 (75 FR 24802) and 2011 (76 FR 47918) to eliminate a provision for contractors to opt-out of prescribed work practices and to affirm the qualitative clearance of renovated or repaired spaces, respectively. Although the section 610 review only needs to address the 2008 RRP Rule, EPA is exercising its discretion to consider relevant comments to the 2010 and 2011 amendments, including comments on lead test kits, field testing alternatives and other broader RRP rule concerns as referenced in 80 FR 79335 and 80 FR 27621. The RRP rule is intended to reduce exposure to lead hazard created by renovation, repair, and painting activities that disturb lead-based paint. The current rule establishes requirements for training renovators and dust sampling technicians; certifying renovators, dust sampling technicians, and renovation firms; accrediting providers of renovation and dust sampling technician training; and for renovation work practices. This entry in the regulatory agenda describes EPA's review of this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change, or should be rescinded or amended to minimize adverse impacts on small entities. As part of this review, EPA is considering comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. The results of EPA's review will be summarized in a report and placed in the docket at the conclusion of this review. This review's Docket ID number is EPA–HQ–OPPT–2016–0126; the docket can be accessed at *www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Rule	04/22/08	73 FR 21691
Begin Review	06/09/16	81 FR 37373
Comment Period Extended.	08/08/16	81 FR 52393
End Review	04/00/18	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Jonathan Shafer, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, *Phone:* 202 564–0789, *Email: shafer.jonathan@epa.gov.*

Michelle Price, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, *Phone:* 202 566–0744, *Email: price.michelle@epa.gov.*

RIN: 2070–AK17

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Proposed Rule Stage

198. N-Methylpyrrolidone (NMP) and Methylene Chloride; Rulemaking Under TSCA Section 6(A)

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: Section 6 of the Toxic Substances Control Act provides authority for EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemical, as well as any manner or method of disposal of chemicals. Methylene chloride and N-methylpyrrolidone (NMP) are used in paint and coating removal in commercial processes, consumer products, and residential settings. In the August 2014 TSCA Work Plan Chemical Risk Assessment for methylene chloride and the March 2015 TSCA Work Plan Chemical Risk Assessment for NMP, EPA identified risks from use of these chemicals in paint and coating removal. EPA determined that these are unreasonable risks. On January 19, 2017, EPA proposed under section 6 prohibitions and restrictions on the use of methylene chloride and in consumer and most types of commercial paint and coating removal. In that proposal, EPA identified commercial furniture refinishing as an industry for which EPA would like more information before proposing regulations to address the risks presented by methylene chloride, and announced its intention to propose a separate rulemaking to address those risks.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 7464
NPRM Comment Period Extended.	05/01/17	82 FR 20310
NPRM Comment Period Extended End.	05/19/17	
Supplemental NPRM.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ana Corado, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, Mail Code 7408M, Washington, DC 20460, *Phone:* 202 564–0140, *Email: corado.ana@epa.gov.*

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, *Phone:* 202 564–2228, *Fax:* 202 566–0471, *Email: wolf.joel@epa.gov.*

RIN: 2070–AK07

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Final Rule Stage

199. Formaldehyde Emission Standards for Composite Wood Products

Legal Authority: 15 U.S.C. 2697 Toxic Substances Control Act

Abstract: On December 12, 2016, EPA issued a final rule to implement the Formaldehyde Standards for Composite Wood Products Act, which added title VI to the Toxic Substances Control Act (TSCA). The purpose of TSCA title VI is to reduce formaldehyde emissions from composite wood products, which will reduce exposures to formaldehyde and result in benefits from avoided adverse health effects. This final rule includes

formaldehyde emission standards applicable to hardwood plywood, medium-density fiberboard, and particleboard, and finished goods containing these products, that are sold, supplied, offered for sale, or manufactured (including imported) in the United States. This final rule includes provisions relating to, among other things, laminated products, products made with no-added formaldehyde resins or ultra low-emitting formaldehyde resins, testing requirements, product labeling, chain of custody documentation and other recordkeeping requirements, enforcement, import certification, and product inventory sell-through provisions, including a product stockpiling prohibition. This final rule also establishes a third-party certification program for hardwood plywood, medium-density fiberboard, and particleboard and includes procedures for the accreditation of third-party certifiers and general requirements for accreditation bodies and third-party certifiers.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/08	73 FR 73620
Second ANPRM	01/30/09	74 FR 5632
NPRM	06/10/13	78 FR 34795
NPRM Comment Period Extended.	07/23/13	78 FR 44090
NPRM Comment Period Extended.	08/21/13	78 FR 51696
Final Rule	12/12/16	81 FR 89674
Final Rule Effective.	05/22/17	
Final Rule Effective (TBD).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Courtnage, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, *Phone:* 202 566–1081, *Email: courtnage.robert@epa.gov*.

Erik Winchester, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, *Phone:* 202 564–6450, *Email: winchester.erik@epa.gov*.

RIN: 2070–AJ44

[FR Doc. 2017–17063 Filed 8–23–17; 8:45 am]

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Part XVII

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 102, 105, 300, 301, and 304

48 CFR Chapter 5

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2016 edition. This agenda was developed under the guidelines of Executive Order 12866 ''Regulatory Planning and Review.'' GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. Published proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov.*

Since the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

FOR FURTHER INFORMATION CONTACT: Joanne Sosa, Regulatory Secretariat Division at (202) 501–4755.

Dated: March 31, 2017.

Giancarlo Brizzi,

Acting Associate Administrator, Office of Government-wide Policy.

GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
200	General Services Administration Acquisition Regulation (GSAR) GSAR Case 2015–G512, Unenforceable Commercial Supplier Agreement Terms.	3090–AJ67
201	General Services Administration Acquisition Regulation (GSAR); GSAR2016–G506, Federal Supply Schedule, Order-Level Materials.	3090–AJ75
202	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contracting (Administrative Changes).	3090–AJ41

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Final Rule Stage

200. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G512, Unenforceable Commercial Supplier Agreement Terms

Legal Authority: 40 U.S.C. 121(c)

Abstract: GSA is amending the General Services Administration Acquisition Regulation (GSAR) to streamline the evaluation process to award contracts containing commercial supplier agreements Government and industry often spend significant time negotiating elements common in almost every commercial supplier agreement where the terms conflict with federal law. Past negotiations would always lead to deleting the terms from the contract, but only after several rounds of legal review by both parties. This case would explore methods for automatically nullifying these common terms out of contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/31/16	81 FR 34302
NPRM Comment Period End.	08/01/16	
Final Rule	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov.*

RIN: 3090–AJ67

201. General Services Administration Acquisition Regulation (GSAR); GSAR 2016-G506, Federal Supply Schedule, Order-Level Materials

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to clarify the authority to acquire order-level materials when placing a task order or establishing a Blanket Purchase Agreement (BPA) against a Federal Supply Schedule (FSS) contract. This proposed rule seeks to provide clear and comprehensive implementation of the ability to acquire order-level materials through the FSS program to create parity between FSS contracts and commercial indefinite-delivery/indefinite-quantity (IDIQ) contracts, reduce the need to conduct less efficient procurement transactions, lower barriers of entry to the Federal marketplace and make it easier to do business with the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	09/09/16	81 FR 62445
NPRM Comment Period End.	11/08/16	
Final Rule	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Leah Price, Procurement Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2558, *Email: leah.price@gsa.gov.*

RIN: 3090–AJ75

Office of Governmentwide Policy

202. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contracting (Administrative Changes)

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to clarify and update the contracting by negotiation GSAR section and incorporate existing Federal Supply Schedule Contracting policies and procedures, and corresponding provisions and clauses. This case is included in GSA's retrospective review of existing regulations under Executive Order 13563. Additional information is located in GSA's retrospective review (2015), available at: *www.gsa.gov/improvingregulations.*

Timetable:

Action	Date	FR Cite
NPRM	09/10/14	79 FR 54126
NPRM Comment Period End.	11/10/14	
Final Rule	06/00/17	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dana L. Munson, Procurement Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AJ41

[FR Doc. 2017–17062 Filed 8–23–17; 8:45 am]

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Part XVIII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of the knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESSES: Deputy Associate Administrator, Office of the Mission Support Directorate, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Parker, (202) 358–0252.

SUPPLEMENTARY INFORMATION: OMB guidelines dated March 2, 2017, ''Spring 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions,'' require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each spring and fall.

Dated: March 31, 2017.

Daniel Tenney,

Deputy Associate Administrator, Office of the Mission Support Directorate.

Sequence No.	Title	Regulation Identifier No.
203	Processing of Monetary Claims (Section 610 Review)	2700–AD83

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

203. Processing of Monetary Claims (Section 610 Review)

Legal Authority: 31 U.S.C. 3711

Abstract: NASA is amending its regulations at 14 CFR 1261 to change collection installment payment amounts from $20,000 to $100,000 to align with title 31 subchapter II Claims of the United States Government section 3711 (a)(2) Collection and Compromise. Subpart 4 prescribes standards for the administrative collection compromise suspension or termination of collection and referral to the Government Accountability Office (GAO) and/or to the Department of Justice for litigation of civil claims. As defined by 31 U.S.C. 3701(b), civil claims arising out of the activities of designated NASA officials authorized to effect actions requires compliance with GAO/DOJ joint regulations at 4 CFR parts 101–105 and the Office of Personnel Management regulations at 5 CFR part 550 subpart K. There are also some statute citation and terminology updates.

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/00/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Bryan R. Diederich, Office of the General Counsel, National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20746, *Phone:* 202 358–0216, *Email: bryan.r.diederich@nasa.gov.*

RIN: 2700–AD83

[FR Doc. 2017–17030 Filed 8–23–17; 8:45 am]

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Part XIX

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This Regulatory Agenda is a semiannual summary of current and projected regulatory and deregulatory actions and completed actions of the Small Business Administration (SBA). SBA expects that this summary information will enable the public to be more aware of, and effectively participate in, SBA's regulatory and deregulatory activities. SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments or inquiries to Imelda A. Kish, Law Librarian, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 205–6849, *imelda.kish@sba.gov.*

Specific

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: SBA is fully committed to implementing the Administration's regulatory reform policies, as established by Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs (January 30, 2017) and Executive Order 13777, Enforcing the Regulatory Reform Agenda (February 24, 2017). In order to fully implement the goal of these executive orders, SBA seeks feedback from the public in identifying any SBA regulations that affected parties believe impose unnecessary burdens or costs that exceed their benefits; eliminate jobs or inhibit job creation; or are ineffective or outdated.

Publication in the **Federal Register** is mandated for rules that, under the Regulatory Flexibility Act (5 U.S.C. 602), are likely to have a significant economic impact on a substantial number of small entities. Additional information on these rules is included in the complete Regulatory Agenda, which is available online at *www.reginfo.gov* in a format that greatly enhances the public's ability to obtain information about SBA's rules.

Linda E. McMahon,
Administrator.

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
204	Small Business Development Center Program Revisions	3245–AE05
205	Small Business HUBZone Program; Government Contracting Programs; Office of Hearings and Appeals	3245–AG38
206	Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification.	3245–AG75
207	Ownership and Control of Service-Disabled Veteran-Owned Small Business Concerns	3245–AG85
208	Small Business Government Contracting and National Defense Authorization Acts of 2016 and 2017 Amendments.	3245–AG86

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
209	Miscellaneous Amendments to Business Loan Programs and Surety Bond Guarantee Program	3245–AF85
210	Agent Revocation and Suspension Procedures	3245–AG40
211	Small Business Investment Companies; Passive Business Expansion & Technical Clarifications	3245–AG67
212	Small Business Timber Set-Aside Program	3245–AG69

SMALL BUSINESS ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
213	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs	3245–AG16
214	Disaster Loan Programs; Federal Flood Risk Management Standard	3245–AG77

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
215	Credit for Lower Tier Small Business Subcontracting	3245–AG71

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

204. Small Business Development Center Program Revisions

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: Updates the Small Business Development Center (SBDC) program regulations by proposing to amend: (1) Procedures for approving applications for new Host SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new or renewal applications for SBDC grants, including the requirements for electronic submission through the approved electronic Government submission facility; (5) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC's cooperative agreement; and (6) provisions regarding the collection and use of the individual SBDC client data.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/15	80 FR 17708
ANPRM Comment Period End.	06/01/15	
NPRM	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Adriana Menchaca-Gendron, Associate Administrator for Small Business Development Centers, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 205–6988.

RIN: 3245–AE05

205. Small Business Hubzone Program; Government Contracting Programs; Office of Hearings and Appeals

Legal Authority: 15 U.S.C. 657a

Abstract: SBA has been reviewing its processes and procedures for implementing the HUBZone program and has determined that several of the regulations governing the program should be amended in order to resolve certain issues that have arisen. As a result, the proposed rule would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone Program regulations, and implement various new procedures. The amendments will make it easier for participants to comply with the program requirements and enable them to maximize the benefits afforded by participation. In developing this proposed rule, SBA will focus on the principles of Executive Orders 12866, 13771 and 13563 to determine whether portions of regulations should be modified, streamlined, expanded or repealed to make the HUBZone program more effective and/or less burdensome on small business concerns. At the same time, SBA will maintain a framework that helps identify and reduce waste, fraud, and abuse in the program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mariana Pardo, Director, Office of HUBZone, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, Phone: 202 205–2985, Email: *mariana.pardo@sba.gov*.

RIN: 3245–AG38

206. Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification

Legal Authority: Pub. L. 113–291, sec. 825; 15 U.S.C. 637(m)

Abstract: Section 825 of the National Defense Authorization Act for Fiscal Year 2015 (NDAA), Public Law 113–291, 128 Stat. 3292, Dec. 19, 2014, included language requiring that women-owned small business concerns and economically disadvantaged women-owned small business concerns are certified by a Federal agency, a State government, the Administrator, or national certifying entity approved by the Administrator as a small business concern owned and controlled by women. This rule will propose the standards and procedures for participation in this certification program, including procedures governing certifications issued by SBA and third parties. This rule will also propose to revise the procedures for continuing eligibility, program examinations, protest and appeals. The proposed revisions will reflect public comments that SBA received in response to the Advanced Notice of Proposed Rulemaking that the agency issued in December 2016 to solicit feedback on implementation of the program. Finally, SBA is planning to continue to utilize new technology to improve its efficiency and decrease small business burdens, and therefore, the new certification procedures will be based on an electronic application and certification process.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/15	80 FR 78984
ANPRM Comment Period End.	02/16/16	
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and Liaison, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, Phone: 202 619–1766, Fax: 202 481–2950, Email: *kenneth.dodds@sba.gov*.

RIN: 3245–AG75

207. • Ownership and Control of Service-Disabled Veteran-Owned Small Business Concerns

Legal Authority: Pub. L. 114–328, sec. 1832, 1835

Abstract: Section 1832 of the National Defense Authorization Act for Fiscal Year 2017 (NDAA), Public Law 114–328, Dec. 23, 2016, provides for a government-wide, uniform definition of a small business concern owned and controlled by a service-disabled veteran. Section 1835 requires the Small Business Administration (SBA) and the Department of Veterans Affairs (VA) to issue guidance, not later than 180 days after the date of enactment of the NDAA of 2017. The proposed rule will propose to amend SBA's regulations to create a uniform definition of a small business owned and controlled by a service-disabled veteran to be used for purposes of eligibility for government procurements by agencies other than the VA under the authority of 15 U.S.C. 657f, and by the VA for VA procurements in accordance with 38 U.S.C. 8127. These changes will include addressing ownership by an employee stock ownership plan (ESOP) and ownership and control by a surviving spouse. Section 1835 provides that the SBA and VA shall provide notice and opportunity for comment for at least 60 days.

Timetable:

Action	Date	FR Cite
NPRM	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and Liaison, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, Phone: 202 619–1766, Fax: 202

481–2950, Email: *kenneth.dodds@sba.gov*.

RIN: 3245–AG85

208. • Small Business Government Contracting and National Defense Authorization Acts of 2016 and 2017 Amendments

Legal Authority: 15 U.S.C. 637(d)(17); Pub. L. 114–328, sec. 1811, 1821; Pub. L. 114–92, sec. 863

Abstract: Section 1822 of the National Defense Authorization Act (NDAA) for Fiscal Year 2017, Public Law 114–328, Dec. 23, 2016, establishes a pilot program for qualified subcontractors to obtain past performance ratings that can be used to compete for prime contracts. Section 1811 of the NDAA of 2017 also limits the scope of review of Procurement Center Representatives for certain Department of Defense procurements performed outside of the United States. Section 1821 of the NDAA of 2017 establishes that failure to act in good faith in providing timely subcontracting reports shall be considered a material breach of the contract. Section 863 of the NDAA for FY 2016, Public Law 114–92, Nov. 25, 2015, establishes procedures for the publication of acquisition strategies if the acquisition involves consolidation or substantial bundling. SBA also intends to request comment on various proposed changes requested by industry or other agencies, including those pertaining to exclusions from calculating compliance with the limitations on subcontracting, an agency's ability to set aside orders under set-aside contracts, and a contracting officer's authority to request reports on a prime contractor's compliance with the limitations on subcontracting.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Policy, Planning and Liaison, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, Phone: 202 619–1766, Fax: 202 481–2950, Email: *kenneth.dodds@sba.gov*.

RIN: 3245–AG86

Small Business Administration (SBA)

Final Rule Stage

209. Miscellaneous Amendments to Business Loan Programs and Surety Bond Guarantee Program

Legal Authority: 15 U.S.C. 636(a); 15 U.S.C. 694b

Abstract: Certain lenders have been delegated the authority to make loan decisions without prior approval from SBA under certain circumstances. SBA plans to formalize such delegated authorities in this proposed rule. The rule will make several minor modifications to the 504 Loan Program and governance rules for Certified Development Company (CDC) in a follow-on to the Final Rule: 504 and 7(a) Loan Program Updates (March 21, 2014). The rule will also align terminology for 7(a) lenders that are federally regulated to synchronize with existing industry requirements. SBA will also make several other miscellaneous amendments to improve oversight and operations of its finance programs.

This rule will make four changes to the Surety Bond Guarantee (SBG) Program. The first changes the threshold for notification to SBA of changes in the contract or bond amount. Second, the change will require sureties to submit quarterly contract completion reports. Third, SBA will increase the eligible contract limit for the Quick Bond Application and Agreement from $250,000 to $400,000. Finally, the rule will increase the guarantee percentage in the Preferred Surety Bond program to reflect the statutory change made by the National Defense Authorization Act of 2016. The guarantee percentage will increase from 70% to 80% or 90%, depending on contract size and socioeconomic factors currently in effect in the Prior Approval Program.

Timetable:

Action	Date	FR Cite
NPRM	08/09/16	81 FR 52595
NPRM Comment Period End.	10/11/16	
Final Rule	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dianna L. Seaborn, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, Phone: 202 205–3645, Email: *dianna.seaborn@sba.gov*.

RIN: 3245–AF85

210. Agent Revocation and Suspension Procedures

Legal Authority: 15 U.S.C. 634; 15 U.S.C. 642

Abstract: This rule establishes detailed procedures for the suspension and revocation of an Agent's privilege to do business with the United States Small Business Administration (SBA) within a single Part of the Code of Federal Regulations; clarifies existing and related regulations as to suspension, revocation, and debarment; and removes Office of Hearings and Appeals jurisdiction over Agent suspensions and revocations and government-wide debarment and suspension actions. This rule will also conform SBA suspension and revocation procedures for Agents with general government-wide nonprocurement suspension and debarment procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/16/14	79 FR 62060
NPRM Comment Period Extended.	12/12/14	79 FR 73853
NPRM Comment Period End.	12/15/14	
NPRM Comment Period Extended End.	02/14/15	
Final Rule	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Debra Mayer, Chief, Supervision and Enforcement, Office of Credit Risk Management, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7577, *Email: debra.mayer@sba.gov*.

RIN: 3245–AG40

211. Small Business Investment Companies; Passive Business Expansion and Technical Clarifications

Legal Authority: 15 U.S.C. 681 *et seq.*

Abstract: The SBA is revising the regulations for the Small Business Investment Company (SBIC) program to further expand the use of Passive Businesses and provide needed protections for SBA with regard to such investments. SBICs are generally prohibited from investing in passive businesses under the Small Business Investment Act of 1958 as amended as well as by regulations. Current program regulations provided for two exceptions that allow an SBIC to structure an investment utilizing a passive small business as a pass-through. The first exception identified in 107.720(b)(2) provides that an SBIC may structure an investment utilizing two pass-through entities to make an investment into an active business. The second exception identified in 107.720(b)(3) allows partnership SBICs with SBA prior approval to invest in a wholly owned passive business that in turn provides financing to an active small business only if a direct financing would cause its investors to incur Unrelated Business Taxable Income (UBTI). The second

exception is commonly known as a blocker corporation. The rule clarifies the first exception and further expands the second exception, while providing additional protection to SBA from the risk posed by passive investment structures. As part of the rule, SBA will also make technical corrections and clarifications, including conforming the regulation to the new ''family of funds'' statutory provision.

Timetable:

Action	Date	FR Cite
NPRM	10/05/15	80 FR 60077
NPRM Comment Period End.	12/04/15	
Final Rule	12/28/16	81 FR 95419
Final Rule Effective.	01/27/17	
Delay of Effective Date Opportunity for Public Comment.	01/26/17	82 FR 8499
Comment Period End.	02/19/17	
Final Rule Effective.	03/21/17	
Delay of Effective Date.	03/21/17	82 FR 14428
Final Rule Effective.	05/20/17	
Delay of Effective Date and Request for Comment.	05/02/17	82 FR 20433
Comment Period End.	06/01/17	
Final Rule Effective.	08/18/17	
Final Rule	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Theresa M. Jamerson, Senior Policy Advisor, Investment Division, Small Business Administration, 409 3rd Street SW., Washington, DC 20461, *Phone:* 202 205–7563, *Email: theresa.jamerson@sba.gov.*

RIN: 3245–AG67

212. Small Business Timber Set-Aside Program

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 644(a)

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Accordingly, the Program requires Timber sales to be set aside for small business when small business participation falls below a certain amount. SBA considered comments received during the ANPRM and NPRM processes, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/15	80 FR 15697
ANPRM Comment Period End.	05/26/15	
NPRM	09/27/16	81 FR 66199
NPRM Comment Period End.	11/28/16	
Final Rule	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David W. Loines, Area Director, Office of Government Contracting, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7311, *Email: david.loines@sba.gov.*

RIN: 3245–AG69

SMALL BUSINESS ADMINISTRATION (SBA)

Long-Term Actions

213. Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs

Legal Authority: 111–240, sec. 1116

Abstract: SBA will amend its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. These alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG16

214. Disaster Loan Programs; Federal Flood Risk Management Standard

Legal Authority: 15 U.S.C. 634(b)(6); E.O. 11988; E.O. 13690

Abstract: In accordance with Executive Order 11988, Floodplain Management, as amended by Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, SBA will propose a rule to describe which disaster loans are subject to the FFRMS. SBA will propose to apply the FFRMS and corresponding elevation component to disaster loans that meet one of the following conditions: (1) SBA funds will be used for total real estate reconstruction at the damaged site that is located in the Special Flood Hazard Area (SFHA); (2) SBA funds will be used for new real estate construction at a relocation site that is located in the SFHA; or (3) SBA funds will be used for code required elevation at the damaged site that is located in the SFHA.

Timetable:

Action	Date	FR Cite
NPRM	08/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alejandro Contreras, *Phone:* 202 205–6674, *Email: alejandro.contreras@sba.gov.*

RIN: 3245–AG77

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

215. Credit for Lower Tier Small Business Subcontracting

Legal Authority: Pub. L. 113–66, sec. 1614

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its regulations to implement section 1614 of the National Defense Authorization Act (NDAA) of 2014, Public Law 113–66, December 26, 2013. Under the statute, when an other than small prime contractor has an

individual subcontracting plan for a contract, the large business may receive credit towards its small business subcontracting goals for subcontract awards made to small business concerns at any tier. Currently, other than small business prime contractors only report on their performance awarding subcontracts to small businesses at the first tier level.

Completed:

Reason	Date	FR Cite
Final Rule	12/23/16	81 FR 94246
Final Rule Effective.	01/23/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov.*

RIN: 3245–AG71

[FR Doc. 2017–17029 Filed 8–23–17; 8:45 am]

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Part XX

Department of Defense

General Services Administration

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 ''Regulatory Planning and Review.'' This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing.

Published proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joanne Sosa, Regulatory Secretariat Division, 1800 F Street NW., Washington, DC 20405, or via telephone at 202–501–4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs). The electronic version of the FAR, including changes, can be accessed on the FAR Web site at *http://www.acquisition.gov/far.*

Dated: March 31, 2017.

William F. Clark,

Director, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

DOD/GSA/NASA (FAR)—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
216	Federal Acquisition Regulation (FAR); FAR Case 2015–021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts.	9000–AM94
217	Federal Acquisition Regulation (FAR); FAR Case 2015–014; Prohibition on Providing Funds to the Enemy	9000–AN03
218	FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance	9000–AN31
219	Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees.	9000–AN32
220	Federal Acquisition Regulation (FAR); FAR Case 2015–031, Policy on 8(a) Joint Ventures	9000–AN33
221	Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States.	9000–AN34
222	Federal Acquisition Regulation (FAR); FAR Case 2017–008, Duties of Office of Small and Disadvantaged Business Utilization.	9000–AN36
223	Federal Acquisition Regulation (FAR); FAR Case 2016–013, Tax on Certain Foreign Procurement	9000–AN38
224	Federal Acquisition Regulation (FAR); FAR Case 2017–003; Alternatives in Lieu of Corporate or Individual Sureties.	9000–AN39
225	Federal Acquisition Regulations (FAR); FAR Case 2015–002, Requirements for DD Form 254, Contract Security Classification Specification.	9000–AN40
226	Federal Acquisition Regulation (FAR); FAR Case 2017–014, Acquisition 360	9000–AN43
227	Federal Acquisition Regulation (FAR); FAR Case 2017–013, Breaches of Personally Identifiable Information.	9000–AN44
228	Federal Acquisition Regulation (FAR); FAR Case 2017–011, Section 508-Based Standards in Information and Communication Technology.	9000–AN46
229	Federal Acquisition Regulation (FAR); FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions.	9000–AN47
230	Federal Acquisition Regulation (FAR); FAR Case 2015–037, Definition of ''Information Technology''	9000–AN48
231	Federal Acquisition Regulation (FAR); FAR Case 2015–028, Performance-Based Payments	9000–AN49
232	Federal Acquisition Regulation (FAR); Far Case 2015–004, Provisions and Clauses for Acquisitions of Commercial Items and Acquisitions That do not Exceed the Simplified Acquisition Threshold (SAT).	9000–AN51
233	Federal Acquisition Regulation (FAR); FAR Case 2017–006, Exception From Certified Cost or Pricing Data Requirements—Adequate Price Competition.	9000–AN53
234	Federal Acquisition Regulation (FAR); FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts.	9000–AN54
235	Federal Acquisition Regulation (FAR); FAR Case 2015–026, Contractor Use of Mandatory Sources of Supply in Service Contracts.	9000–AN55
236	Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)	9000–AN56

DOD/GSA/NASA (FAR)—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
237	Federal Acquisition Regulation (FAR); FAR Case 2015–015; Strategic Sourcing Documentation	9000–AM89
238	Federal Acquisition Regulation (FAR); FAR Case 2013–018; Clarification of Requirement for Justifications for 8(a) Sole Source Contracts.	9000–AM90
239	Federal Acquisition Regulation (FAR); FAR Case 2014–002; Set-Asides Under Multiple Award Contracts	9000–AM93

DOD/GSA/NASA (FAR)—Final Rule Stage—Continued

Sequence No.	Title	Regulation Identifier No.
240	Federal Acquisition Regulation (FAR); FAR Case 2015–017; Combating Trafficking in Persons—Definition of "Recruitment Fees".	9000–AN02
241	Federal Acquisition Regulation (FAR); FAR Case 2016–007, Non-Retaliation for Disclosure of Compensation Information.	9000–AN10
242	Federal Acquisition Regulation (FAR); FAR Case 2015–005, System for Award Management Registration	9000–AN19
243	Federal Acquisition Regulation (FAR); FAR Case 2015–039, Audit of Settlement Proposals	9000–AN26
244	Federal Acquisition Regulation (FAR); FAR Case 2017–001, Paid Sick Leave for Federal Contractors	9000–AN27
245	Federal Acquisition Regulation (FAR); FAR Case 2015–033, Sustainable Acquisition	9000–AN28
246	Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry.	9000–AN29
247	Federal Acquisition Regulation (FAR); FAR Case 2016–011, (S) Revision of Limitations on Subcontracting	9000–AN35
248	Federal Acquisition Regulation (FAR); FAR Case 2017–004, Rate Adjustment of Liquidated Damages	9000–AN37
249	Federal Acquisition Regulation (FAR); FAR Case 2017–007, Task- and Delivery-Order Protests	9000–AN41
250	Federal Acquisition Regulation (FAR); FAR Case 2017–009, Special Emergency Procurement Authority	9000–AN45
251	Federal Acquisition Regulation (FAR); FAR Case 2017–012, Increased Micro-Purchase Threshold for Certain Procurement Activities.	9000–AN50
252	Federal Acquisition Regulation (FAR); FAR Case 2017–015, Removal of Fair Pay and Safe Workplaces Rule.	9000–AN52

DOD/GSA/NASA (FAR)—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
253	Federal Acquisition Regulation (FAR); FAR Case 2013–002; Expanded Reporting of Nonconforming Supplies.	9000–AM58

DOD/GSA/NASA (FAR)—Completed Actions

Sequence No.	Title	Regulation Identifier No.
254	Federal Acquisition Regulation (FAR); FAR Case 2010–013; Privacy Training	9000–AM02
255	Federal Acquisition Regulation (FAR); FAR Case 2012–025; Applicability of the Senior Executive Compensation Benchmark.	9000–AM39
256	Federal Acquisition Regulation (FAR); FAR Case 2012–022; Contracts Under the Small Business Administration 8(a) Program.	9000–AM68
257	Federal Acquisition Regulation (FAR); FAR Case 2013–014; Uniform Use of Line Items	9000–AM73
258	Federal Acquisition Regulation (FAR); FAR Case 2014–003; Small Business Subcontracting Improvements.	9000–AM91
259	Federal Acquisition Regulation (FAR); FAR Case 2015–016; Prohibition on Reimbursement for Congressional Investigations and Inquiries.	9000–AM97
260	Federal Acquisition Regulation (FAR); FAR Case 2014–004; Payment of Subcontractors	9000–AM98
261	Federal Acquisition Regulation (FAR); FAR Case 2015–012; Contractor Employee Internal Confidentiality Agreements.	9000–AN04
262	Federal Acquisition Regulation (FAR); FAR Case 2016–004; Acquisition Threshold for Special Emergency Procurement Authority.	9000–AN18
263	Federal Regulation Acquisition (FAR); FAR Case 2015–024, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation.	9000–AN20
264	Federal Acquisition Regulation (FAR); FAR Case 2015–035, Removal of Regulations Relating to Telegraphic Communication.	9000–AN23

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

216. Federal Acquisition Regulation (FAR); FAR Case 2015–021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the FAR to direct contracting officers to make a determination of fair and reasonable pricing when using GSA's Federal Supply Schedules (FSS). The Federal Acquisition Streamlining Act (FASA) of 1994 established a preference for the types of information used to assess price reasonableness. Fair and reasonable price determinations are used for evaluating quotations, bids, and proposals for the source selection decision and during sole-source negotiations with the goal of promoting a healthy and efficient competitive sourcing environment.

This rule will ensure uniform implementation of this FAR change across government contracts and avoid the proliferation of agency actions (*e.g.* revisions to FAR supplements or issuance of policy guidance) implementing this requirement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AM94

217. Federal Acquisition Regulation (FAR); FAR Case 2015–014; Prohibition on Providing Funds to the Enemy

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to prevent the flow of funds to persons or entities that are actively opposing United States or coalition forces involved in a contingency operation. This rule implements subtitle E of title VIII of the Carl Levin and Howard P. Buck'' McKeon National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015, which prohibits providing funds to the enemy. The statute does not apply to contracts that are equal to or less than $50,000, contracts performed inside the United States, or contracts subject to a national security exception.

Timetable:

Action	Date	FR Cite
NPRM	08/00/17	
NPRM Comment Period End.	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN03

218. • FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the FAR to implement policies addressing the effective use of reverse auctions. Reverse auctions involve offerors lowering their pricing over rounds of bidding in order to win federal contracts This change will incorporates guidance from the OFPP memorandum, ''Effective Use of Reverse Auctions,'' which was issued in response to recommendations from the GAO report, *Reverse Auctions: Guidance is Needed to Maximize Competition and Achieve Cost Savings* (GAO–14–108).

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	
NPRM Comment Period End.	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov*.

RIN: 9000–AN31

219. • Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the FAR to implement 41 U.S.C. 4712, Enhancement of contractor protection from reprisal for disclosure of certain information and makes the pilot program permanent. The pilot was enacted on January 2, 2013, by section 828 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013. This statute also clarifies that the cost principles at 10 U.S.C. 2324(k) and 41 U.S.C. 4304 and 4310 apply to costs incurred by a contractor, subcontractor, or personal services contractor.

Timetable:

Action	Date	FR Cite
NPRM	07/00/17	
NPRM Comment Period End.	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN32

220. • Federal Acquisition Regulation (FAR); FAR Case 2015–031, Policy on 8(a) Joint Ventures

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to be consistent with the guidance in SBA regulations at 13 CFR 124 8(A) Business Development/Small Disadvantaged Business Status Determinations > These clarifications are expected to relieve burden on both industry and government by reducing the number of protests related to inappropriate elimination from competition of offers from 8(a) joint ventures and inappropriate awards to ineligible 8(a) joint ventures. This will reduce the risk for fraud by clarifying the role of SBA as the authority for making eligibility determination. The rule is also expected to facilitate competition by clarifying the circumstances under which a joint venture is eligible for award under the 8(a) program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	
NPRM Comment Period End.	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA

(FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AN33

221. • Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) consistent with SBA's final rule at 13 CFR 125.2 as finalized in their rule Acquisition Process: Task and Delivery Order Contracts, Bundling, Consolidation'' issued on October 2, 2013 to clarify that overseas contracting is not excluded from agency responsibilities to foster small business participation.

In its final rule, SBA has clarified that, as a general matter, its small business contracting regulations apply regardless of the place of performance. In light of these changes, there is a need to amend the FAR both to bring its coverage into alignment with SBA's regulation and to give agencies the tools they need especially the ability to use set-asides to maximize opportunities for small businesses overseas.

SBA intends to include contracts performed outside of the United States in agencies' prime contracting goals beginning in FY 2016. Although inclusion for goaling purposes is not dependent on FAR changes, amending FAR part 19 will allow agencies to take advantage of the tools authorized for providing small business opportunities for contracts awarded outside of the United States.

This rule will allow agencies to take advantage of the tools authorized for providing small business opportunities for contracts awarded outside of the United States. This will make it easier for small businesses to receive additional opportunities for contracts performed outside of the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AN34

222. • Federal Acquisition Regulation (FAR); FAR Case 2017–008, Duties of Office of Small and Disadvantaged Business Utilization

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the FAR to provide additional duties for the Office of Small and Disadvantaged Business Utilization (OSDBU), or for DoD, the Office of Small Business Programs (OSBP). Additionally the rule will include existing OSDBU duties that are not currently listed in the FAR.

This rule implements sections 1812, paragraph (a) of section 1813 and paragraph (b) of section 1821 of the National Defense Authorization Act of Fiscal Year 2017, which amends section 15(k) of the Small Business Act (15 U.S.C. 644(k)). Additionally the rule will include existing duties prescribed in section 15(k) of the Small Business Act that are not currently listed in the FAR.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov*.

RIN: 9000–AN36

223. • Federal Acquisition Regulation (FAR); FAR Case 2016–013, Tax on Certain Foreign Procurement

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 37; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the FAR to implement a final rule issued by the Department of the Treasury (published at 81 FR 55133) that implements section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111347. This section imposes on any foreign person that receives a specified Federal procurement payment a tax equal to 2 percent of the amount such payment. This rule applies to Federal government contracts for goods or services that are awarded to foreign persons.

Timetable:

Action	Date	FR Cite
NPRM	08/00/17	
NPRM Comment Period End.	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN38

224. • Federal Acquisition Regulation (FAR); FAR Case 2017–003; Alternatives in Lieu of Corporate or Individual Sureties

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are is proposing to amend the Federal Acquisition Regulation (FAR) to change the kinds of assets that individual sureties must use as security for their individual surety bonds. This change will implement section 874 of the NDAA for FY 2016 (Pub. L. 114–92).

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov*.

RIN: 9000–AN39

225. • Federal Acquisition Regulations (FAR); FAR Case 2015–002, Requirements for DD Form 254, Contract Security Classification Specification

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to require the use of Wide Area Workflow (WAWF) for the submission of the DD Form 254, Contract Security Classification Specification. This form is used to convey security requirements regarding classified information to contractors and subcontractors and must be submitted to the Defense Security Services (DSS) when contractors or subcontractors require access to classified information under contracts awarded by agencies covered by the National Industrial Security Program (NISP).

The NISP Contracts Classification System (NCCS) is being deployed as a module within the existing WAWF platform to provide a centralized repository for classified contract security requirements and automate the DD Form 254 processes and workflows. The rule also clarifies that a unique CAGE code is required for each location of performance listed on a DD Form 254 and that System for Award Management (SAM) registration is only required for the business location listed on the contract. The DD Form 254 is used to convey security requirements regarding classified information to contractors and subcontractors and must be submitted to DSS when contractors or subcontractors require access to classified information. On average, approximately 130,000 forms are received each year from 61 agencies and components. These forms are submitted manually and there is no central repository for the form. The rule will provide a centralized repository for classified contract security requirements and supporting data while automating the DD Form 254 processes and workflows. By using this form, burden will reduce.

Timetable:

Action	Date	FR Cite
NPRM	08/00/17	
NPRM Comment Period End.	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover, Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN40

226. • Federal Acquisition Regulation (FAR); FAR Case 2017–014, Acquisition 360

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the FAR to address the solicitation of contractor feedback on both contract formation and contract administration activities. Agencies would consider this feedback, as appropriate, to improve the efficiency and effectiveness of their acquisition activities. The rule would create FAR policy to encourage regular feedback in accordance with agency practice (both on contract formation and administration activities) and a standard FAR solicitation provision to support a sustainable model for broadened use of Acquisition 360 survey to elicit feedback on the pre-award and debriefing processes in a consistent and standardized manner. Agencies would be able to use the solicitation provision to notify interested sources that a procurement is part of the Acquisition 360 survey and encourage stakeholders to voluntarily provide feedback on their experiences on the pre-award process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E. Glover, Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN43

227. • Federal Acquisition Regulation (FAR); FAR Case 2017–013, Breaches of Personally Identifiable Information

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to revise the Federal Acquisition Regulation (FAR) to create and implement appropriate contract clauses and regulatory coverage to address contractor requirements for breach response consistent with the requirements. This FAR change will implement the requirements outlined in Office of Management and Budget (OMB) Memorandum, M–17–12 ''Preparing for and Responding to a Breach of Personally Identifiable Information'' section V part B.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	
NPRM Comment Period End.	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN44

228. • Federal Acquisition Regulation (FAR); FAR Case 2017–011, Section 508-Based Standards in Information and Communication Technology

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to incorporate revisions and updates to standards in Section 508 of the Rehabilitation Act of 1973, developed by the Architectural and Transportation Barriers Compliance Board (also referred to as the ''Access Board''). This FAR change incorporates the U.S. Access Board's final rule 82 FR 5790, Information and Communication Technology (ICT) Standards and Guidelines, published on January 18, 2017 , which implemented revisions and updates to the section 508-based standards and section 255-based guidelines.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN46

229. • Federal Acquisition Regulation (FAR); FAR Case 2016–012, Incremental Funding of Fixed-Price Contracting Actions

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to allow for incrementally funding of certain fixed-price contracting action to help minimize disruptions to agency operations, and provide Federal acquisition professionals with new funding flexibility for fixed-price contracting actions. The importance of incremental funding policy is driven, in large part, by chronic impediments to the timely passage of the Federal budget. Because the FAR is silent on the incremental funding of fixed-price contracts; however, in many cases, full funding (due to budgetary uncertainties) is not possible. There is potential for benefits to be realized through creating consistent language in the FAR. The flexibility to incrementally fund fixed-price contracts will enable acquisition professionals more efficiently get contracts underway.

Timetable:

Action	Date	FR Cite
NPRM	11/00/17	
NPRM Comment Period End.	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN47

230. • Federal Acquisition Regulation (FAR); FAR Case 2015–037, Definition of ''Information Technology''

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to revise the FAR to update the definition of ''information technology,'' as directed in the Office of Management and Budget Memo, M–15–14, entitled Management Oversight of Federal Information Technology.'' Specifically, the rule broadens the definition of information technology to include services such as cloud computing and to remove an exemption for information technology embedded in other systems.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN48

231. • Federal Acquisition Regulation (FAR); FAR Case 2015–028, Performance-Based Payments

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the FAR to harmonize the policy on flowdown requirements at FAR 32.504 with FAR clause 52.232–32 for the financing of subcontracts through performance-based payments. FAR 32.504(f) states that ''When financing payments are in the form of performance-based payments, the Performance-Based Payments clause at 52.232–32 requires that the subcontract terms include the substance of the Performance-Based Payments clause, modified to indicate that the contractor, not the Government, awards the subcontract and administers the performance-based payments . . .'' However, FAR clause 52.232–32 does not include instructions to the contractor to flowdown the requirements to the subcontractor. The FAR recognizes that prudent contract financing can be a useful working tool in Government acquisition. Performance-based payments are a form of contract financing authorized by the FAR under certain conditions. The proposed rule would merely make it clear to the contractor under which circumstances the substance of this form of contract financing is required to flow down to the subcontractor, when FAR 52.232–32 is included in its contract.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN49

232. • Federal Acquisition Regulation (FAR); FAR Case 2015–004, Provisions and Clauses for Acquisitions of Commercial Items and Acquisitions That Do Not Exceed the Simplified Acquisition Threshold (SAT)

Legal Authority: Not Yet Determined

Abstract: DoD, GSA, and NASA are proposing to revise the FAR with an internal administrative change to support the use of automated contract writing systems and reduce FAR maintenance when clauses are updated. Currently, the FAR provides a single, consolidated list of all provisions and clauses applicable to the acquisition of commercial items. When new clauses applicable to commercial items are added the FAR, a manual process of cross checking and renumbering of the list is employed the conform the FAR, The process is cumbersome and inefficient, and challenging to maintain, especially for contract writing systems. The propose rule would propose a change to each clause prescription and each clause flowdown for commercial items to specify required information within the prescription/clause itself, without having to cross-check another clause, list or other parts of the FAR.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN51

233. • Federal Acquisition Regulation (FAR); FAR Case 2017–006, Exception From Certified Cost or Pricing Data Requirements—Adequate Price Competition

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 822 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Pub. L. 114–328). This addresses the exception from certified cost or pricing data requirements when price is based on adequate price competition. It also limits the exception for price based on adequate price competition to circumstances in which there is adequate competition that results in at least two or more responsive and viable competing bids.

Timetable:

Action	Date	FR Cite
NPRM	08/00/17	
NPRM Comment Period End.	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN53

234. • Federal Acquisition Regulation (FAR); FAR Case 2017–010, Evaluation Factors for Multiple-Award Contracts

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 825 of the NDAA for FY 17 (Pub. L. 114–328) which changes the requirement regarding the consideration of cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task order contracts. At the Government's discretion, solicitations for multiple-award contracts, which intend to award the same or similar services to each qualifying offeror, do not require price or cost as an evaluation factor for the base contract award. This exception does not apply to

solicitations for multiple-award contracts that provide for sole source orders pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)). When cost or price is not considered in evaluation of the base award, the contracting officer must consider price or cost as one of the factors in the selection decision for each order.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	
NPRM Comment Period End.	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN54

235. • Federal Acquisition Regulation (FAR); FAR Case 2015–026, Contractor Use of Mandatory Sources of Supply in Service Contracts

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) clause associated with the AbilityOne Program. These revisions respond to concerns raised by the Committee for Purchase From People Who Are Blind or Severely Disabled (Committee) that a FAR clarification is necessary for situations when Government agencies contract with commercial sources to perform an agency's service function. The Committee believes that reductions in procurement of several service-related supplies has adversely affected employment of people who are blind or have significant disabilities because of the lack of this clarification.

The proposed revision will emphasize that contractors must use mandatory sources of supply in service contracts and to update the procedures associated with purchases made through the AbilityOne Program to conform to the current Committee regulatory administration of this statutory program. The rule will clarify the obligation for Government agencies to satisfy their requirements for certain supplies and services from the Procurement List maintained by the Committee.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	
NPRM Comment Period End.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN55

236. • Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the National Archives and Records Administration (NARA) Controlled Unclassified Information (CUI) program of Executive Order 13556 of Nov 4, 2010. As the executive agent designated to oversee the governmentwide CUI program, NARA issued implementing regulations in late 2016 designed to address agency policies for designating, safeguarding, disseminating, marking, decontrolling and disposing of CUI. The NARA rule affects contractors that handle, possess, use, share or receive CUI. The NARA regulation is codified at 32 CFR 2002. This FAR rule is necessary to ensure uniform implementation of the requirements of the CUI program in contracts across the government, thereby avoiding potentially inconsistent agency-level action.

Timetable:

Action	Date	FR Cite
NPRM	12/00/17	
NPRM Comment Period End.	02/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN56

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

237. Federal Acquisition Regulation (FAR); FAR Case 2015–015; Strategic Sourcing Documentation

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the Carl Levin and Howard P. Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015. This section requires the contract file shall contain certain documentation if the Federal Government makes a purchase of supplies and services offered under the Federal Strategic Sourcing Initiative (FSSI), but the FSSI is not used. The contract file for the purchase shall include a brief analysis of the comparative value, including price and non-price factors, between the supplies and services offered under the FSSI and those offered under the source(s) to be used for the purchase.

While all action involved on the rule is internal to the Government, the documentation requirement ensures a contracting officer considers contract vehicles under the Federal Strategic Sourcing Initiative (FSSI). In doing so, the rule will raise the visibility of these strategic sourcing solutions, promote their use, and help to better leverage the Government's buying power.

Timetable:

Action	Date	FR Cite
NPRM	06/20/16	81 FR 39883
NPRM Comment Period End.	08/19/16	
Final Rule	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AM89

238. Federal Acquisition Regulation (FAR); FAR Case 2013–018; Clarification of Requirement for Justifications for 8(A) Sole Source Contracts

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are implementing a final rule to amend the Federal Acquisition Regulation to clarify the guidance for sole source 8(a) contract awards exceeding $22 million. This rule implements guidance from a Government Accountability Office report entitled Federal Contracting: Slow Start to Implementation of Justifications for 8(a) Sole-Source Contracts'' (GA0–13–118, December 2012). Sole-source contracting regulations are statutory and are found in section 811 of the National Defense

Authorization Act for Fiscal Year 2010 (Pub. L. 11184) (see 77 FR 23369). These clarifications improve the contracting officer's ability to comply with the sole source contracts statutory requirements.

The GAO report indicates that the FAR needed additional clarification of justification to help ensure that agencies are applying the requirement consistently. This rule provides such guidance, including when justification is necessary, how contracting officers should comply, and when a separate sole-source justification is necessary for out-of-scope modifications to 8(a) sole-source contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/15/16	81 FR 80012
NPRM Comment Period End.	01/17/17	
Final Rule	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AM90

239. Federal Acquisition Regulation (FAR); FAR Case 2014–002; Set-Asides Under Multiple Award Contracts

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the FAR to implement regulatory changes regarding procedures for the use of small business partial set-asides, reserves, and orders placed under multiple-award contracts. This rule incorporates statutory requirements discussed at section 1331 of the Small Business Jobs Act of 2010 (15 U.S.C. 644(r)) and the Small Business Administration's final rule at 78 FR 61114, dated October 2, 2013.

The rule increases small business participation in Federal prime contracts by ensuring that small businesses have greater access to multiple award contracts and clarifying the procedures for submitting proposals for partial set-asides, reserves, and orders placed under such contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/06/16	81 FR 88072
NPRM Comment Period End.	02/06/17	
Final Rule	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AM93

240. Federal Acquisition Regulation (FAR); FAR Case 2015–017; Combating Trafficking in Persons—Definition of ''Recruitment Fees''

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to revise the FAR to implement Executive Order (E.O.) 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts, and title XVII of the National Defense Authorization Act for Fiscal Year 2013, which became effective on March 2, 2015. The rule adds a definition of ''recruitment fees'' to subpart 22.17, Combating Trafficking in Persons, and the associated clause in order to clarify how the Government treats this prohibited practice that has been associated with labor trafficking under contracts and subcontracts.

Timetable:

Action	Date	FR Cite
NPRM	05/11/16	81 FR 29244
NPRM Comment Period End.	07/11/16	
Final Rule	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN02

241. Federal Acquisition Regulation (FAR); FAR Case 2016–007, Non-Retaliation for Disclosure of Compensation Information

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA plan to adopt as final, without change, an interim rule amending the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13665, entitled ''Non-Retaliation for Disclosure of Compensation Information.'' signed April 8, 2014, (79 FR 20749) and the final rule issued by the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (DOL) at 80 FR 54934, on September 11, 2015, entitled 'Government Contractors, Prohibitions Against Pay Secrecy Policies and Actions.'

This rule provides for a uniform policy for the Federal Government to prohibit Federal contractors from discriminating against employees and job applicants who inquire about, discuss, or disclose their own compensation or the compensation of other employees or applicants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/16	81 FR 67732
Interim Final Rule Comment Period End.	11/29/16	
Final Rule	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN10

242. Federal Acquisition Regulation (FAR); FAR Case 2015–005, System for Award Management Registration

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amends the Federal Acquisition Regulation (FAR) to update the instructions for System for Award Management (SAM) registration requirements and to correct an inconsistency with offeror representation and certification requirements. This rule makes consistent the language regarding offerors' registration in SAM prior to submitting an offer or prior to award. The instructions clarify that once a business is registered in the SAM database, it is only required to update the SAM database registration in accordance with the clause 52.204–7 or if there are new decisions on its labor violations at clause 52.222–59.

Timetable:

Action	Date	FR Cite
NPRM	05/20/16	81 FR 31895
NPRM Comment Period End.	07/19/16	
Final Rule	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AN19

243. Federal Acquisition Regulation (FAR); FAR Case 2015–039, Audit of Settlement Proposals

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amends the Federal Acquisition Regulation (FAR) to raise the dollar threshold requirement for the audit of prime contract settlement proposals and subcontract settlements from $100,000 to the Truth In Negotiation Act (TINA) threshold of $750,000 to help alleviate the backlog of contract close-outs and to enable contracting officers to more quickly deobligate excess funds from terminated contracts.

Timetable:

Action	Date	FR Cite
NPRM	09/14/16	81 FR 63158
NPRM Comment Period End.	11/14/16	
Final Rule	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN26

244. Federal Acquisition Regulation (FAR); FAR Case 2017–001, Paid Sick Leave for Federal Contractors

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA plan to finalize an interim rule amending the Federal Acquisition Regulation (FAR) requiring Federal Government contractors to ensure that employees on those contracts can earn up to 7 days or more of paid sick leave annually, including paid sick leave for family care. This rule implements the objective of E.O. 13706, Establishing Paid Sick Leave for Federal Contractors and Department of Labor's final rule codified at 29 CFR part 13.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/16	81 FR 91627
Interim Final Rule Effective.	01/01/17	
Interim Final Rule Comment Period End.	02/14/17	
Final Rule	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN27

245. • Federal Acquisition Regulation (FAR); FAR Case 2015–033, Sustainable Acquisition

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA plan to issue a final rule to amends the FAR to add a new definition for sustainable products and services and update several existing definitions germane to sustainable acquisition. This rule will also provide two new Web sites to help contractors understand the sustainable acquisition requirements and gain access to a listing of sustainable products and services as determined by the Federal Government. The rule implements Executive Order 13693, Planning for Federal Sustainability in the Next Decade (supersedes E.O.s 13423 and 13514), and the biobased product acquisition provisions of the Agricultural Act of 2014 (also known as the 2014 Farm Bill).

Timetable:

Action	Date	FR Cite
NPRM	01/18/17	82 FR 5490
NPRM Comment Period End.	03/20/17	
Final Rule	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Gray, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 795–6328, *Email: chuck.gray@gsa.gov.*

RIN: 9000–AN28

246. • Federal Acquisition Regulation: FAR CASE 2016–005; Effective Communication Between Government and Industry

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: The Council amends the FAR to implement section 887 of the NDAA for FY 2016 (Pub. L. 114–92), which provides that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry.

The rule clarifies agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, in a manner consistent with existing law and regulation and without promoting an unfair competitive advantage.

Timetable:

Action	Date	FR Cite
NPRM	11/29/16	81 FR 85914
NPRM Comment Period End.	03/02/17	
Final Rule	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN29

247. • Federal Acquisition Regulation (FAR); FAR Case 2016–011, (S) Revision of Limitations on Subcontracting

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing an interim rule is to amend the Federal Acquisition Regulation (FAR) to revise and standardize the limitations on subcontracting (LOS), including the nonmanufacturer rule (NMR), which apply to small business concerns under FAR part 19 procurements. This FAR change incorporates SBA final rule which implemented the statutory requirements of section 1651 of the National Defense Authorization Act for Fiscal Year 2013. This action is necessary to meet the Congressional intent of clarifying the limitations on subcontracting with which small businesses must comply, as well as the ways in which they can comply. Failure to implement section 1651 promptly will prevent small businesses from taking advantage of subcontracts with similarly situated entities. As a result, small businesses may be unable to compete for larger contracts, which would adversely affect their potential for growth as well as that of their potential subcontractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/17	
Interim Final Rule Comment Period End.	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AN35

248. • Federal Acquisition Regulation (FAR); FAR Case 2017–004, Rate Adjustment of Liquidated Damages

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA plan to issue a final rule amending the Federal Acquisition Regulation (FAR) to adjust the civil monetary penalties for inflation pursuant to the Inflation Adjustment Act Improvements Act. This Act requires agencies to adjust the levels of civil monetary penalties with an initial catch-up adjustment, followed by the annual adjustment for inflation.

This rule implements the Department of Labor (DOL) interim final rule published in the **Federal Register** at 81 FR 43430 on July 1, 2016, finalized at 82 FR 5373 on January 18, 2017. The DOL rule adjusted the civil monetary penalties for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74).

Timetable:

Action	Date	FR Cite
Final Rule	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN37

249. • Federal Acquisition Regulation (FAR); FAR Case 2017–007, Task- and Delivery-Order Protests

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA plan to issue a final rule to raise the threshold for task- and delivery-order protests from $10 million to $25 million for DoD and make permanent the General Accountability Office's authority to hear protests on civilian task or delivery contracts valued in excess of $10 million. The rule implements sections 835 of the National Defense Authorization Act for FY 2017 (Pub. L. 114–328) and Public Law 114–260 835(a). Implementation of the Act reinforces the importance of bid protests in the procurement process as it provides relief to protestors either a sustain'' decision or voluntary agency corrective action.

Timetable:

Action	Date	FR Cite
Final Rule	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Gray, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 795–6328, *Email: chuck.gray@gsa.gov.*

RIN: 9000–AN41

250. • Federal Acquisition Regulation (FAR); FAR Case 2017–009, Special Emergency Procurement Authority

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: The Council is proposing to amend the Federal Acquisition Regulation (FAR) to implement sections 816 and 1641 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328). Section 816 adds international disaster assistance under the Foreign Assistance Act of 1961 and emergency or disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Section 1641 adds special emergency procurement authority to facilitate defense against or recovery from a cyber-attack.

Timetable:

Action	Date	FR Cite
Final Rule	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN45

251. • Federal Acquisition Regulation (FAR); FAR Case 2017–012, Increased Micro-Purchase Threshold for Certain Procurement Activities

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA plan to issue a final rule to implement section 217(b)(1) of the NDAA for FY 2017 (Pub. L. 114–328). This section provide a micro-purchase threshold of $10,000 or a higher amount, as determined appropriate by the head of the executive agency and consistent with clean audit findings under chapter 75 of title 31, internal institutional risk assessment, or state law. This new threshold applies to awards to institutions of higher education or related or affiliated nonprofit entities, or to nonprofit research organizations or independent research institutes.

Timetable:

Action	Date	FR Cite
Final Rule	08/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov.*

RIN: 9000–AN50

252. • Federal Acquisition Regulation (FAR); FAR Case 2017–015, Removal of Fair Pay and Safe Workplaces Rule

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA plan to issue a final rule to repeal the implementation of Executive Order 13673 on Fair Pay and Safe Workplaces since Executive Order 13673 was officially nullified on March 27, 2017 (see Pub. L. 115–11). Additionally, Executive Order 13782 of March 30, 2017, revoked Executive Order 13673, section 3 of Executive Order 13683 of December 11, 2014, and Executive Order 13738 of August 23, 2016. This action was made to have no force or effect by an enacted joint resolution of disapproval under the Congressional Review Act, H.J. Res. 37 (Pub. L. 115–11).

Timetable:

Action	Date	FR Cite
Final Rule, CRA Revocation.	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AN52

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Long-Term Actions

253. Federal Acquisition Regulation (FAR); FAR Case 2013–002; Expanded Reporting of Nonconforming Supplies

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to expand

Government and contractor requirements for reporting of nonconforming items. This rule partially implements section 818 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 and implement requirements of the Office of Federal Procurement Policy (OFPP) Policy Letter 91–3, entitled ''Reporting Nonconforming Products,'' dated April 9, 1991.

This change will help mitigate the growing threat that counterfeit items pose when used in systems vital to an agency's mission. The primary benefit of this rule is to reduce the risk of counterfeit items entering the supply chain by ensuring that contractors report suspect items to a widely available database.

Timetable:

Action	Date	FR Cite
NPRM	06/10/14	79 FR 33164
NPRM Comment Period End.	08/11/14	
Final Rule	06/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AM58

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

254. Federal Acquisition Regulation (FAR); FAR Case 2010–013; Privacy Training

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a final rule to amend the Federal Acquisition Regulation (FAR) to ensure all contractors are required to complete training in the protection of privacy and the handling and safeguarding of Personally Identifiable Information (PII). The proposed FAR language provides flexibility for agencies to conduct the privacy training or require the contractor to conduct the privacy training.

Completed:

Reason	Date	FR Cite
Final Rule	12/20/16	81 FR 93476
Final Rule Effective.	01/19/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Gray, *Phone:* 202 795–6328, *Email: charles.gray@gsa.gov.*

RIN: 9000–AM02

255. Federal Acquisition Regulation (FAR); FAR Case 2012–025; Applicability of the Senior Executive Compensation Benchmark

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: Withdrawal Justification: The NDAA for FY 17 repealed the retroactive applicability of the cap on contractor employee compensation (for allowability purposes), set forth in section 803(c) of the NDAA for FY 12 (Pub. L. 11281; 125 Stat. 1485; 10 U.S.C. 2324 note). Accordingly, the case was closed once the NDAA for FY 17 was signed into law.)

Completed:

Reason	Date	FR Cite
Withdrawn	03/15/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AM39

256. Federal Acquisition Regulation (FAR); FAR Case 2012–022; Contracts Under the Small Business Administration 8(a) Program

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation (FAR) to implement revisions made by the Small Business Administration to its regulations implementing section 8(a) of the Small Business Act, and to provide additional FAR coverage regarding protesting an 8(a) participant's eligibility or size status, procedures for releasing a requirement for non-8(a) procurements, and the ways a participant could exit the 8(a) Business Development program.

Completed:

Reason	Date	FR Cite
Final Rule	01/13/17	82 FR 4724
Final Rule Effective.	01/13/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AM68

257. Federal Acquisition Regulation (FAR); FAR Case 2013–014; Uniform Use of Line Items

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation to establish and require a uniform use of a line item identification structure in Federal procurement. The system is designed to improve the accuracy, traceability, and usability of procurement data.

Completed:

Reason	Date	FR Cite
Final Rule	01/13/17	82 FR 4709
Final Rule Effective.	01/13/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis; *Phone:* 202 550–0935; *Email: camara.francis@gsa.gov.*

RIN: 9000–AM73

258. Federal Acquisition Regulation (FAR); FAR Case 2014–003; Small Business Subcontracting Improvements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration (SBA) in its final rule, concerning small business subcontracting. Among other things, SBA's final rule implements the statutory requirements set forth at sections 1321 and 1322 of the Small Business Jobs Act of 2010.

Completed:

Reason	Date	FR Cite
Final Rule Effective.	11/01/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov.*

RIN: 9000–AM91

259. Federal Acquisition Regulation (FAR); FAR Case 2015–016; Prohibition on Reimbursement for Congressional Investigations and Inquiries

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition

Regulation (FAR) to implement section 857 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015. This section provides additional requirements relative to the allowability of costs incurred by a contractor in connection with a congressional investigation or inquiry.

Completed:

Reason	Date	FR Cite
Final Rule	01/13/17	82 FR 4732
Final Rule Effective.	01/13/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, *Phone:* 202 969–7207, *Email: zenaida.delgado@gsa.gov.*

RIN: 9000–AM97

260. Federal Acquisition Regulation (FAR); FAR Case 2014–004; Payment of Subcontractors

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation (FAR) to implement a section of the Small Business Jobs Act of 2010. This statute requires contractors to notify the contracting officer in writing if the contractor pays a reduced price to a small business subcontractor, or if the contractor's payment to a small business contractor is more than 90 days past due. Additional information is located in the FAR final plan (2016), available at: *https://www.acquisition.gov/.*

Completed:

Reason	Date	FR Cite
Final Rule	12/20/16	81 FR 93481
Final Rule Effective.	01/19/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis E Glover, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AM98

261. Federal Acquisition Regulation (FAR); FAR Case 2015–012; Contractor Employee Internal Confidentiality Agreements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation (FAR) to implement a section of the Consolidated and Further Continuing Appropriations Act, 2015, that prohibits the use of funds, appropriated or otherwise made available, for a contract with an entity that requires employees or subcontractors to sign an internal confidentiality agreement that restricts such employees or subcontractors from lawfully reporting waste, fraud, or abuse to a designated Government representative authorized to receive such information.

Completed:

Reason	Date	FR Cite
Final Rule	01/13/17	82 FR 4717
Final Rule Effective.	01/19/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L Davis, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN04

262. Federal Acquisition Regulation (FAR); FAR Case 2016–004; Acquisition Threshold for Special Emergency Procurement Authority

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the FAR to implement section 816 of the National Defense Authorization Act for Fiscal Year 2016 to raise the simplified acquisition threshold for special emergency procurement authority from $300,000 to $750,000 (within the United States) and from $1 million to $1.5 million (outside the United States). The threshold is used to support contingency operations or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack.

Completed:

Reason	Date	FR Cite
Final Rule	01/13/17	82 FR 4716
Final Rule Effective.	01/13/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN18

263. Federal Regulation Acquisition (FAR); FAR Case 2015–024, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation (FAR) to create an annual representation within the System for Award Management for vendors to indicate if and where they publicly disclose greenhouse gas emissions and greenhouse gas reduction goals or targets. This information will help the Government assess supplier greenhouse gas management practices and assist agencies in developing strategies to engage with contractors to reduce supply chain emissions, as directed in the Executive Order on Planning for Federal Sustainability in the Next Decade.

Completed:

Reason	Date	FR Cite
Final Rule	11/18/16	81 FR 83092
Final Rule Effective.	12/19/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Gray, *Phone:* 703 795–6328, *Email: charles.gray@gsa.gov.*

RIN: 9000–AN20

264. Federal Acquisition Regulation (FAR); FAR Case 2015–035, Removal of Regulations Relating to Telegraphic Communication

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation (FAR) to delete the use of telegram, telegraph , and related terms. The objective is to delete reference to obsolete technologies no longer in use and replace with references to electronic communications. In addition, conforming changes are proposed covering expedited notice of termination and change orders.

Completed:

Reason	Date	FR Cite
Final Rule	11/18/16	81 FR 83097
Final Rule Effective.	12/19/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Camara Francis, *Phone:* 202 550–0935, *Email: camara.francis@gsa.gov.*

RIN: 9000–AN23

[FR Doc. 2017–17028 Filed 8–23–17; 8:45 am]

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FEDERAL REGISTER

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Part XXI

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Commodity Futures Trading Commission (Commission), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of rulemakings that the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

FOR FURTHER INFORMATION CONTACT: Christopher J. Kirkpatrick, Secretary of the Commission, (202) 418–5964, *ckirkpatrick@cftc.gov,* Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, *et seq.,* includes a requirement that each agency publish semiannually in the **Federal Register** a regulatory flexibility agenda. Such agendas are to contain the following elements, as specified in 5 U.S.C. 602(a):

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in the agenda.

Accordingly, the Commission has prepared an agenda of rulemakings that it presently expects may be considered during the course of the next year. Subject to a determination for each rule, it is possible as a general matter that some of these rules may have some impact on small entities.[1] The Commission notes also that, under the RFA, it is not precluded from considering or acting on a matter not included in the regulatory flexibility agenda, nor is it required to consider or act on any matter that is listed in the agenda. *See* 5 U.S.C. 602(d).

The Commission's spring 2017 regulatory flexibility agenda is included in the Unified Agenda of Federal Regulatory and Deregulatory Actions. The complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users enhanced ability to obtain information from the Agenda database.

Issued in Washington, DC, on March 30, 2017, by the Commission.

Robert N. Sidman,

Deputy Secretary of the Commission.

COMMODITY FUTURES TRADING COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation identifier No.
265	Regulation Automated Trading	3038–AD52

COMMODITY FUTURES TRADING COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation identifier No.
266	Indemnification Rulemaking	3038–AE44

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Proposed Rule Stage

265. Regulation Automated Trading

Legal Authority: 7 U.S.C. 1a(23), 7 U.S.C. 6c(a); 7 U.S.C. 7(d); and 7 U.S.C. 12(a)(5)

Abstract: On November 7, 2016, the Commodity Futures Trading Commission (''Commission'') approved a supplemental notice of proposed rulemaking for Regulation AT (''Supplemental NPRM''). The Supplemental NPRM modifies certain rules proposed in the Commission's December 2015 notice of proposed rulemaking for Regulation AT. The Supplemental NPRM was published in the **Federal Register** on November 25, 2016, with a 90-day comment period closing on January 24, 2017. The Commission subsequently extended the comment period until May 1, 2017.

Timetable:

Action	Date	FR Cite
ANPRM	09/12/13	78 FR 56542
ANPRM Comment Period End.	12/11/13	
ANPRM Comment Period Extended.	01/24/14	79 FR 4104
ANPRM Comment Period Extended End.	02/14/14	
NPRM	12/17/15	80 FR 78824
NPRM Comment Period End.	03/16/16	
NPRM Comment Period Reopened.	06/10/16	81 FR 36484
NPRM Comment Period Reopened End.	06/24/16	
Supplemental NPRM.	11/25/16	81 FR 85334

[1] The Commission published its definition of a ''small entity'' for purposes of rulemaking proceedings at 47 FR 18618 (April 30, 1982). Pursuant to that definition, the Commission is not required to list—but nonetheless does—many of the items contained in this regulatory flexibility agenda. *See also* 5 U.S.C. 602(a)(1). Moreover, for certain items listed in this agenda, the Commission has previously certified, under section 605 of the RFA, 5 U.S.C. 605, that those items will not have a significant economic impact on a substantial number of small entities. For these reasons, the listing of a rule in this regulatory flexibility agenda should not be taken as a determination that the rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. Rather, the Commission has chosen to publish an agenda that includes significant and other substantive rules, regardless of their potential impact on small entities, to provide the public with broader notice of new or revised regulations the Commission may consider and to enhance the public's opportunity to participate in the rulemaking process.

Action	Date	FR Cite
Supplemental NPRM Comment Period End.	01/24/17	
Supplemental NPRM Comment Period Extended.	01/26/17	82 FR 8502
Supplemental NPRM Comment Period Extended End.	05/01/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilee Dahlman, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. *Phone:* 202 418–5264, *Email: mdahlman@cftc.gov.*

RIN: 3038–AD52

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Final Rule Stage

266. Indemnification Rulemaking

Legal Authority: CEA 8a(5) and 21

Abstract: The FAST Act repealed CEA 21(d)(2), added to the CEA by Dodd-Frank 728, which provided that domestic and foreign regulators that are otherwise eligible to, and that do, request data from an SDR (collectively Regulators) agree to indemnify the SDR and the CFTC for expenses resulting from litigation relating to the information provided. When considered in light of the CFTC's current regulations addressing Regulators' access to SDR data, the removal of the indemnification requirement presents a number of issues, primarily related to the scope of Regulators' access to SDR data, and maintaining the confidentiality of such data consistent with CEA 8. The Commission addressed these issues in a notice of proposed rulemaking (NPRM) that revises the current approach to Regulators' access to SDRs' swap data and sets forth more information regarding the confidentiality agreement that is required by CEA 21(d).

Timetable:

Action	Date	FR Cite
NPRM	01/25/17	82 FR 8369
NPRM Comment Period End.	03/27/17	
FInal Rule	12/00/17	
Final Action Effective.	01/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel J. Bucsa, Deputy Director, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, *Phone:* 202 418–5435, *Email: dbucsa@cftc.gov.*

David E. Aron, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, *Phone:* 202 418–6621, *Email: daron@cftc.gov.*

Owen Kopon, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, *Phone:* 202 418–5360, *Email: okopon@cftc.gov.*

RIN: 3038–AE44

[FR Doc. 2017–16987 Filed 8–23–17; 8:45 am]

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Part XXII

Bureau of Consumer Financial Protection

Semiannual Regulatory Agenda

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Ch. X

Semiannual Regulatory Agenda

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Bureau of Consumer Financial Protection (CFPB or Bureau) is publishing this agenda as part of the Spring 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions. The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from May 1, 2017 to April 30, 2018. The next agenda will be published in fall 2017, and will update this agenda through fall 2018. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

DATES: This information is current as of April 7, 2017.

ADDRESSES: Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein.

SUPPLEMENTARY INFORMATION: The CFPB is publishing its spring 2017 Agenda as part of the Spring 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda lists the regulatory matters that the CFPB reasonably anticipates having under consideration during the period from May 1, 2017 to April 30, 2018, as described further below.[1] The CFPB's participation in the Unified Agenda is voluntary. The complete Unified Agenda is available to the public at the following Web site: *http://www.reginfo.gov.*

Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (Dodd-Frank Act), the CFPB has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. These authorities include the ability to issue regulations under more than a dozen Federal consumer financial laws, which transferred to the CFPB from seven Federal agencies on July 21, 2011. The Bureau's general purpose as specified in section 1021 of the Dodd-Frank Act is to implement and enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.

The CFPB is working on a wide range of initiatives to address issues in markets for consumer financial products and services that are not reflected in this notice because the Unified Agenda is limited to rulemaking activities. Section 1021 of the Dodd-Frank Act specifies the objectives of the Bureau, including providing consumers with timely and understandable information to make responsible decisions about financial transactions; protecting consumers from unfair, deceptive, or abusive acts and practices and from discrimination; addressing outdated, unnecessary, or unduly burdensome regulations; enforcing Federal consumer financial law consistently in order to promote fair competition, without regard to the status of a covered person as a depository institution; and promoting the transparent and efficient operation of markets for consumer financial products and services to facilitate access and innovation. The CFPB's regulatory work in pursuit of those objectives can be grouped into three main categories: (1) Implementing statutory directives; (2) other efforts to address market failures, facilitate fair competition among financial services providers, and improve consumer understanding; and (3) modernizing, clarifying, and streamlining consumer financial regulations to reduce unwarranted regulatory burdens.

Implementing Statutory Directives

Much of the Bureau's rulemaking work is focusing on implementing directives mandated in the Dodd-Frank Act and other statutes. As part of these rulemakings, the Bureau is working to achieve the consumer protection objectives of the statutes while minimizing regulatory burden on financial services providers and facilitating a smooth implementation process for both industry and consumers.

For example, the Bureau is continuing efforts to facilitate implementation of critical consumer protections under the Dodd-Frank Act that guard against mortgage market practices that contributed to the nation's most significant financial crisis in several decades. Since 2013, the Bureau has issued regulations as directed by the Dodd-Frank Act to implement certain protections for mortgage originations and servicing, integrate various Federal mortgage disclosures, and amend mortgage reporting requirements under the Home Mortgage Disclosure Act (HMDA). The Bureau is conducting follow-up rulemakings as warranted to address issues that have arisen during the implementation process for these rules and to provide greater clarification and certainty to financial services providers. The Bureau has three such efforts underway at this time:

- The Bureau expects to issue a final rule this summer to make certain adjustments and clarifications to prior rules mandated by the Dodd-Frank Act to combine several Federal mortgage disclosures that consumers receive in connection with applying for and closing on a mortgage loan under the Truth in Lending Act (TILA) and the Real Estate Settlement Procedures Act (RESPA). The consolidated disclosures rule is the cornerstone of the Bureau's broader ''Know Before You Owe'' mortgage initiative.
- The Bureau is conducting two follow-up rulemakings to facilitate compliance with its prior rule to implement Dodd-Frank amendments to HMDA, which largely takes effect in 2018, as well as provisions of the Equal Credit Opportunity Act that also concern data collection and reporting. The Bureau is also continuing to work closely with industry and other regulators to streamline and modernize HMDA data collection and reporting in conjunction with implementation of the Dodd-Frank amendments.
- The Bureau is expecting to issue a small final rule later this summer making technical corrections to the mortgage servicing rule that the Bureau issued in August 2016 under Regulation X (which implements RESPA) and Regulation Z (which implements TILA).

The Bureau is also starting work to implement section 1071 of the Dodd-Frank Act, which amends ECOA to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. The Bureau is focusing on outreach and research to develop its understanding of the players, products, and practices in the small business lending market and of the potential ways to implement section 1071. The CFPB then expects to begin developing proposed regulations concerning the data to be collected, potential ways to minimize burdens on lenders, and appropriate procedures and privacy protections needed for

[1] The listing does not include certain routine, frequent, or administrative matters. Further, certain of the information fields for the listing are not applicable to independent regulatory agencies, including the CFPB, and, accordingly, the CFPB has indicated responses of ''no'' for such fields.

information-gathering and public disclosure.

Other Efforts To Address Market Failures, Facilitate Fair Competition Among Financial Services Providers, and Improve Consumer Understanding

The Bureau is considering rules in places where there are substantial market failures that make it difficult for consumers to engage in informed decision making and otherwise protect their own interests. In addition, the Dodd-Frank Act directs the Bureau to focus on activities that promote fair competition among financial services providers, which itself has substantial benefits for consumers.

For example, the Bureau released a Notice of Proposed Rulemaking (NPRM) in June 2016, building on several years of research documenting consumer harms from practices related to payday loans, auto title loans, and other similar credit products. In particular, the Bureau is concerned that product structure, lack of underwriting, and certain other lender practices are interfering with consumer decision making with regard to such products and trapping large numbers of consumers in extended cycles of debt that they do not expect. The Bureau is also concerned that certain lenders' payment collection practices are causing substantial harm to consumers, including substantial unexpected fees and heightened risk of losing their checking accounts. The Bureau continues to believe that the concerns articulated in the NPRM are substantial, and is carefully considering more than one million comments received in response to the proposal with respect to how best to address those concerns in a manner consistent with the Bureau's objectives under the Dodd-Frank Act.

The Bureau is also considering comments received in response to its May 2016 NPRM concerning the use of agreements between financial services providers and consumers providing for arbitration of any future disputes. The rulemaking follows on a groundbreaking study by the Bureau, as mandated by Congress under the Dodd-Frank Act. The Bureau is concerned that these ''mandatory pre-dispute arbitration agreements'' are being used to prevent consumers from joining together to obtain relief for legal violations concerning consumer financial products and services, and that financial services providers who use such agreements therefore have far weaker incentives to obey the law than providers who do not. The Bureau continues to believe that the concerns articulated in the NPRM are substantial, and is carefully considering more than 120,000 comments received in response to the proposal with respect to how best to address those concerns in a manner consistent with the Bureau's objectives under the Dodd-Frank Act.

The Bureau is also engaged in rulemaking activities regarding the debt collection market, which continues to be the single largest source of complaints to the Federal Government of any industry. The Bureau is concerned that because consumers cannot choose their debt collectors or ''vote with their feet,'' they have less ability to protect themselves from harmful practices. In January 2017, the Bureau published the results of a survey of consumers about their experiences with debt collection. The Bureau has also received encouragement from industry to engage in rulemaking to resolve conflicts in case law and address issues of concern under the Fair Debt Collection Practices Act (FDCPA), such as the application of the FDCPA to modern communication technologies under the 40-year-old statute. The Bureau released an outline of proposals under consideration in July 2016, concerning practices by companies that are ''debt collectors'' under the FDCPA, in advance of convening a panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy to consult with representatives of small businesses that might be affected by the rulemaking. Building on the feedback received through the SBREFA process and other sources, the Bureau has now decided to issue a proposed rule later in 2017 concerning FDCPA collectors' communications practices and consumer disclosures. The Bureau intends to follow up separately at a later time about concerns regarding information flows between creditors and FDCPA collectors and about potential rules to govern creditors that collect their own debts.

The Bureau is also engaged in policy analysis and further research initiatives in preparation for a potential rulemaking regarding overdraft programs on checking accounts. After several years of research, the Bureau believes that there are consumer protection concerns with regard to these programs. Consumers do not shop based on overdraft fee amounts and policies, and the market for overdraft services does not appear to be competitive. Under the current regulatory regime consumers can opt in to permit their financial institution to charge fees for ATM and point-of-sale debit overdrafts, but the complexity of the system may complicate consumer decision making. Despite widespread use of disclosure forms, the regime produces substantially different opt-in rates across different depository institutions and the Bureau's supervisory and enforcement work indicates that some institutions are aggressively steering consumers to opt in. The CFPB is engaged in consumer testing of revised opt-in forms and considering whether other regulatory changes may be warranted to enhance consumer decision making.

In addition, the Bureau is continuing rulemaking activities that will ensure meaningful supervision of non-bank financial services providers in order to create a more level playing field for depository and non-depository institutions. Under section 1024 of the Dodd-Frank Act, the CFPB is authorized to supervise ''larger participants'' of markets for various consumer financial products and services as defined by Bureau rule. The Bureau has defined the threshold for larger participants in several markets in past rulemakings, and is now working to develop a proposed rule that would define non-bank ''larger participants'' in the market for personal loans, including consumer installment loans and vehicle title loans. The Bureau is also considering whether rules to require registration of these or other non-depository lenders would facilitate supervision, as has been suggested to the Bureau by both consumer advocates and industry groups.

The Bureau's recent rulemaking concerning prepaid financial products also advanced fairness and consistency objectives by creating a uniform disclosure regime and providing basic protections similar to those enjoyed by users of debit cards and credit cards. The Bureau is in the process of working with industry to facilitate implementation of this rule, and recently proposed to extend the October 2017, effective date by six months in order to ensure a smoother transition for consumers and industry. The Bureau is also considering concerns raised by industry participants regarding certain substantive aspects of the prepaid rule that they assert are posing particular complexities for implementation or may have negative consequences for consumers that were not anticipated or fully explained by commenters in the course of the original rulemaking. The Bureau expects to issue a proposal to make some substantive changes to the rule in response to these concerns later this spring.

Modernizing, Streamlining, and Clarifying Consumer Financial Regulations

The Bureau's third group of activities concerns modernizing, streamlining, and clarifying consumer financial regulations and other activities to reduce unwarranted regulatory burdens as directed by the Dodd-Frank Act. Since most of the Federal consumer financial laws that the Bureau administers were enacted in the 1960s and 1970s, there is often substantial demand for these activities from both industry and consumer advocates alike.

In addition to some of the projects mentioned above that advance these objectives, such as the HMDA processes modernization and debt collection rulemakings, the Bureau is pursuing a number of other research, policy, and rulemaking initiatives. For example, section 1022(d) of the Dodd-Frank Act specifically directs the Bureau to assess the effectiveness of significant rules five years after they are implemented, including seeking public comment. The Bureau recently published a request for comment on its plan to assess the effectiveness of the rule the Bureau adopted to implement provisions of the Dodd-Frank Act regulating consumer remittance transfers of money to international recipients,[2] and expects to seek comment later this year on its plans to assess the effectiveness of certain of the Dodd-Frank Act mortgage rules discussed above. As required by section 1022(d), those notices will solicit comments on recommendations for modifying, expanding, or eliminating the rules in regulation. The Bureau expects to conduct substantial research for each of the section 1022(d) assessments, which will not only lay the foundation for subsequent decisions as to whether adjustments to the specific rules are warranted but also to continue to refine its thinking about how best to assess the benefits and costs of individual regulations more generally.

The Bureau is also considering rules to modernize the Bureau's database of credit card agreements to reduce burden on issuers that submit credit card agreements to the Bureau and make the database more useful for consumers and the general public. The Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act) requires credit card issuers to post their credit card agreements to their Internet site, and submit those agreements to the Bureau to be posted on an Internet site maintained by the Bureau. The Bureau believes an improved submission process and database would be more efficient for both industry and the Bureau and would allow consumers and the general public to access and analyze information more easily.

The Bureau has also launched several initiatives focusing on ways to facilitate technological and product innovation that could benefit consumers. These include the CFPB's Trial Disclosure Waiver Program, which is designed to implement the Bureau's authority under section 1032 of the Dodd-Frank Act to grant financial services providers temporary waivers to conduct controlled field experiments of consumer disclosures. In addition, the Bureau has published a policy to facilitate the issuance of ''No Action Letters'' indicating that Bureau staff has no present intention to recommend enforcement or supervisory action with respect to specific applicants who wish to provide innovative financial products or services that promise substantial consumer benefit but raise substantial uncertainty as to application of existing consumer financial laws. The Bureau has also recently published two Requests for Information (RFI) seeking to explore the potential benefits and risks to consumers of recent developments in the marketplace relating to use of consumer data. Specifically, one RFI focused on how consumers are exercising control over their own personal financial data, including the data maintained by their financial institutions, both through direct access of the data and consumers' sharing of such data with third parties such as companies that use aggregated data to provide consumers with financial advice and tracking services across multiple types of financial accounts.[3] The other concerned use of so-called ''alternative data'' in the credit process, including to assess the creditworthiness of consumers who do not have substantial traditional credit histories.[4]

The Bureau also expects later this year to begin the first in a series of reviews of existing regulations that it inherited from other agencies through the transfer of authorities under the Dodd-Frank Act. The Bureau had previously sought feedback on the inherited rules as a whole,[5] and identified and executed several burden reduction projects from that undertaking.[6] The Bureau has largely completed those initial projects,[7] and believes that the next logical step is to review individual regulations—or portions of large regulations—in more detail to identify opportunities to clarify ambiguities, address developments in the marketplace, or modernize or streamline provisions. The Bureau notes that other Federal financial services regulators have engaged in these types of reviews over time, and believes that such an initiative would be a natural complement to its work to facilitate implementation of new regulations.

The Bureau has also recently formed an internal task force to coordinate and deepen the Agency's focus on concerns about regulatory burdens and on projects to identify and reduce unwarranted regulatory burdens consistent with the Bureau's objectives under section 1021 of the Dodd-Frank Act.

Further Planning

Finally, the Bureau is continuing to conduct outreach and research to assess issues in various other markets for consumer financial products and services beyond those discussed above. As this work continues, the Bureau will evaluate possible policy responses, including possible rulemaking actions, taking into account the critical need for and effectiveness of various policy tools. The Bureau will update its regulatory agenda in fall 2018, to reflect the results of this further prioritization and planning.

Dated: April 7, 2017.

Kelly Thompson Cochran,

Assistant Director for Regulations, Bureau of Consumer Financial Protection.

[2] 82 FR 15009 (Mar. 24, 2017).

[3] 81 FR 83806 (Nov. 22, 2016).

[4] 82 FR 11183 (Feb. 17, 2017).

[5] 76 FR 75825 (Dec. 5, 2011).

[6] See 79 FR 64057 (Oct. 28, 2014); 78 FR 25818 (May 3, 2013); 78 FR 18221 (Mar. 26, 2013). In some cases Congress took action related to the same topics identified as part of the Bureau's streamlining initiative. *See, e.g.,* 81 FR 44801 (July 11, 2016); 78 FR 18221 (Mar. 26, 2013).

[7] The Bureau expects to complete work later this year on a final rule amending certain requirements concerning annual privacy notices under the Gramm-Leach-Bliley Act. The Bureau conducted a prior rulemaking to make it easier for financial services providers to deliver such notices via their Web sites. 79 FR 64057 (Oct. 28, 2014). Congress then amended the underlying law to create a broader exception. That amendment took effect in December 2015, and the Bureau is completing certain conforming regulatory amendments to reflect the statutory change.

CONSUMER FINANCIAL PROTECTION BUREAU—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
267	Business Lending Data (Regulation B)	3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
268	Payday, Vehicle Title, and Certain High-Cost Installment Loans	3170–AA40

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Prerule Stage

267. Business Lending Data (Regulation B)

Legal Authority: 15 U.S.C. 1691c–2

Abstract: Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Equal Credit Opportunity Act (ECOA) to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. The amendments to ECOA made by the Dodd-Frank Act require that certain data be collected and maintained, including the number of the application and date the application was received; the type and purpose of the loan or credit applied for; the amount of credit applied for and approved; the type of action taken with regard to each application and the date of such action; the census tract of the principal place of business; the gross annual revenue of the business; and the race, sex, and ethnicity of the principal owners of the business. The Dodd-Frank Act also provides authority for the CFPB to require any additional data that the CFPB determines would aid in fulfilling the purposes of this section. The Bureau is focusing on outreach and research to develop its understanding of the players, products, and practices in the small business lending market and of the potential ways to implement section 1071. The CFPB then expects to begin developing proposed regulations concerning the data to be collected, potential ways to minimize burdens on lenders, and appropriate procedures and privacy protections needed for information-gathering and public disclosure.

Timetable:

Action	Date	FR Cite
Prerule Activities	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elena Grigera Babinecz, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Proposed Rule Stage

268. Payday, Vehicle Title, and Certain High-Cost Installment Loans

Legal Authority: 12 U.S.C. 5531; 12 U.S.C. 5532; 12 U.S.C. 5512; 12 U.S.C. 5551

Abstract: The Bureau is conducting a rulemaking to address consumer harms from practices related to payday loans and other similar credit products, including failure to determine whether consumers have the ability to repay without default or reborrowing and certain payment collection practices. The Bureau released a Notice of Proposed Rulemaking in June 2016 that would identify it as an abusive and unfair practice for a lender to make a covered loan without reasonably determining that the consumer has the ability to repay the loan. Among other things, the proposal would require that, before making a covered loan, a lender must reasonably determine that the consumer has the ability to repay the loan. The Bureau received more than 1 million comments on the proposal.

Timetable:

Action	Date	FR Cite
NPRM	07/22/16	81 FR 47863
Request For Information.	07/22/16	81 FR 47781
NPRM Comment Period End.	10/07/16	
Request For Information Comment Period End.	11/07/16	
Complete Initial Review of Comments to NPRM.	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Morelli, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA40

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Part XXIII

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions that the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866. The Commission welcomes comments on the agenda and on the individual agenda entries.

DATES: Comments should be received in the Office of the Secretary on or before September 25, 2017.

ADDRESSES: Comments on the regulatory flexibility agenda should be captioned, ''Regulatory Flexibility Agenda,'' and submitted by email to *cpsc-os@cpsc.gov.* Comments may also be mailed or delivered to the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Charu Krishnan, Directorate for Economic Analysis, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408; *ckrishnan@cpsc.gov.* For further information regarding a particular item on the agenda, consult the individual listed in the column headed ''Contact'' for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 to 612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated, which is likely to have a ''significant economic impact'' on a ''substantial number'' of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda also is required to contain the name and address of the agency official knowledgeable about the items listed. Furthermore, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish, twice each year, a regulatory agenda of regulations under development or review during the next year, and the executive order states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that appeared in the fall 2016 agenda and have been completed by the Commission prior to publication of this agenda. Although CPSC, as an independent regulatory agency, is not required to comply with Executive Orders, the Commission does follow Executive Order 12866 with respect to the publication of its regulatory agenda.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda.

The Internet is the basic means through which the Unified Agenda is disseminated. The complete Unified Agenda will be available online at: *www.reginfo.gov,* in a format that offers users the ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Commission's printed agenda entries include only:

(1) Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

The agenda reflects an assessment of the likelihood that the specified event will occur during the next year; the precise dates for each rulemaking are uncertain. New information, changes of circumstances, or changes in law may alter anticipated timing. In addition, no final determination by staff or the Commission regarding the need for, or the substance of, any rule or regulation should be inferred from this agenda.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
269	Regulatory Options for Table Saws	3041–AC31

CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
270	Determinations Regarding Third Party Testing of Phthalates In Four Specified Plastics	3041–AD59

CONSUMER PRODUCT SAFETY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
271	Flammability Standard for Upholstered Furniture	3041–AB35
272	Portable Generators	3041–AC36
273	Recreational Off-Road Vehicles	3041–AC78

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
274	Standard for Sling Carriers	3041–AD28
275	Standard for Infant Bath Tubs	3041–AD37
276	Rule Review of: Standard for the Flammability (Open Flame) of Mattress Sets (Completion of a Section 610 Review).	3041–AD47

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Proposed Rule Stage

269. Regulatory Options for Table Saws

Legal Authority: 5 U.S.C. 553(e); 15 U.S.C. 2051

Abstract: On July 11, 2006, the Commission voted to grant a petition requesting that the Commission issue a rule prescribing performance standards for a system to reduce or prevent injuries from contacting the blade of a table saw. The Commission also directed CPSC staff to prepare an advance notice of proposed rulemaking (ANPRM) initiating a rulemaking proceeding under the Consumer Product Safety Act (CPSA) to: (1) Identify the risk of injury associated with table saw blade-contact injuries; (2) summarize regulatory alternatives, and (3) invite comments from the public. An ANPRM was published on October 11, 2011. The comment period ended on February 10, 2012. Staff participated in the Underwriters Laboratories (UL) working group development of performance requirements for table saws, conducted performance tests on sample table saws, conducted survey work on blade guard use, and evaluated comments to the ANPRM. Staff prepared a briefing package with a notice of proposed rulemaking (NPRM) and submitted the package to the Commission on January 17, 2017. The Commission voted to publish the NPRM and the comment period for the NPRM is closing on July 26, 2017.

Timetable:

Action	Date	FR Cite
Commission Decision to Grant Petition.	07/11/06	
ANPRM	10/11/11	76 FR 62678
Notice of Extension of Time for Comments.	12/02/11	76 FR 75504
ANPRM Comment Period End.	12/12/11	
Comment Period End.	02/10/12	
Notice to Reopen Comment Period.	02/15/12	77 FR 8751
Reopened Comment Period End.	03/16/12	
Staff Sent NPRM Briefing Package to Commission.	01/17/17	
Commission Decision.	04/27/17	
NPRM	05/12/17	82 FR 22190
NPRM Comment Period End.	07/26/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov.*

RIN: 3041–AC31

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Final Rule Stage

270. Determinations Regarding Third Party Testing of Phthalates in Four Specified Plastics

Legal Authority: Sec 3, Pub. L. 110–314, 122 Stat. 3016; 15 U.S.C. 2063(d)(3)(B)

Abstract: Section 14(i)(3) of the Consumer Product Safety Act requires the Commission to seek opportunities to reduce the cost of third party testing requirements consistent with assuring compliance with any applicable children's product safety rule. Staff prepared for Commission consideration a briefing package with a draft notice of proposed rulemaking (NPRM) regarding third party testing of phthalates in four specified plastics. The Commission approved the NPRM on August 9, 2016. After reviewing submitted comments, staff will prepare a final rule briefing package for Commission consideration.

Timetable:

Action	Date	FR Cite
Staff Sends NPRM to the Commission.	08/03/16	
Commission Decision.	08/09/16	
NPRM Published in the **Federal Register**.	08/17/16	81 FR 54754
NPRM Comment Period End.	10/31/16	
Staff Sends Final Rule Briefing Package to Commission.	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Randy Butturini, Project Manager, Office of Hazard Identification and Reduction, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, *Phone:* 301 504–7562, *Email: rbutturini@cpsc.gov.*

RIN: 3041–AD59

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Long-Term Actions

271. Flammability Standard for Upholstered Furniture

Legal Authority: 15 U.S.C. 1193; 5 U.S.C. 801

Abstract: In October 2003, the Commission issued an advance notice of proposed rulemaking (ANPRM) to address the risk of fire associated with cigarette and small open-flame ignitions of upholstered furniture. The Commission published a notice of proposed rulemaking (NPRM) in March 2008, and received public comments. The Commission's proposed rule would require that upholstered furniture have cigarette-resistant fabrics or cigarette- and open flame-resistant barriers. The proposed rule would not require flame-resistant chemicals in fabrics or fillings. Since the Commission published the NPRM, CPSC staff has conducted testing of upholstered furniture, using both full-scale furniture and bench-scale models, as proposed in the NPRM. In FY 2016, staff was directed to prepare a briefing package summarizing the feasibility of adopting California's Technical Bulletin 117–2013 (TB 117–2013) as a mandatory standard. Currently, staff is working with voluntary standards organizations, both ASTM and NFPA, and the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI) to evaluate new provisions and improve the existing consensus standards related to upholstered furniture flammability. Staff intends to prepare a package with options for Commission consideration that includes terminating rulemaking and pursuing alternative approaches to address the hazard.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/94	59 FR 30735
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame-Retardant Chemicals.	03/17/98	63 FR 13017
Meeting Notice	03/20/02	67 FR 12916
Notice of Public Meeting.	08/27/03	68 FR 51564
Public Meeting	09/24/03	
ANPRM	10/23/03	68 FR 60629
ANPRM Comment Period End.	12/22/03	
Staff Held Public Meeting.	10/28/04	
Staff Held Public Meeting.	05/18/05	
Staff Sent Status Report to Commission.	01/31/06	
Staff Sent Status Report to Commission.	11/03/06	
Staff Sent Status Report to Commission.	12/28/06	
Staff Sent Options Package to Commission.	12/22/07	
Commission Decision to Direct Staff to Prepare Draft NPRM.	12/27/07	
Staff Sent Draft NPRM to Commission.	01/22/08	
Commission Decision to Publish NPRM.	02/01/08	
NPRM	03/04/08	73 FR 11702
NPRM Comment Period End.	05/19/08	
Staff Published NIST Report on Standard Test Cigarettes.	05/19/09	
Staff Publishes NIST Report on Standard Research Foam.	09/14/12	
Notice of April 25 Public Meeting and Request for Comments.	03/20/13	78 FR 17140
Staff Holds Upholstered Furniture Fire Safety Technology Meeting.	04/25/13	
Comment Period End.	07/01/13	
Staff Sends Briefing Package to Commission on California's TB117–2013.	09/08/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew Lock, Project Manager, Directorate for Laboratory Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2099, *Email: alock@cpsc.gov.*

RIN: 3041–AB35

272. Portable Generators

Legal Authority: 15 U.S.C. 2051

Abstract: On December 5, 2006, the Commission voted to issue an advance notice of proposed rulemaking (ANPRM) under the Consumer Product Safety Act (CPSA) concerning portable generators. The ANPRM discusses regulatory options that could reduce deaths and injuries related to portable generators, particularly those involving carbon monoxide (CO) poisoning. The ANPRM was published in the **Federal Register** on December 12, 2006. Staff reviewed public comments and conducted technical activities. In FY 2006, staff awarded a contract to develop a prototype generator engine with reduced CO in the exhaust. Also in FY 2006, staff entered into an interagency agreement (IAG) with the National Institute of Standards and Technology (NIST) to conduct tests with a generator, in both off-the-shelf and prototype configurations, operating in the garage attached to NIST's test house. NIST's test house, a double-wide manufactured home, is designed for conducting residential indoor air quality (IAQ) studies, and the scenarios tested are typical of those involving consumer fatalities. These tests provide empirical data on CO accumulation in the garage and infiltration into the house; staff used these data to evaluate the efficacy of the prototype in reducing the risk of fatal or severe CO poisoning. Under this IAG, NIST also modeled the CO infiltration from the garage under a variety of other conditions, including different ambient conditions and longer generator run times. In FY 2009, staff entered into a second IAG with NIST with the goal of developing CO emission performance requirements for a possible proposed regulation that would be based on health effects criteria. In 2011, staff prepared a package containing staff and contractor reports on the technology demonstration of the low CO emission prototype portable generator. This included, among other staff reports, a summary of the prototype development and durability results, as well as end-of-life emission test results performed on it by an independent emissions laboratory. Staff's assessment of the ability of the prototype to reduce the CO poisoning hazard was also included. In September 2012, staff released this package and solicited comments from stakeholders. In October 2016, staff delivered a briefing package with a draft notice of proposed rulemaking (NPRM) to the Commission. In November 2016, the Commission voted to approve the NPRM. The notice was published in the **Federal Register** on November 21, 2016, with a comment period deadline of February 6, 2017. In December 2016, the Commission voted to extend the comment period until April 24, 2017 in response to a request to extend the comment period an additional 75 days. The Commission held a public hearing on March 8, 2017 to provide an

opportunity for stakeholders to present oral comments on the NPRM. Staff will review the comments on the NPRM and begin to prepare a final rule briefing package for Commission consideration.

Timetable:

Action	Date	FR Cite
Staff Sent ANPRM to Commission.	07/06/06	
Staff Sent Supplemental Material to Commission.	10/12/06	
Commission Decision.	10/26/06	
Staff Sent Draft ANPRM to Commission.	11/21/06	
ANPRM	12/12/06	71 FR 74472
ANPRM Comment Period End.	02/12/07	
Staff Releases Research Report for Comment.	10/10/12	
Staff Sends NPRM Briefing Package to Commission.	10/05/16	
NPRM	11/21/16	81 FR 83556
Public Hearing for Oral Comments.	03/08/17	82 FR 8907
NPRM Comment Period End.	04/24/17	
Staff Sends Draft Final Rule to Commission.	09/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet L. Buyer, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2293, *Email: jbuyer@cpsc.gov.*

RIN: 3041–AC36

273. Recreational Off-Road Vehicles

Legal Authority: 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: The Commission is considering whether recreational off-road vehicles (ROVs) present an unreasonable risk of injury that should be regulated. ROVs are motorized vehicles having four or more low-pressure tires designed for off-road use and intended by the manufacturer primarily for recreational use by one or more persons. The salient characteristics of an ROV include a steering wheel for steering control, foot controls for throttle and braking, bench or bucket seats, a roll-over protective structure, and a maximum speed greater than 30 mph. On October 21, 2009, the Commission voted to publish an advance notice of proposed rulemaking (ANPRM) in the **Federal Register**. The ANPRM was published in the **Federal Register** on October 28, 2009, and the comment period ended December 28, 2009. The Commission received two letters requesting an extension of the comment period. The Commission extended the comment period until March 15, 2010. Staff conducted testing and evaluation programs to develop performance requirements addressing vehicle stability, vehicle handling, and occupant protection. On October 29, 2014, the Commission voted to publish an NPRM proposing standards addressing vehicle stability, vehicle handling, and occupant protection. The NPRM was published in the **Federal Register** on November 19, 2014. On January 23, 2015, the Commission published a notice of extension of the comment period for the NPRM, extending the comment period to April 8, 2015. The Omnibus Appropriations Bill provides that during fiscal year 2016, none of the amounts made available by the Appropriations Bill may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the CPSC in the **Federal Register** on November 19, 2014 (79 FR 68964) (ROV NPRM) until after the National Academy of Sciences completes a study to determine specific information as set forth in the Appropriations Bill. Staff ceased work on a Final Rule briefing package in FY 15 and instead engaged the Recreational Off-Highway Vehicle Association (ROHVA) and Outdoor Power Equipment Institute (OPEI) in the development of voluntary standards for ROVs. Staff conducted dynamic and static tests on ROVs, shared test results with ROHVA and OPEI, and participated in the development of revised voluntary standards to address staff's concerns with vehicle stability, vehicle handling, and occupant protection. The voluntary standards for ROVs were revised and published in 2016 (ANSI/ROHVA 1–2016 and ANSI/OPEI B71.9–2016). Staff assessed the new voluntary standard requirements and prepared a termination of rulemaking briefing package that was submitted to the Commission on November 22, 2016. The Commission voted not to terminate the rulemaking associated with ROVs.

Timetable:

Action	Date	FR Cite
Staff Sends ANPRM Briefing Package to Commission.	10/07/09	
Commission Decision.	10/21/09	
ANPRM	10/28/09	74 FR 55495
ANPRM Comment Period Extended.	12/22/09	74 FR 67987
Extended Comment Period End.	03/15/10	
Staff Sends NPRM Briefing Package to Commission.	09/24/14	
Staff Sends Supplemental Information on ROVs to Commission.	10/17/14	
Commission Decision.	10/29/14	
NPRM Published in **Federal Register**.	11/19/14	79 FR 68964
NPRM Comment Period Extended.	01/23/15	80 FR 3535
Extended Comment Period End.	04/08/15	
Staff Sends Briefing Package Assessing Voluntary Standards to Commission.	11/22/16	
Commission Decision Not to Terminate.	01/25/17	
Staff is Evaluating Voluntary Standards.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov.*

RIN: 3041–AC78

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

274. Standard for Sling Carriers

Legal Authority: Pub. L. 110–314, sec. 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable

voluntary standards, and in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard, or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that not later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every six months thereafter. The Commission proposed a consumer product safety standard for infant sling carriers as part of this series of standards for durable infant and toddler products. On June 13, 2014, staff sent an NPRM briefing package to the Commission. The Commission voted to approve publication of the NPRM in the **Federal Register**. The NPRM was published in the **Federal Register** on July 23, 2014. Following review of the comments, staff prepared a Final Rule briefing package for the Commission's consideration. On January 11, 2017, the Commission voted to publish a Final Rule. The Final Rule was published in the **Federal Register** on January 30, 2017 (82 FR 8671).

Timetable:

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to the Commission.	06/13/14	
Commission Decision to Publish NPRM.	07/09/14	
NPRM	07/23/14	79 FR 42724
NPRM Comment Period End.	10/06/14	
Staff Sent Final Rule Briefing Package to Commission.	12/21/16	
Commission Decision to Publish Final Rule.	01/11/17	
Final Rule	01/30/17	82 FR 8671

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alice Thaler, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2240, *Email: athaler@cpsc.gov.*

RIN: 3041–AD28

275. Standard for Infant Bath Tubs

Legal Authority: Pub. L. 110–314 sec. 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards and, in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that not later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every 6 months thereafter. The Commission proposed a consumer product safety standard for infant baths as part of this series of standards for durable infant and toddler products. Staff submitted an NPRM briefing package for Commission consideration on July 31, 2015. The Commission approved publication of the draft NPRM in the **Federal Register**, and the NPRM was published on August 14, 2015. Staff submitted a Final Rule briefing package to the Commission on March 15, 2017 for consideration. On March 24, 2017, the Commission voted to approve publication of the final rule. The Final Rule was published on March 30, 2017, and becomes effective on October 2, 2017.

Timetable:

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission.	07/22/15	
Commission Decision.	07/31/15	
NPRM	08/14/15	80 FR 48769
NPRM Comment Period End.	10/28/15	
Staff Sent Final Rule Briefing Package to Commission.	03/15/17	
Commission Decision.	03/24/17	
Final Rule	03/30/17	82 FR 15615
Final Rule Effective.	10/02/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Celestine Kish, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2547, *Email: ckish@cpsc.gov.*

RIN: 3041–AD37

276. Rule Review of: Standard for the Flammability (Open Flame) of Mattress Sets (Completion of a Section 610 Review)

Legal Authority: 5 U.S.C. 1193, Flammable Fabrics Act; 5 U.S.C. 610, Regulatory Flexibility Act

Abstract: The Commission published the Standard for the Flammability (Open Flame) of Mattress Sets in March 2006. The Standard sets open flame performance measures on all mattress sets entered into commerce on or after the effective date in July 2007. The purpose of the rule review is to assess the impact of the rule on small entities and to determine whether the rule should be continued without change, or should be amended or rescinded to make the rule more effective or less burdensome while still maintaining safety objectives. CPSC staff solicited comments on the rule through a **Federal Register** Notice. Staff also conducted economic and fire loss data analyses to review the impact and effectiveness of the rule. Staff submitted a briefing package to the Commission on November 9, 2016. A Notice of Availability of the rule review was published in the **Federal Register** on December 19, 2016.

Timetable:

Action	Date	FR Cite
Notice for Comment Published in the **Federal Register**.	04/03/15	80 FR 18218
Comment Period End.	06/02/15	
Staff Sends Briefing Package to Commission.	11/09/16	
Notice of Availability Published in the **Federal Register**.	12/19/16	81 FR 91923

Regulatory Flexibility Analysis Required: No.

Agency Contact: Lisa Scott, Project Manager, Directorate for Laboratory Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2064, *Email: lscott@cpsc.gov.*

RIN: 3041–AD47

[FR Doc. 2017–16982 Filed 8–23–17; 8:45 am]

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Part XXIV

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2017

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. (U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the Internet in a searchable format at *www.reginfo.gov.*

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Policy Specialist, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, (202) 418–0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (*e.g.,* Docket No. 15–1 or Docket No. 17–1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MB Docket No. 15–137,'' which indicates that the responsible bureau is the Media Bureau. A docket number consisting of only five digits (*e.g.,* Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

Marlene H. Dortch,

Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
277	Implementation of the Telecom Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities (WT Docket No. 96–198).	3060–AG58
278	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
279	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
280	Consumer Information, Disclosure, and Truth in Billing and Billing Format	3060–AI61
281	Closed-Captioning of Video Programming; CG Docket Nos. 05–231 and 06–181 (Section 610 Review)	3060–AI72
282	Accessibility of Programming Providing Emergency Information; MB Docket No. 12–107	3060–AI75
283	Empowering Consumers to Avoid Bill Shock (Docket No. 10–207)	3060–AJ51
284	Contributions to the Telecommunications Relay Services Fund (CG Docket No. 11–47)	3060–AJ63
285	Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming'')	3060–AJ72
286	Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry.	3060–AJ84
287	Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213).	3060–AK00
288	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24.	3060–AK01
289	Transition From TTY to Real-Time Text Technology (GN Docket No. 15–178)	3060–AK58

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
290	New Advanced Wireless Services (ET Docket No. 00–258)	3060–AH65

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
291	Exposure to Radiofrequency Electromagnetic Fields (ET Docket No. 10–97)	3060–AI17
292	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52
293	Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)	3060–AJ46
294	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 11–90)	3060–AJ68
295	Federal Earth Stations-Non Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115.	3060–AK09
296	Authorization of Radiofrequency Equipment; ET Docket No. 13–44	3060–AK10
297	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 15–26)	3060–AK29
298	Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)	3060–AK30

OFFICE OF ENGINEERING AND TECHNOLOGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
299	Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules (ET Docket No. 10–236).	3060–AJ62
300	WRC–07 Implementation (ET Docket No. 12–338)	3060–AJ93

INTERNATIONAL BUREAU—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
301	Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)	3060–AJ98

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
302	International Settlements Policy Reform (IB Docket No. 11–80)	3060–AJ77
303	Expanding Broadband and Innovation Through Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHz Band; GN Docket No. 13–114.	3060–AK02
304	Terrestrial Use of the 2473–2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules of Mobile Satellite Service System; IB Docket No. 13–213.	3060–AK16
305	Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended (Docket No. 15–236).	3060–AK47
306	Update to Parts 2 and 25 Concerning NonGeostationary, Fixed-Satellite Service Systems and Related Matters; IB Docket No. I6–408.	3060–AK59

INTERNATIONAL BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
307	Space Station Licensing Reform (IB Docket No. 02–34)	3060–AH98

MEDIA BUREAU—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
308	Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard (GN Docket No. 16–142).	3060–AK56

MEDIA BUREAU—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
309	Channel Sharing by Full Power and Class A Stations Outside of the Incentive Auction Context; (MB Docket No. 15–137).	3060–AK42

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
310	Broadcast Ownership Rules	3060–AH97
311	Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185).	3060–AI38
312	Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)	3060–AJ27
313	Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154).	3060–AJ67
314	Noncommercial Educational Station Fundraising for Third-Party Nonprofit Organizations (MB Docket No. 12–106).	3060–AJ79
315	Accessibility of User Interfaces and Video Programming Guides and Menus (MB Docket No. 12–108)	3060–AK11
316	Revision to Public Inspection Requirements (MB Docket No. 16–161)	3060–AK50

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
317	Assessment and Collection of Regulatory Fees for Fiscal Year 2016	3060–AK53

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
318	Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems (CC Docket No. 94–102; PS Docket No. 07–114).	3060–AG34
319	Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–114.	3060–AG60
320	Implementation of 911 Act (CC Docket No. 92–105, WT Docket No. 00–110)	3060–AH90
321	Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)	3060–AI22
322	E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36).	3060–AI62
323	Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114	3060–AJ52
324	Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHz Bands; PS Docket No. 13–87.	3060–AK19
325	Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206.	3060–AK39
326	Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80.	3060–AK40
327	New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35	3060–AK41
328	Wireless Emergency Alerts (WEA); PS Docket No. 15–91	3060–AK54

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
329	700 MHz Public Safety Broadband—First Net (PS Docket Nos. 12–94 & 06–229 and WT 06–150)	3060–AJ99
330	Amendment of Part 90 of the Commission's Rules To Enable Railroad Police Officers to Access Public Safety Interoperability and Mutual Aid Channels.	3060–AK51

WIRELESS TELECOMMUNICATIONS BUREAU—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
331	Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111.	3060–AK06
332	800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40	3060–AK13
333	Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)	3060–AK28

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
334	Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers	3060–AH83
335	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)	3060–AI35

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
336	Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211).	3060–AI88
337	Facilitating the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands.	3060–AJ12
338	Service Rules for Advanced Wireless Services in the 2155–2175 MHz Band; WT Docket No. 13–185	3060–AJ19
339	Amendment of the Commission's Rules to Improve Public Safety Communications in the 800 MHz Band, and to Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels.	3060–AJ22
340	Amendment of Part 101 to Accommodate 30 MHz Channels in the 6525 to 6875 MHz Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHz Band (WT Docket No. 04–114).	3060–AJ28
341	Amendment of Part 90 of the Commission's Rules	3060–AJ37
342	Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility.	3060–AJ47
343	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58
344	Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz.	3060–AJ59
345	Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110).	3060–AJ71
346	Service Rules for Advanced Wireless Services in the 2000–2020 MHz and 2180–2200 MHz Bands	3060–AJ73
347	Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; (GN Docket No. 12–268).	3060–AJ82
348	Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357).	3060–AJ86
349	Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
350	Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42).	3060–AJ88
351	Amendment of the Commission's Rules Concerning Commercial Radio Operators (WT Docket No. 10–177).	3060–AJ91
352	Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology; WT Docket No. 11–6.	3060–AK05
353	Enabling Small Cell Use in the 3.5 GHz Band	3060–AK12
354	Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers; WT Docket 10–112	3060–AK44

WIRELESS TELECOMMUNICATIONS BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
355	Implementation of the Communications Act, Amendment of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap.	3060–AG21

WIRELINE COMPETITION BUREAU—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
356	Jurisdictional Separations	3060–AJ06

WIRELINE COMPETITION BUREAU—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
357	Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)	3060–AK20
358	Protecting and Promoting the Open Internet; (WC Docket No. 14–28)	3060–AK21

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
359	Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96–115).	3060–AG43
360	2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements	3060–AH72
361	Numbering Resource Optimization	3060–AH80
362	National Exchange Carrier Association Petition	3060–AI47

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
363	IP-Enabled Services; WC Docket No. 04–36	3060–AI48
364	Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21).	3060–AJ14
365	Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
366	Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)	3060–AJ32
367	Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51).	3060–AJ64
368	Rural Call Completion; WC Docket No. 13–39	3060–AJ89
369	Rates for Inmate Calling Services; WC Docket No. 12–375	3060–AK08
370	Technology Transitions; GN Docket No. 13–5, WC Docket No. 05–25	3060–AK32
371	Modernizing Common Carrier Rules, WC Docket No. 15–33	3060–AK33
372	Numbering Policies for Modern Communications, WC Docket No. 13–97	3060–AK36
373	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AK57

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Long-Term Actions

277. Implementation of the Telecom Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities (WT Docket No. 96–198)

Legal Authority: 47 U.S.C. 255; 47 U.S.C. 251(a)(2)

Abstract: These proceedings implement the provisions of sections 255 and 251(a)(2) of the Communications Act and related sections of the Telecommunications Act of 1996 regarding the accessibility of telecommunications equipment and services to persons with disabilities.

Timetable:

Action	Date	FR Cite
R&O	08/14/96	61 FR 42181
NOI	09/26/96	61 FR 50465
NPRM	05/22/98	63 FR 28456
R&O	11/19/99	64 FR 63235
Further NOI	11/19/99	64 FR 63277
Public Notice	01/07/02	67 FR 678
R&O	08/06/07	72 FR 43546
Petition for Waiver	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Final Rule	04/21/08	73 FR 21251
Public Notice	08/01/08	73 FR 45008
Extension of Waiver.	05/15/08	73 FR 28057
Extension of Waiver.	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
Extension of Waiver.	07/29/09	74 FR 37624
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
FNPRM	12/30/11	76 FR 82240
Comment Period End.	03/14/12	
R&O	12/30/11	76 FR 82354
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
FNPRM	12/20/13	78 FR 77074
FNPRM Comment Period End.	02/18/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2075, *Email:* *rosaline.crawford@fcc.gov*.

RIN: 3060–AG58

278. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278)

Legal Authority: 47 U.S.C. 227

Abstract: On July 3, 2003, the Commission released a Report and Order establishing, along with the FTC, a national do-not-call registry. The Commission's Report and Order also adopted rules on the use of predictive dialers, the transmission of caller ID information by telemarketers, and the sending of unsolicited fax advertisements. On September 21, 2004, the Commission released an Order amending existing safe harbor rules for telemarketers subject to the do-not-call registry to require such telemarketers to access the do-not-call list every 31 days, rather than every 3 months. On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration amending its facsimile advertising rules to implement the Junk Fax Protection Act of 2005. On October 14, 2008, the Commission released an Order on Reconsideration addressing certain issues raised in petitions for reconsideration and/or clarification of the Report and Order and Third Order on Reconsideration. On January 4, 2008, the Commission released a Declaratory Ruling, clarifying that autodialed and prerecorded message calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the ''prior express consent'' of the called party. Following a December 4, 2007, NPRM, on June 17, 2008, the Commission released a Report and Order amending its rules to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry indefinitely, unless the registration is cancelled by the consumer or the number is removed by the database administrator. Following a January 22, 2010, NPRM, the Commission released a Report and Order (on February 15, 2012), requiring telemarketers to obtain prior express written consent, including by electronic means, before making an autodialed or prerecorded telemarketing call to a wireless number or before making a prerecorded telemarketing call to a residential line; eliminating the ''established business relationship'' exemption to the consent requirement for prerecorded telemarketing calls to residential lines; requiring telemarketers to provide an automated, interactive ''opt-out'' mechanism during autodialed or prerecorded telemarketing calls to wireless numbers and during prerecorded telemarketing calls to residential lines; and requiring that the abandoned call rate for telemarketing calls be calculated on a ''per-campaign'' basis. On November 29, 2012, the Commission released a Declaratory Ruling clarifying that sending a one-time text message confirming a consumer's request that no further text messages be sent does not violate the

Telephone Consumer Protection Act (TCPA) or the Commission's rules as long as the confirmation text only confirms receipt of the consumer's opt-out request, and does not contain marketing, solicitations, or an attempt to convince the consumer to reconsider his or her opt-out decision. The ruling applies only when the sender of the text messages has obtained prior express consent, as required by the TCPA and Commission rules, from the consumer to be sent text messages using an automatic telephone dialing system. On May 9, 2013, the Commission released a declaratory ruling clarifying that while a seller does not generally ''initiate'' calls made through a third-party telemarketer, within the meaning of the Telephone Consumer Protection Act (TCPA), it nonetheless may be held vicariously liable under Federal common law principles of agency for violations of either section 227(b) or section 227(c) that are committed by third-party telemarketers.

On July 10, 2015, the commission released a Declaratory Ruling and Order resolving 21 separate requests for clarification or other action regarding the TCPA. It clarified, among other things, that: Nothing in the Communications Act of the Commission's rules prohibits carriers or other service providers from implementing consumer-initiated call-blocking technologies; equipment meets the TCPA's definition of ''autodialer'' if it has the ''capacity'' to store or produce random sequential numbers, and to dial them, even if it is not presently used for that purpose; an ''app'' provider that plays a minimal role in making a call, such as just proving the app itself, is not the maker of the call for TCPA purposes; consumers who have previously consented to robocalls may revoke that consent at any time and through any reasonable means; the TCPA requires the consent of the party called—the subscriber to a phone number or the customary user of the number—not the intended recipient of the call; and callers who make calls without knowledge or reassignment of a wireless phone number and with a reasonable basis to believe that they have valid consent to make the call to the wireless number should be able to initiate one call after reassignment as an additional opportunity to gain actual or constructive knowledge of the reassignment and cease future calls to the new subscriber. The Commission also exempted certain financial and healthcare-related calls, when free to the consumer, from the TCPA's consumer-consent requirement.

Following a May 6, 2016, NPRM, the Commission released a Report and Order on August 11, 2016, adopting rules governing federal debt collection calls as required by Budget Act amendments to the TCPA. Among other things, the rules make clear that certain debt servicing calls are permitted under the exception; cap the number of permitted calls to wireless numbers at no more than three within a thirty-day period; ensure that consumers have the right to stop such calls at any time; specify who may make covered calls; and determine who may be called.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Reconsideration.	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Reconsideration.	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Reconsideration.	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
R&O	06/11/12	77 FR 34233
Public Notice	06/30/10	75 FR 34244
Public Notice (Reconsideration Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (release date).	11/29/12	
Declaratory Ruling (release date).	05/09/13	
Declaratory Ruling and Order.	10/09/15	80 FR 61129
NPRM	05/20/16	81 FR 31889
Declaratory Ruling	07/05/16	
R&O	11/16/16	81 FR 80594
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristi Thornton, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2467, *Email: kristi.thornton@fcc.gov.*

RIN: 3060–AI14

279. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding established a new docket flowing from the previous telecommunications relay service (TRS) history, CC Docket No. 98–67. This proceeding continues the Commission's inquiry into improving the quality of TRS and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Reconsideration.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Reconsideration.	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Reconsideration.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Reconsideration.	07/06/06	71 FR 38268
Order on Reconsideration.	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960

Action	Date	FR Cite
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546
Public Notice	08/16/07	72 FR 46060
Order	11/01/07	72 FR 61813
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order	02/19/08	73 FR 9031
Order	04/21/08	73 FR 21347
R&O	04/21/08	73 FR 21252
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM	07/18/08	73 FR 41307
R&O	07/18/08	73 FR 41286
Public Notice	08/01/08	73 FR 45006
Public Notice	08/05/08	73 FR 45354
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Reconsideration.	12/30/08	73 FR 79683
Order	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
NPRM	05/21/09	74 FR 23815
Public Notice	05/21/09	74 FR 23859
Public Notice	06/12/09	74 FR 28046
Order	07/29/09	74 FR 37624
Public Notice	08/07/09	74 FR 39699
Order	09/18/09	74 FR 47894
Order	10/26/09	74 FR 54913
Public Notice	05/12/10	75 FR 26701
Order Denying Stay Motion (Release Date).	07/09/10	
Order	08/13/10	75 FR 49491
Order	09/03/10	75 FR 54040
NPRM	11/02/10	75 FR 67333
NPRM	05/02/11	76 FR 24442
Order	07/25/11	76 FR 44326
Final Rule (Order)	09/27/11	76 FR 59551
Final Rule; Announcement of Effective Date.	11/22/11	76 FR 72124
Proposed Rule (Public Notice).	02/28/12	77 FR 11997
Proposed Rule (FNPRM).	02/01/12	77 FR 4948
First R&O	07/25/12	77 FR 43538
Public Notice	10/29/12	77 FR 65526
Order on Reconsideration.	12/26/12	77 FR 75894
Order	02/05/13	78 FR 8030
Order (Interim Rule).	02/05/13	78 FR 8032
NPRM	02/05/13	78 FR 8090
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/13/13	
FNPRM	07/05/13	78 FR 40407
FNPRM Comment Period End.	09/18/13	
R&O	07/05/13	78 FR 40582
R&O	08/15/13	78 FR 49693
FNPRM	08/15/13	78 FR 49717
FNPRM Comment Period End.	09/30/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78 FR 54201
NPRM	10/23/13	78FR 63152
FNPRM Comment Period End.	11/18/13	
Petiton for Reconsideration; Request for Comment.	12/16/13	78 FR 76096
Petition for Reconsideration; Request for Comment.	12/16/13	78 FR 76097
Request for Clarification; Request for Comment; Correction.	12/30/13	78 FR 79362
Petition for Reconsideration Comment Period End.	01/10/14	
NPRM Comment Period End.	01/21/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Public Notice	09/15/14	79 FR 54979
R&O and Order	10/21/14	79 FR 62875
FNPRM	10/21/14	79 FR 62935
FNPRM Comment Period End.	12/22/14	
Final Action (Announcement of Effective Date).	10/30/14	79 FR 64515
Final Rule Effective.	10/30/14	
FNPRM	11/08/15	80 FR 72029
FNPRM Comment Period End.	01/01/16	
Public Notice	01/20/16	81 FR 3085
Public Notice Comment Period End.	02/16/16	
R&O	03/21/16	81 FR 14984
FNPRM	08/24/16	81 FR 57851
FNPRM Comment Period End.	09/14/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AI15

280. Consumer Information, Disclosure, and Truth in Billing and Billing Format

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 258

Abstract: In 1999, the Commission adopted truth-in-billing rules to address concerns that there is consumer confusion relating to billing for telecommunications services. On March 18, 2005, the Commission released an Order and Further Notice of Proposed Rulemaking (FNPRM) to further facilitate the ability of telephone consumers to make informed choices among competitive service offerings. On August 28, 2009, the Commission released a Notice of Inquiry that asks questions about information available to consumers at all stages of the purchasing process for all communications services, including: (1) Choosing a provider; (2) choosing a service plan; (3) managing use of the service plan; and (4) deciding whether and when to switch an existing provider or plan. On October 14, 2010, the Commission released a Notice of Proposed Rulemaking (NPRM) proposing rules that would require mobile service providers to provide usage alerts and information that will assist consumers in avoiding unexpected charges on their bills. On July 12, 2011, the Commission released an NPRM proposing rules that would assist consumers in detecting and preventing the placement of unauthorized charges on their telephone bills, an unlawful and fraudulent practice, commonly referred to as ''cramming.'' On April 27, 2012, the Commission adopted rules to address ''cramming'' on wireline telephone bills and released an FNPRM seeking comment on additional measures to protect wireline and wireless consumers from unauthorized charges.

Timetable:

Action	Date	FR Cite
FNPRM	05/25/05	70 FR 30044
R&O	05/25/05	70 FR 29979
NOI	08/28/09	
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM	11/26/10	75 FR 72773
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Reply Comment Period Extended).	11/30/11	76 FR 74017
Reply Comment Period End.	12/05/11	
R&O	05/24/12	77 FR 30915
FNPRM	05/24/12	77 FR 30972
FNPRM Comment Period End.	07/09/12	
Order (Comment Period Extended).	07/17/12	77 FR 41955
Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71353
Correction of Final Rule.	11/30/12	77 FR 71354

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov.*

RIN: 3060–AI61

281. Closed-Captioning of Video Programming; CG Docket Nos. 05–231 and 06–181 (Section 610 Review)

Legal Authority: 47 U.S.C. 613

Abstract: The Commission's closed-captioning rules are designed to make video programming more accessible to deaf and hard-of-hearing Americans. This proceeding resolves some issues regarding the Commission's closed-captioning rules that were raised for comment in 2005, and also seeks comment on how a certain exemption from the closed-captioning rules should be applied to digital multicast broadcast channels.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Order on Reconsideration.	10/20/98	63 FR 55959
NPRM	09/26/05	70 FR 56150
Order and Declaratory Ruling.	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Final Rule Correction.	09/11/09	74 FR 46703
Final Rule (Announcement of Effective Date).	02/19/10	75 FR 7370
Order	02/19/10	75 FR 7368
Order Suspending Effective Date.	02/19/10	75 FR 7369
Waiver Order	10/04/10	75 FR 61101
Public Notice	11/17/10	75 FR 70168
Interim Final Rule (Order).	11/01/11	76 FR 67376
Final Rule (MO&O).	11/01/11	76 FR 67377
NPRM	11/01/11	76 FR 67397
NPRM Comment Period End.	12/16/11	
Public Notice	05/04/12	77 FR 26550
Public Notice	12/15/12	77 FR 72348
Final Rule Effective.	03/16/15	
FNPRM	03/27/14	79 FR 17094
R&O	03/31/14	79 FR 17911
FNPRM Comment Period End.	07/25/14	
Final Action (Announcement of Effective Date).	12/29/14	79 FR 77916
2nd FNPRM	12/31/14	79 FR 78768
Comment Period End.	01/30/15	
2nd R&O	08/23/16	81 FR 57473
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AI72

282. Accessibility of Programming Providing Emergency Information; MB Docket No. 12–107

Legal Authority: 47 U.S.C. 613

Abstract: In this proceeding, the Commission adopted rules detailing how video programming distributors must make emergency information accessible to persons with hearing and visual disabilities.

Timetable:

Action	Date	FR Cite
FNPRM	01/21/98	63 FR 3070
NPRM	12/01/99	64 FR 67236
NPRM Correction	12/22/99	64 FR 71712
Second R&O	05/09/00	65 FR 26757
R&O	09/11/00	65 FR 54805
Final Rule; Correction.	09/20/00	65 FR 5680
NPRM	11/28/12	77 FR 70970
NPRM Comment Period Extended.	12/20/12	77 FR 75404
NPRM Comment Period Extension End.	01/07/13	
R&O	05/24/13	78 FR 31770
FNPRM	05/24/13	78 FR 31800
FNPRM	12/20/13	78 FR 77074
FNPRM Comment Period End.	02/18/14	
NPRM	06/18/13	78 FR 36478
NPRM Comment Period End.	08/07/13	
R&O	12/20/13	78 FR 77210
Petition for Reconsideration.	01/31/14	79 FR 5364
Comment Period End.	02/25/14	
Correcting Amendments.	02/10/14	79 FR 7590
Announcement of Effective Date.	04/16/14	79 FR 21399
Final Action (Announcement of Effective Date).	01/26/15	80 FR 3913
Final Action Effective.	01/26/15	
2nd R&O	07/10/15	80 FR 39698
2nd FNPRM	07/10/15	80 FR 39722
2nd FNPRM Comment Period End.	09/08/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AI75

283. Empowering Consumers To Avoid Bill Shock (Docket No. 10–207)

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On October 14, 2010, the Commission released a Notice of Proposed Rulemaking which proposes a rule that would require mobile service providers to provide usage alerts and information to help consumers avoid unexpected charges on their bills.

Timetable:

Action	Date	FR Cite
Public Notice	05/20/10	75 FR 28249
NPRM	11/26/10	75 FR 72773
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov.*

RIN: 3060–AJ51

284. Contributions to the Telecommunications Relay Services Fund (CG Docket No. 11–47)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225; 47 U.S.C. 616

Abstract: The Commission prescribes by regulation the obligations of each provider of interconnected and non-interconnected Voice over Internet Protocol (VoIP) service to participate in and contribute to the Interstate Telecommunications Relay Services Fund in a manner that is consistent with and comparable to such fund.

Timetable:

Action	Date	FR Cite
NPRM	04/04/11	76 FR 18490
NPRM Comment Period End.	05/04/11	
Final Rule	10/25/11	76 FR 65965
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov.*

RIN: 3060–AJ63

285. Empowering Consumers To Prevent and Detect Billing for Unauthorized Charges (''Cramming'')

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On July 12, 2011, the Commission released a Notice of Proposed Rulemaking proposing rules that would help consumers detect and prevent the placement of unauthorized charges on telephone bills, an unlawful and fraudulent practice commonly referred to as ''cramming.'' On April 27, 2012, the Commission adopted rules to address ''cramming'' on wireline telephone bills and released a Further Notice of Proposed Rulemaking seeking comment on additional measures to protect wireline and wireless consumers from unauthorized charges.

Timetable:

Action	Date	FR Cite
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Extends Reply Comment Period).	11/30/11	76 FR 74017
NPRM Comment Period End.	12/05/11	
FNPRM	05/24/12	77 FR 30972
R&O	05/24/12	77 FR 30915
FNPRM Comment Period End.	07/09/12	
Order (Extends Reply Comment Period).	07/17/12	77 FR 41955
FNPRM Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71354
Correction of Final Rule.	11/30/12	77 FR 71353
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov.*

RIN: 3060–AJ72

286. Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry

Legal Authority: Pub. L. 112–96, sec. 6507

Abstract: The Commission issued, on May 22, 2012, an NPRM to initiate a proceeding to create a Do-Not-Call registry for public safety answer points (PSAPs), as required by section 6507 of the Middle Class Tax Relief and Job Creation Act of 2012. The statute requires the Commission to establish a registry that allows PSAPs to register their telephone numbers on a do-not-call list; prohibit the use of automatic dialing equipment to contact registered numbers; and implement a range of monetary penalties for disclosure of registered numbers and for use of automatic dialing equipment to contact such numbers. On October 17, 2012, the Commission adopted final rules implementing the statutory requirements described above.

Timetable:

Action	Date	FR Cite
NPRM	06/21/12	77 FR 37362
R&O	10/29/12	77 FR 71131
Correction Amendments.	02/13/13	78 FR 10099
Announcement of Effective Date.	03/26/13	78 FR 18246
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov.*

RIN: 3060–AJ84

287. Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 255; 47 U.S.C. 617 to 619

Abstract: These proceedings implement sections 716, 717, and 718 of the Communications Act, which were added by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), related to the accessibility of advanced communications services and equipment (section 716), recordkeeping and enforcement requirements for entities subject to sections 255, 716, and 718 (section 717), and accessibility of Internet browsers built into mobile phones (section 718).

Timetable:

Action	Date	FR Cite
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
NPRM Comment Period End.	05/13/11	
FNPRM	12/30/11	76 FR 82240
R&O	12/30/11	76 FR 82354
FNPRM Comment Period End.	03/14/12	
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19738
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov.*

RIN: 3060–AK00

288. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: The FCC initiated this proceeding in its effort to ensure that IP CTS is available for eligible users only. In doing so, the FCC released an Interim Order and Notice of Proposed Rulemaking (NPRM) to address certain practices related to the provision and marketing of Internet Protocol Captioned Telephone Service (IP CTS). IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, this new Order establishes several requirements on a temporary basis from March 7, 2013, to September 3, 2013.

Timetable:

Action	Date	FR Cite
NPRM	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/30/13	78FR 54201
FNPRM Comment Period End.	11/18/13	
Petition for Reconsideration Request for Comment.	12/16/13	78 FR 76097
Petiton for Reconsideration Comment Period End.	01/10/14	
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov.*

RIN: 3060–AK01

289. • Transition From TTY to Real-Time Text Technology (GN Docket No. 15–178)

Legal Authority: Pub. L. 111–260, sec. 106; 47 U.S.C. 154(i); 47 U.S.C. 225; 225, 255, 301, 303(r), 316, 403, 615c, 616, 617; 47 U.S.C. 255; 47 U.S.C. 151; 47 U.S.C. 301; 47 U.S.C. 303(r); 47 U.S.C. 316; 47 U.S.C. 403; 47 U.S.C. 615(c); 47 U.S.C. 616; 47 U.S.C. 617

Abstract: On December 15, 2016, the Commission amended its rules to facilitate a transition from text telephone (TTY) technology to real-time text (RTT) as a reliable and interoperable universal text solution over wireless Internet protocol (IP) enabled networks for people who are deaf, hard of hearing, deaf-blind, or have a speech disability. RTT, which allows text characters to be sent as they are being created, can be sent simultaneously with voice, and permits the use of off-the-shelf end user devices to make text telephone calls. The Commission also sought comment on the application of RTT to telecommunications relay services (TRS) and sought further comment on a sunset date for TTY support, as well as other matters pertaining to the deployment of RTT.

Timetable:

Action	Date	FR Cite
NPRM	05/25/16	81 FR 33170
NPRM Comment Period End.	07/25/16	
FNPRM	01/23/17	82 FR 7766
R&O	01/23/17	82 FR 7699
Public Notice	03/16/17	82 FR 13972
FNPRM Comment Period End.	03/24/17	
Public Notice Comment Period End.	04/10/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Scott, Attorney Advisor, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1264, *Email: michael.scott@fcc.gov.*

RIN: 3060–AK58

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Long-Term Actions

290. New Advanced Wireless Services (ET Docket No. 00–258)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: This proceeding explores the possible uses of frequency bands below 3 GHz to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks. The Third Notice of Proposed Rulemaking discusses the frequency bands that are still under consideration in this proceeding and invites additional comments on their disposition. Specifically, it addresses the Unlicensed Personal Communications Service (UPCS) band at 1910–1930 MHz, the Multipoint Distribution Service (MDS) spectrum at 2155–2160/62 MHz bands, the Emerging Technology spectrum, at 2160–2165 MHz, and the bands reallocated from MSS 91990–2000 MHz, 2020–2025 MHz, and 2165–2180 MHz. We seek comment on these bands with respect to using them for paired or unpaired Advance Wireless Service (AWS) operations or as relocation spectrum for existing services. The seventh Report and Order facilitates the introduction of Advanced Wireless Service (AWS) in the band 1710–1755 MHz—an integral part of a 90 MHz spectrum allocation recently reallocated to allow for such new and innovative wireless services. We largely adopt the proposals set forth in our recent AWS Fourth NPRM in this proceeding that are designed to clear the 1710–1755 MHz band of incumbent Federal Government operations that would otherwise impede the development of new nationwide AWS services. These actions are consistent with previous actions in this proceeding and with the United States Department of Commerce, National Telecommunications and Information Administration (NTIA) 2002 Viability Assessment, which addressed relocation and reaccommodation options for Federal Government operations in the band. The eighth Report and Order reallocated the 2155–2160 MHz band for fixed and mobile services and designates the 2155–2175 MHz band for Advanced Wireless Service (AWS) use. This proceeding continues the Commission's ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including Advanced Wireless Services. The Order requires Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band to provide information on the construction status and operational parameters of each incumbent BRS system that would be the subject of relocation. The Notice of Proposed Rule Making requested comments on the specific relocation procedures applicable to Broadband Radio Service (BRS) operations in the 2150–2160/62 MHz band, which the Commission recently decided will be relocated to the newly restructured 2495–2690 MHz band. The Commission also requested comments on the specific relocation procedures applicable to Fixed Microwave Service (FS) operations in the 2160–2175 MHz band. The Office of Engineering and Technology (OET) and the Wireless Telecommunications Bureau (WTB) set forth the specific data that Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band must file along with the deadline date and procedures for filing this data on the Commission's Universal Licensing System (ULS). The data will assist in determining future AWS licensees' relocation obligations. The ninth Report and Order established procedures for the relocation of Broadband Radio Service (BRS)

operations from the 2150–2160/62 MHz band, as well as for the relocation of Fixed Microwave Service (FS) operations from the 2160–2175 MHz band, and modified existing relocation procedures for the 2110–2150 MHz and 2175–2180 MHz bands. It also established cost-sharing rules to identify the reimbursement obligations for Advanced Wireless Service (AWS) and Mobile Satellite Service (MSS) entrants benefiting from the relocation of incumbent FS operations in the 2110–2150 MHz and 2160–2200 MHz bands and AWS entrants benefiting from the relocation of BRS incumbents in the 2150–2160/62 MHz band. The Commission continues its ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including AWS. The Order dismisses a petition for reconsideration filed by the Wireless Communications Association International, Inc. (WCA) as moot. Two petitions for reconsideration were filed in response to the ninth Report and Order. The Report and Orders and Declaratory Ruling concludes the Commission's longstanding efforts to relocate the Broadcast Auxiliary Service (BAS) from the 1990–2110 MHz band to the 2025–2110 MHz band, freeing up 35 megahertz of spectrum in order to foster the development of new and innovative services. This decision addresses the outstanding matter of Sprint Nextel Corporation's (Sprint Nextel) inability to agree with Mobile Satellite Service (MSS) operators in the band on the sharing of the costs to relocate the BAS incumbents. To resolve this controversy, the Commission applied its time-honored relocation principles for emerging technologies previously adopted for the BAS band to the instant relocation process, where delays and unanticipated developments have left ambiguities and misconceptions among the relocating parties. In the process, the Commission balances the responsibilities for and benefits of relocating incumbent BAS operations among all the new entrants in the different services that will operate in the band. The Commission proposed to modify its cost-sharing requirements for the 2 GHz BAS band because the circumstances surrounding the BAS transition are very different than what was expected when the cost-sharing requirements were adopted. The Commission believed that the best course of action was to propose new requirements that would address the ambiguity of applying the literal language of the current requirements to the changed circumstances, as well as balance the responsibilities for and benefits of relocating incumbent BAS operations among all new entrants in the band based on the Commission's relocation policies set forth in the Emerging Technologies proceeding. The Commission proposed to eliminate, as of January 1, 2009, the requirement that Broadcast Auxiliary Service (BAS) licensees in the 30 largest markets and fixed BAS links in all markets be transitioned before the Mobile Satellite Service (MSS) operators can begin offering service. The Commission also sought comments on how to mitigate interference between new MSS entrants and incumbent BAS licensees who had not completed relocation before the MSS entrants begin offering service. In addition, the Commission sought comments on allowing MSS operators to begin providing service in those markets where BAS incumbents have been transitioned. In the Further Notice of Proposed Rule Making the Commission proposed to modify its cost-sharing requirements for the 2 GHz BAS band because the circumstances surrounding the BAS transition are very different than what was expected when the cost-sharing requirements were adopted. The Commission believes that the best course of action is to propose new requirements that will address the ambiguity of applying the literal language of the current requirements to the changed circumstances, as well as balance the responsibilities for and benefits of relocating incumbent BAS operations among all new entrants in the band based on the Commission's relocation policies set forth in the Emerging Technologies proceeding.

Timetable:

Action	Date	FR Cite
NPRM	01/23/01	66 FR 7438
NPRM Comment Period End.	03/09/01	
Final Report	04/11/01	66 FR 18740
FNPRM	09/13/01	66 FR 47618
MO&O	09/13/01	66 FR 47591
First R&O	10/25/01	66 FR 53973
Petition for Reconsideration.	11/02/01	66 FR 55666
Second R&O	01/24/03	68 FR 3455
Third NPRM	03/13/03	68 FR 12015
Seventh R&O	12/29/04	69 FR 7793
Petition for Reconsideration.	04/13/05	70 FR 19469
Eighth R&O	10/26/05	70 FR 61742
Order	10/26/05	70 FR 61742
NPRM	10/26/05	70 FR 61752
Public Notice	12/14/05	70 FR 74011
Ninth R&O and Order.	05/24/06	71 FR 29818
Petition for Reconsideration.	07/19/06	71 FR 41022
FNPRM	03/31/08	73 FR 16822
R&O and NPRM	06/23/09	74 FR 29607
FNPRM	06/23/09	74 FR 29607
5th R&O, 11th R&O, 6th R&O, and Declaratory Ruling.	11/02/10	75 FR 67227
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney Small, Economist, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2452, *Fax:* 202 418–1944, *Email: rodney.small@fcc.gov.*

RIN: 3060–AH65

291. Exposure to Radiofrequency Electromagnetic Fields (ET Docket No. 10–97)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 302 and 303; 47 U.S.C. 309(j); 47 U.S.C. 336

Abstract: In the Report and Order the Federal Communications Commission (Commission) resolved several issues regarding compliance with its regulations for conducting environmental reviews under the National Environmental Policy Act (NEPA) as they relate to the guidelines for human exposure to RF electromagnetic fields. More specifically, the Commission clarifies evaluation procedures and references to determine compliance with its limits, including specific absorption rate (SAR) as a primary metric for compliance, consideration of the pinna (outer ear) as an extremity, and measurement of medical implant exposure. The Commission also elaborates on mitigation procedures to ensure compliance with its limits, including labeling and other requirements for occupational exposure classification, clarification of compliance responsibility at multiple transmitter sites, and labeling of fixed consumer transmitters.

In the Order, pursuant to the authority delegated by the Commission, FCC amends sections 15.31(a)(2) and 15.38(b)(2) of the Commission's rules to reference the 2013 version of the American National Standards Institute (ANSI) C63.17 standard, Methods of Measurement of the Electromagnetic and Operational Compatibility of Unlicensed Personal Communications Service (UPCS) Devices, ANSI C63.17–2013. This version of the standard supersedes ANSI C63.17–2006, which contains measurement procedures for verifying the compliance of UPCS

devices (including wideband voice and data devices) that operate in the 1920–1930 MHz frequency band with applicable requirements regarding radio frequency (RF) emission levels and spectrum access procedures in part 15 subpart D of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	09/08/03	68 FR 52879
NPRM Comment Period End.	12/08/03	
R&O	06/04/13	78 FR 33634
Petition for Recon	08/27/13	78 FR 52893
Order	01/21/15	80 FR 2836
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ira Keltz, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0616, *Fax:* 202 418–1944, *Email: ikeltz@fcc.gov.*

RIN: 3060–AI17

292. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed ''white spaces''). This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary, correct any interference that may occur. The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public Internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of ''opportunistic use'' of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission's actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band, but eventually in other frequency bands as well. This Order addressed five petitions for reconsideration of the Commission's decisions in the Second Memorandum Opinion and Order (''Second MO&O'') in this proceeding and modified rules in certain respects. In particular, the Commission: (1) Increased the maximum height above average terrain (HAAT) for sites where fixed devices may operate; (2) modified the adjacent channel emission limits to specify fixed rather than relative levels; and (3) slightly increased the maximum permissible power spectral density (PSD) for each category of TV bands device. These changes will result in decreased operating costs for fixed TVBDs and allow them to provide greater coverage, thus increasing the availability of wireless broadband services in rural and underserved areas without increasing the risk of interference to incumbent services. The Commission also revised and amended several of its rules to better effectuate the Commission's earlier decisions in this docket and to remove ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Petitions for Reconsideration.	02/09/11	76 FR 7208
3rd MO&O and Order.	05/17/12	77 FR 28236
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov.*

RIN: 3060–AI52

293. Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)

Legal Authority: 47 U.S.C. 154(i) and 301; 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(r) and 303(y); 47 U.S.C. 310

Abstract: The Notice of Proposed Rulemaking proposed to take a number of actions to further the provision of terrestrial broadband services in the MSS bands. In the 2 GHz MSS band, the Commission proposed to add co-primary Fixed and Mobile allocations to the existing Mobile-Satellite allocation. This would lay the groundwork for providing additional flexibility in use of the 2 GHz spectrum in the future. The Commission also proposed to apply the terrestrial secondary market spectrum leasing rules and procedures to transactions involving terrestrial use of the MSS spectrum in the 2 GHz, Big LEO, and L-bands in order to create greater certainty and regulatory parity with bands licensed for terrestrial broadband service. The Commission also asked, in a notice of inquiry, about approaches for creating opportunities for full use of the 2 GHz band for standalone terrestrial uses. The Commission requested comment on ways to promote innovation and investment throughout the MSS bands while also ensuring market-wide mobile satellite capability to serve important needs like disaster recovery and rural access.

In the Report and Order, the Commission amended its rules to make additional spectrum available for new investment in mobile broadband networks while also ensuring that the United States maintains robust mobile satellite service capabilities. First, the Commission adds co-primary Fixed and Mobile allocations to the Mobile Satellite Service (MSS) 2 GHz band, consistent with the International Table of Allocations, allowing more flexible use of the band, including for terrestrial broadband services, in the future. Second, to create greater predictability and regulatory parity with the bands licensed for terrestrial mobile broadband service, the Commission extends its existing secondary market spectrum manager spectrum leasing policies, procedures, and rules that currently apply to wireless terrestrial services to terrestrial services provided using the Ancillary Terrestrial Component (ATC) of an MSS system. Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding concerning Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz

and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz, and published pursuant to 47 CFR 1.429(e). See 1.4(b)(1) of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49871
NPRM Comment Period End.	09/15/10	
Reply Comment Period End.	09/30/10	
R&O	05/31/11	76 FR 31252
Petitions for Reconsideration.	08/10/11	76 FR 49364
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov.*

RIN: 3060–AJ46

294. Operation of Radar Systems in the 76–77 GHZ Band (ET Docket No. 11–90)

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 301 to 302; 47 U.S.C. 303(f)

Abstract: The Commission proposed to amend its rules to enable enhanced vehicular radar technologies in the 76–77 GHz band to improve collision avoidance and driver safety. Vehicular radars can determine the exact distance and relative speed of objects in front of, beside, or behind a car to improve the driver's ability to perceive objects under bad visibility conditions or objects that are in blind spots. These modifications to the rules will provide more efficient use of spectrum, and enable the automotive and fixed radar application industries to develop enhanced safety measures for drivers and the general public. The Commission takes this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era''). The Report and Order amends the Commission's rules to provide a more efficient use of the 76–77 GHz band, and to enable the automotive and aviation industries to develop enhanced safety measures for drivers and the general public. Specifically, the Commission eliminated the in-motion and not-in-motion distinction for vehicular radars, and instead adopted new uniform emission limits for forward, side, and rear-looking vehicular radars. This will facilitate enhanced vehicular radar technologies to improve collision avoidance and driver safety. The Commission also amended its rules to allow the operation of fixed radars at airport locations in the 76–77 GHz band for purposes of detecting foreign object debris on runways and monitoring aircraft and service vehicles on taxiways and other airport vehicle service areas that have no public vehicle access. The Commission took this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era''). Petitions for Reconsideration were filed by Navtech Radar, Ltd. and Honeywell International Inc.

Navtech Radar, Ltd. and Honeywell International, Inc., filed petitions for reconsideration in response to the *Vehicular Radar R&O* that modified the Commission's part 15 rules to permit vehicular radar technologies and airport-based fixed radar applications in the 76–77 GHz band.

The Commission denied Honeywell's petition. Section 1.429(b) of the Commission's rules provides three ways in which a petition for reconsideration can be granted, and none of these have been met. Honeywell has not shown that its petition relies on facts regarding fixed radar use which had not previously been presented to the Commission, nor does it show that its petition relies on facts that relate to events that changed since Honeywell had the last opportunity to present its facts regarding fixed radar use.

The Commission stated in the Vehicular Radar R&O, ''that no parties have come forward to support fixed radar applications beyond airport locations in this band,'' and it decided not to adopt provisions for unlicensed fixed radar use other than those for FOD detection applications at airport locations. Because Navtech first participated in the proceeding when it filed its petition well after the decision was published, its petition fails to meet the timeliness standard of section 1.429(d).

In connection with the Commission's decision to deny the petitions for reconsideration discussed above, the Commission terminates ET Docket Nos. 10–28 and 11–90 (pertaining to vehicular radar).

Timetable:

Action	Date	FR Cite
NPRM	06/16/11	76 FR 35176
R&O	08/13/12	77 FR 48097
Petition for Reconconsideration.	11/11/12	77 FR 68722
Reconsideration Order.	03/06/15	80 FR 12120
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Aamer Zain, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2437, *Email: aamer.zain@fcc.gov.*

RIN: 3060–AJ68

295. Federal Earth Stations-Non Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 336

Abstract: The Notice of Proposed Rulemaking proposes to make spectrum allocation proposals for three different space-related purposes. The Commission makes two alternative proposals to modify the Allocation Table to provide interference protection for Fixed-Satellite Service (FSS) and Mobile-Satellite Service (MSS) earth stations operated by Federal agencies under authorizations granted by the National Telecommunications and Information Administration (NTIA) in certain frequency bands. The Commission also proposes to amend a footnote to the Allocation Table to permit a Federal MSS system to operate in the 399.9 to 400.05 MHz band; it also makes alternative proposals to modify the Allocation Table to provide access to spectrum on an interference protected basis to Commission licensees for use during the launch of launch vehicles (*i.e.* rockets). The Commission also seeks comment broadly on the future spectrum needs of the commercial space sector. The Commission expects that, if adopted, these proposals would advance the commercial space industry and the important role it will play in our Nation's economy and technological innovation now and in the future.

Timetable:

Action	Date	FR Cite
NPRM	07/01/13	78 FR 39200
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov.*

RIN: 3060–AK09

296. Authorization of Radiofrequency Equipment; ET Docket No. 13–44

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Commission is responsible for an equipment authorization program for radiofrequency (RF) devices under part 2 of its rules. This program is one of the primary means that the Commission uses to ensure that the multitude of RF devices used in the United States operate effectively without causing harmful interference and otherwise comply with the Commission rules. All RF devices subject to equipment authorization must comply with the Commission's technical requirement before they can be imported or marketed. The Commission or a Telecommunication Certification Body (TCB) must approve some of these devices before they can be imported or marketed, while others do not require such approval. The Commission last comprehensively reviewed its equipment authorization program more than 10 years ago. The rapid innovation in equipment design since that time has led to ever-accelerating growth in the number of parties applying for equipment approval. The Commission therefore believes that the time is now right for us to comprehensively review our equipment authorization processes to ensure that they continue to enable this growth and innovation in the wireless equipment market. In May of 2012, the Commission began this reform process by issuing an Order to increase the supply of available grantee codes. With this Notice of Proposed Rulemaking (NPRM), the Commission continues its work to review and reform the equipment authorization processes and rules. This Notice of Proposed Rulemaking proposes certain changes to the Commission's part 2 equipment authorization processes to ensure that they continue to operate efficiently and effectively. In particular, it addresses the role of TCBs in certifying RF equipment and post-market surveillance, as well as the Commission's role in assessing TCB performance. The NPRM also addressed the role of test laboratories in the RF equipment approval process, including accreditation of test labs and the Commission's recognition of laboratory accreditation bodies, and measurement procedures used to determine RF equipment compliance. Finally, it proposes certain modifications to the rules regarding TCBs that approve terminal equipment under part 68 of the rules that are consistent with our proposed modifications to the rules for TCBs that approve RF equipment. Specifically, the Commission proposes to recognize the National Institute for Standards and Technology (NIST) as the organization that designates TCBs in the United States and to modify the rules to reference the current International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) guides used to accredit TCBs.

This Report and Order updates the Commission's radiofrequency (RF) equipment authorization program to build on the success realized by its use of Commission-recognized Telecommunications Certification Bodies (TCBs). The rules the Commission is adopting will facilitate the continued rapid introduction of new and innovative products to the market while ensuring that these products do not cause harmful interference to each other or to other communications devices and services.

Timetable:

Action	Date	FR Cite
NPRM	05/03/13	78 FR 25916
R&O	06/12/15	80 FR 33425
Memorandum, Opinion & Order.	06/29/16	81 FR 42264
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov.*

RIN: 3060–AK10

297. Operation of Radar Systems in the 76–77 GHZ Band (ET Docket No. 15–26)

Legal Authority: 47 U.S.C. 1; 47 U.S.C. 4(i); 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 332; 47 U.S.C. 337

Abstract: The Notice of Proposed Rulemaking proposes to authorize radar applications in the 76–81 GHz band. The Commission seeks to develop a flexible and streamlined regulatory framework that will encourage efficient, innovative uses of the spectrum and to allow various services to operate on an interference-protected basis. In doing so, it further seeks to adopt service rules that will allow for the deployment of the various radar applications in this band, both within and outside the U.S. The Commission takes this action in response to a petition for rulemaking filed by Robert Bosch, LLC (Bosch) and two petitions for reconsideration of the 2012 Vehicular Radar R&O.

Timetable:

Action	Date	FR Cite
NPRM	03/06/15	80 FR 12120
NPRM Comment Period End.	04/06/15	
NPRM Reply Comment Period End.	04/20/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Aamer Zain, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2437, *Email: aamer.zain@fcc.gov.*

RIN: 3060–AK29

298. Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Notice of Proposed Rule Making initiated a proceeding to address how to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and broadcast live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. Recent actions by the Commission, and in particular the repurposing of broadcast television band spectrum for wireless services set forth in the Incentive Auction R&O, will significantly alter the regulatory environment in which wireless microphones operate, which necessitates our addressing how to accommodate wireless microphone users in the future.

In the Report and Order, the Commission takes several steps to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve

consumers, including as they cover breaking news and live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. In particular, the Commission provide additional opportunities for wireless microphone operations in the TV bands following the upcoming incentive auction, and the Commission provide new opportunities for wireless microphone operations to access spectrum in other frequency bands where they can share use of the bands without harming existing users.

Timetable:

Action	Date	FR Cite
NPRM	11/21/14	79 FR 69387
NPRM Comment Period End.	01/05/15	
NPRM Reply Comment Period End.	01/26/15	
R&O	11/17/15	80 FR 71702
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Murray, Attorney Advisor, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0688, *Fax:* 202 418–7447, *Email: paul.murray@fcc.gov.*

RIN: 3060–AK30

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Completed Actions

299. Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules (ET Docket No. 10–236)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301 and 303

Abstract: The Commission initiated this proceeding to promote innovation and efficiency in spectrum use in the Experimental Radio Service (ERS). For many years, the ERS has provided fertile ground for testing innovative ideas that have led to new services and new devices for all sectors of the economy. The Commission proposed to leverage the power of experimental radio licensing to accelerate the rate at which these ideas transform from prototypes to consumer devices and services. Its goal is to inspire researchers to dream, discover, and deliver the innovations that push the boundaries of the broadband ecosystem. The resulting advancements in devices and services available to the American public and greater spectrum efficiency over the long term will promote economic growth, global competitiveness, and a better way of life for all Americans.

In the Report and Order (R&O), the Commission revised and streamlined its rules to modernize the Experimental Radio Service (ERS). The rules adopted in the R&O updated the ERS to a more flexible framework to keep pace with the speed of modern technological change while continuing to provide an environment where creativity can thrive. To accomplish this transition, the Commission created three new types of ERS licenses—the program license, the medical testing license, and the compliance testing license—to benefit the development of new technologies, expedite their introduction to the marketplace, and unleash the full power of innovators to keep the United States at the forefront of the communications industry. The Commission's actions also modified the market trial rules to eliminate confusion and more clearly articulate its policies with respect to marketing products prior to equipment certification. The Commission believes that these actions will remove regulatory barriers to experimentation, thereby permitting institutions to move from concept to experimentation to finished product more rapidly and to more quickly implement creative problem-solving methodologies.

The Memorandum Opinion and Order responds to three petitions for reconsideration seeking to modify certain rules adopted in the Report and Order in this proceeding. In response, the Commission modifies its rules, consistent with past practice, to permit conventional Experimental Radio Service (ERS) licensees and compliance testing licensees to use bands exclusively allocated to the passive services in some circumstances; clarifies that some cost recovery is permitted for the testing and operation of experimental medical devices that take place under its market trial rules; and adds a definition of emergency notification providers to its rules to clarify that all participants in the Emergency Alert System (EAS) are such providers. However, the Commission declines to expand the eligibility for medical testing licenses.

In the Further Notice of Proposed Rulemaking the Commission proposes to modify the rules for program experimental licenses to permit experimentation for radio frequency (RF)-based medical devices, if the device being tested is designed to comply with all applicable service rules in part 18, Industrial, Scientific, and Medical Equipment; part 95, Personal Radio Services subpart H Wireless Medical Telemetry Service; or part 95, subpart I Medical Device Radiocommunication Service. This proposal is designed to establish parity between all qualified medical device manufacturers for conducting basic research and clinical trials with RF-based medical devices as to permissible frequencies of operation.

This Memorandum Opinion and Order responds to three petitions for reconsideration seeking to modify certain rules adopted in the Report and Order in this proceeding. In response, the Commission modifies its rules, consistent with past practice, to permit conventional Experimental Radio Service (ERS) licensees and compliance testing licensees to use bands exclusively allocated to the passive services in some circumstances; clarifies that some cost recovery is permitted for the testing and operation of experimental medical devices that take place under its market trial rules; and adds a definition of emergency notification providers: to its rules to clarify that all participants in the Emergency Alert System (EAS) are such providers. However, the Commission declines to expand the eligibility for medical testing licenses.

Timetable:

Action	Date	FR Cite
NPRM	02/08/11	76 FR 6928
NPRM Comment Period End.	03/10/11	
R&O	04/29/13	78 FR 25138
FNPRM	08/31/15	80 FR 52437
MO&O	08/31/15	80 FR 52408
2nd R&O	07/25/16	81 FR 48362

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nnake Nweke, Chief, Experimental Licensing Branch, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0785, *Email: nnake.nweke@fcc.gov.*

RIN: 3060–AJ62

300. WRC–07 Implementation (ET Docket No. 12–338)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303

Abstract: In the Notice of Proposed Rulemaking (NPRM), the Commission proposed to amend parts 1, 2, 74, 78, 87, 90, and 97 of its rules to implement allocation decisions from the World Radiocommunication Conference (Geneva, 2007) (WRC 07) concerning portions of the radio frequency (RF) spectrum between 108 MHz and 20.2 GHz and to make certain updates to its rules in this frequency range. The NPRM follows the Commission's July 2010 WRC–07 Table Clean-up Order, 75 FR 62924, October 13, 2010, which made certain nonsubstantive, editorial revisions to the Table of Frequency Allocations (Allocation Table) and to other related rules. The Commission also addressed the recommendations for implementation of the WRC–07 Final Acts that the National Telecommunications and Information Administration (NTIA) submitted to the Commission in August 2009. As part of its comprehensive review of the Allocation Table, the Commission also proposed to make allocation changes that are not related to the WRC–07 Final Acts and update certain service rules, and requested comment on other allocation issues that concern portions of the RF spectrum between 137.5 kHz and 54.25 GHz.

In the Report and Order the Commission implemented allocation changes from the World Radiocommunication Conference (Geneva, 2007) (WRC–07) and updated related service rules. The Commission took this action in order to conform its rules, to the extent practical, to the decisions that the international community made at WRC–07. This action will promote the advancement of new and expanded services and provide significant benefits to the American people. In addition, the Commission revised the International Table of Frequency Allocations within its rules to generally reflect the allocation changes made at the World Radiocommunication Conference (Geneva, 2012) (WRC–12).

Timetable:

Action	Date	FR Cite
NPRM	12/27/12	77 FR 76250
NPRM Comment Period End.	02/25/13	
Report and Order	04/23/15	80 FR 38811

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Mooring, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2450, *Fax:* 202 418–1944, *Email: tom.mooring@fcc.gov.*

RIN: 3060–AJ93

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Final Rule Stage

301. Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 161; 47 U.S.C. 303(c); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) to initiate a comprehensive review of part 25 of the Commission's rules, which governs the licensing and operation of space stations and earth stations. The Commission proposed amendments to modernize the rules to better reflect evolving technology, to eliminate unnecessary technical and information filing requirements, and to reorganize and simplify existing requirements. In the ensuing Report and Order, the Commission adopted most of its proposed changes and revised over 150 rule provisions. Several proposals raised by commenters in the proceeding, however, were not within the scope of the original NPRM. To address these and other issues, the Commission released a Further Notice of Proposed Rulemaking (FNPRM). The FNPRM proposed additional rule changes to facilitate international coordination of proposed satellite networks, to revise system implementation milestones and the associated bond, and to expand the applicability of routine licensing standards. Following the FNPRM, the Commission issued a Second Report and Order adopting most of its proposals in the FNPNRM. Among other changes, the Commission established a two-step licensing procedure for most geostationary satellite applicants to facilitate international coordination, simplified the satellite development milestones, adopted an escalating bond requirement to discourage speculation, and refined the two-degree orbital spacing policy for most geostationary satellites to protect existing services. In addition, in May 2016, the International Bureau published a Public Notice inviting comment on the appropriate implementation schedule for a Carrier Identification requirement adopted in the first Report and Order in this proceeding.

Timetable:

Action	Date	FR Cite
NPRM	11/08/12	77 FR 67172
NPRM Comment Period End.	02/13/13	
Report and Order	02/12/14	79 FR 8308
FNPRM	10/31/14	79 FR 65106
FNPRM Comment Period End.	03/02/15	
Public Notice	05/31/16	81 FR 34301
2nd R&O	08/18/16	81 FR 55316
Order on Recon ..	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov.*

RIN: 3060–AJ98

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

302. International Settlements Policy Reform (IB Docket No. 11–80)

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154; 47 U.S.C. 201 to 205; 47 U.S.C. 208; 47 U.S.C. 211; 47 U.S.C. 214; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 403

Abstract: The FCC is reviewing the International Settlements Policy (ISP). It governs how U.S. carriers negotiate with foreign carriers for the exchange of international traffic, and is the structure by which the Commission has sought to respond to concerns that foreign carriers with market power are able to take advantage of the presence of multiple U.S. carriers serving a particular market. In 2011, the FCC released an NPRM which proposed to further deregulate the international telephony market and enable U.S. consumers to enjoy competitive prices when they make calls to international destinations. First, it proposed to remove the ISP from all international routes, except Cuba. Second, the FCC sought comment on a proposal to enable the Commission to better protect U.S. consumers from the effects of anticompetitive conduct by foreign carriers in instances necessitating Commission intervention. In 2012, the FCC adopted a Report and Order which eliminated the ISP on all routes, but maintained the nondiscrimination requirement of the ISP on the U.S.-Cuba route and codified it at 47 CFR 63.22(f). In the Report and Order the FCC also adopted measures to protect U.S. consumers from

anticompetitive conduct by foreign carriers. In 2016, the FCC released an FNPRM proposing to remove the nondiscrimination requirement on the U.S.-Cuba route.

Timetable:

Action	Date	FR Cite
NPRM	05/13/11	76 FR 42625
NPRM Comment Period End.	09/02/11	
Report and Order	02/15/13	78 FR 11109
FNPRM	03/04/16	81 FR 11500
FNPRM Comment Period End.	04/18/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Krech, Assoc. Chief, Telecommunications & Analysis Div., Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7443, *Fax:* 202 418–2824, *Email: david.krech@fcc.gov.*

RIN: 3060–AJ77

303. Expanding Broadband and Innovation Through Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHz Band; GN Docket No. 13–114

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 301 to 303; 47 U.S.C. 324

Abstract: In this docket, the Commission establishes a secondary allocation for the Aeronautical Mobile Service in the 14.0–14.5 GHz band and establishes service, technical, and licensing rules for air-ground mobile broadband. The Notice of Proposed Rulemaking requests public comment on a secondary allocation and service, technical, and licensing rules for air-ground mobile broadband.

Timetable:

Action	Date	FR Cite
NPRM (Release Date).	05/09/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean O'More, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2453, *Email: sean.omore@fcc.gov.*

RIN: 3060–AK02

304. Terrestrial Use of the 2473–2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules of Mobile Satellite Service System; IB Docket No. 13–213

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 302(a); 47 U.S.C. 303(c); 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(j); 47 U.S.C. 303(r)

Abstract: In this docket, the Commission proposes modified rules for the operation of the Ancillary Terrestrial Component of the single Mobile-Satellite Service system operating in the Big GEO S band. The changes would allow Globalstar, Inc. to deploy a low-power broadband network using its licensed spectrum at 2483.5–2495 MHz under certain limited technical criteria, and with the same equipment utilize spectrum in the adjacent 2473–2483.5 MHz band, pursuant to technical rules for unlicensed operations in that band.

Timetable:

Action	Date	FR Cite
NPRM	02/19/14	79 FR 9445
NPRM Comment Period End.	05/05/14	
R&O	01/31/17	82 FR 8814
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen Duall, Chief, Satellite Policy Branch, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1103, *Fax:* 202 418–0748, *Email: stephen.duall@fcc.gov.*

RIN: 3060–AK16

305. Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(B)(4) of the Communications Act of 1934, As Amended (Docket No. 15–236)

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 211; 47 U.S.C. 303(r); 47 U.S.C. 309 to 310; 47 U.S.C. 403

Abstract: The FCC extended its foreign ownership rules and procedures that apply to common carrier licensees to broadcast licensees, with certain modifications to tailor them to the broadcast context. The FCC also revised the methodology a licensee should use to assess its compliance with the 25 percent foreign ownership benchmark in section 31 0(b)(4) of the Communications Act of 1934, as amended, in order to reduce regulatory burdens on applicants and licensees. Finally, the FCC clarified and updated existing foreign ownership policies and procedures for broadcast, common carrier and aeronautical licensees. Notice of a petition for reconsideration of the proceeding was published in the **Federal Register** on February 1, 2017.

Timetable:

Action	Date	FR Cite
NPRM	11/06/15	80 FR 68815
NPRM Comment Period End.	01/20/16	
R&O	12/01/16	81 FR 86586
R&O PRA	12/29/16	81 FR 95993
Petition for Recon	02/01/17	82 FR 8907
Technical Amendment.	03/06/17	82 FR 12512
PRA Notice	03/06/17	82 FR 12592
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kimberly Cook, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7532, *Email: kimberly.cook@fcc.gov.*

RIN: 3060–AK47

306. • Update to Parts 2 and 25 Concerning Nongeostationary, Fixed-Satellite Service Systems and Related Matters; IB Docket No. I6–408

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 316

Abstract: On January 11, 2017, the Commission began a rulemaking to update its rules and policies concerning non-geostationary-satellite orbit (NGSO), fixed-satellite service (FSS) systems and related matters. The proposed changes would, among other things, provide for more flexible use of the 17.8–20.2 GHz bands for FSS, promote shared use of spectrum among NGSO FSS satellite systems, and remove unnecessary design restrictions on NGSO FSS systems.

Timetable:

Action	Date	FR Cite
NPRM	01/11/17	82 FR 3258
NPRM Comment Period End.	04/10/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov.*

RIN: 3060–AK59

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Completed Actions

307. Space Station Licensing Reform (IB Docket No. 02–34)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 303(c); 47 U.S.C. 303(g)

Abstract: In 2002, the Commission released a Notice of Proposed Rulemaking to streamline its procedures for reviewing satellite license applications. The Commission invited comment on alternatives to the processing round'' procedure for licensing satellite systems, under which the Commission considered all competing applications at the same time and resolved mutual exclusivity through often lengthy negotiations by the applicants. In the First Report and Order, the Commission adopted a first-come, first-served licensing procedure for most geostationary orbit (GSO) satellite applications, and a modified processing round procedure for most non-geostationary orbit (NGSO) satellite applications. Under the modified processing round procedure, the available spectrum would be divided evenly among the qualified applicants without the need for negotiations. The Commission also adopted measures to discourage speculation, including to require a bond on most satellite licensees, payable if the licensee misses a milestone. The bond amounts were originally set at $5 million for each GSO satellite and $7.5 million for each NGSO satellite system. Concurrently with the First Report and Order, the Commission adopted a Further Notice of Proposed Rulemaking inviting comment on whether to revise the bond amounts on a long-term basis. In a Second Report and Order, the Commission adopted a streamlined procedure for certain kinds of modified satellite operations.

In a Third Report and Order, the Commission adopted a standardized application form for satellite licenses, and adopted a mandatory electronic filing requirement for certain satellite applications. In a Fourth Report and Order, the Commission extended mandatory electronic filing to all satellite and earth station applications, and implemented two measures that allow space station operators to make certain changes to their systems without prior regulatory approval. In a Fifth Report and Order and First Order on Reconsideration, the Commission denied certain petitions for reconsideration of the First Report and Order and revised the bond amounts from $5 million to $3 million for each GSO satellite and from $7.5 million to $5 million for each NGSO satellite system. In a Second Order on Reconsideration, the Commission eliminated a presumption that at least three satellite licensees were necessary in a processing round to make reasonably efficient use of the available spectrum and amended its rules governing transfers of control of non-U.S.-licensed space stations.

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12498
NPRM Comment Period End.	07/02/02	
Second R&O	11/03/03	68 FR 62247
Second FNPRM	09/12/03	68 FR 53702
Third R&O	11/12/03	68 FR 63994
FNPRM	08/27/03	68 FR 51546
First R&O	08/27/03	68 FR 51499
FNPRM Comment Period End.	10/27/03	
Fourth R&O	08/06/04	69 FR 47790
Fifth R&O, First Order on Reconsideration.	08/20/04	69 FR 51586
2nd Order on Reconsideration.	10/31/16	81 FR 75338

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov.*

RIN: 3060–AH98

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Proposed Rule Stage

308. • Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard (GN Docket No. 16–142)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 325(b); 47 U.S.C. 336; 47 U.S.C. 399(b); 47 U.S.C. 403; 47 U.S.C. 534; 47 U.S.C. 535

Abstract: In this proceeding, the Commission proposes to authorize television broadcasters to use the ''Next Generation'' ATSC 3.0 broadcast television transmission standard on a voluntary, market-driven basis, while they continue to deliver current-generation digital television broadcast service to their viewers. The Commission seeks to adopt rules that will afford broadcasters flexibility to deploy ATSC 3.0-based transmissions, while minimizing the impact on, and costs to, consumers and other industry stakeholders.

Timetable:

Action	Date	FR Cite
NPRM	03/10/17	82 FR 13285
NPRM Comment Period End.	05/09/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7142, *Email: evan.baranoff@fcc.gov.*

RIN: 3060–AK56

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Final Rule Stage

309. Channel Sharing by Full Power and Class A Stations Outside of the Incentive Auction Context; (MB Docket No. 15–137)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 338; 47 U.S.C. 403; 47 U.S.C. 614 to 615

Abstract: In this proceeding, the Commission considers rules to enable full power and Class A television stations to share a channel with another licensee outside of the incentive auction context.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 40957
NPRM Comment Period End.	08/13/15	
NPRM Reply Comment Period End.	08/28/15	
1st Order on Recon.	11/02/15	80 FR 67337
2nd Order on Recon.	11/12/15	80 FR 67344
R&O (Released 03/24/2017).	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Matthews, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–

2154, *Fax:* 202 418–2053, *Email: kim.matthews@fcc.gov.*

RIN: 3060–AK42

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

310. Broadcast Ownership Rules

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its ownership rules every four years and determine whether any such rules are necessary in the public interest as the result of competition. Accordingly, every four years, the Commission undertakes a comprehensive review of its broadcast multiple and cross-ownership limits examining: Cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule. The last review undertaken was the 2014 review. The Commission incorporated the record of the 2010 review, and sought additional data on market conditions and competitive indicators. The Commission also sought comment on whether to eliminate restrictions on newspaper/radio combined ownership and whether to eliminate the radio/television cross-ownership rule in favor of reliance on the local radio rule and the local television rule. Ultimately, the Commission retained the existing rules with modifications to account for the digital television transition. Petitions for reconsideration are pending.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Reconsideration.	02/21/08	73 FR 9481
Notice of Inquiry	06/11/10	75 FR 33227
NPRM	01/19/12	77 FR 2868
NPRM Comment Period End.	03/19/12	
FNPRM	05/20/14	79 FR 29010
2nd R&O	11/01/16	81 FR 76220
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Div., Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2757, *Email: brendan.holland@fcc.gov.*

RIN: 3060–AH97

311. Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185)

Legal Authority: 47 U.S.C. 309; 47 U.S.C. 336

Abstract: This proceeding initiated the digital television conversion for low-power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting.

The Report and Order adopts definitions and permissible use provisions for digital TV translator and LPTV stations. The Second Report and Order takes steps to resolve the remaining issues in order to complete the low-power television digital transition. The third Notice of Proposed Rulemaking seeks comment on a number of issues related to the potential impact of the incentive auction and the repacking process.

Timetable:

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
NPRM Comment Period End.	11/25/03	
R&O	11/29/04	69 FR 69325
FNPRM and MO&O.	10/18/10	75 FR 63766
2nd R&O	07/07/11	76 FR 44821
3rd NPRM	11/28/14	79 FR 70824
NPRM Comment Period End.	12/29/14	
NPRM Comment Period End.	12/29/14	
NPRM Reply Comment Period End.	01/12/15	
3rd R&O	02/01/16	81 FR 5041
4th NPRM	02/01/16	81 FR 5086
Comment Period End.	02/22/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaun Maher, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2324, *Fax:* 202 418–2827, *Email: shaun.maher@fcc.gov.*

RIN: 3060–AI38

312. Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i) and (j); 47 U.S.C. 257; 47 U.S.C. 303(r); 47 U.S.C. 307 to 310; 47 U.S.C. 336; 47 U.S.C. 534 and 535

Abstract: Diversity and competition are longstanding and important Commission goals. The measures proposed, as well as those adopted in this proceeding, are intended to promote diversity of ownership of media outlets. In the Report and Order and Third FNPRM, measures are enacted to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses. In the Report and Order and Fourth FNPRM, the Commission adopts improvements to its data collection in order to obtain an accurate and comprehensive assessment of minority and female broadcast ownership in the United States. The Memorandum Opinion & Order addressed petitions for reconsideration of the rules, and also sought comment on a proposal to expand the reporting requirements to non-attributable interests. In 2016, the Commission made improvements to the collection of data reported on Forms 323 and 323–E.

Pursuant to a remand from the Third Circuit, the measures adopted in the 2009 Diversity Order were put forth for comment in the NPRM for the 2010 review of the Commission's Broadcast Ownership rules. The Commission sought additional comment in 2014. The Commission addressed the remand in the 2016 Second Report and Order.

Timetable:

Action	Date	FR Cite
R&O	05/16/08	73 FR 28361
Third FNPRM	05/16/08	73 FR 28400
R&O	05/27/09	74 FR 25163
Fourth FNPRM	05/27/09	74 FR 25305
MO&O	10/30/09	74 FR 56131
NPRM	01/19/12	77 FR 2868
5th NPRM	01/15/13	78 FR 2934
6th FNPRM	01/15/13	78 FR 2925
FNPRM	05/20/14	79 FR 29010
7th FNPRM	02/26/15	80 FR 10442
Comment Period End.	03/30/15	
Reply Comment Period End.	04/30/15	
R&O	04/04/16	81 FR 19432
2nd R&O	11/01/16	81 FR 76220
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Holland, Chief, Industry Analysis Div., Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2757, *Email: brendan.holland@fcc.gov.*

RIN: 3060–AJ27

313. Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 303; 47 U.S.C. 330(b); 47 U.S.C. 613; 47 U.S.C. 617

Abstract: Pursuant to the Commission's responsibilities under the Twenty-First Century Communications and Video Accessibility Act of 2010, this proceeding was initiated to adopt rules to govern the closed captioning requirements for the owners, providers, and distributors of video programming delivered using Internet protocol.

Timetable:

Action	Date	FR Cite
NPRM	09/28/11	76 FR 59963
R&O	03/20/12	77 FR 19480
Order on Recon, FNPRM.	07/02/13	78 FR 39691
2nd Order on Recon.	08/05/14	79 FR 45354
2nd FNPRM	08/05/14	79 FR 45397
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Maria Mullarkey, Attorney, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1067, *Email: maria.mullarkey@fcc.gov.*

RIN: 3060–AJ67

314. Noncommercial Educational Station Fundraising for Third-Party Nonprofit Organizations (MB Docket No. 12–106)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 399(b)

Abstract: The proceeding was initiated to analyze the Commission's longstanding policy prohibiting noncommercial educational broadcast stations from conducting on-air fundraising activities that interrupt regular programming for the benefit of third-party nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	06/22/12	77 FR 37638
NPRM Comment Period End.	07/23/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Beth Murphy, Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2132, *Email: marybeth.murphy@fcc.gov.*

RIN: 3060–AJ79

315. Accessibility of User Interfaces and Video Programming Guides and Menus (MB Docket No. 12–108)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 303(aa); 47 U.S.C. 303(bb)

Abstract: This proceeding was initiated to implement sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act. These sections generally require that user interfaces on digital apparatus and navigation devices used to view video programming be accessible to and usable by individuals who are blind or visually impaired.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36478
NPRM Comment Period End.	07/15/13	
R&O	12/20/13	78 FR 77210
FNPRM	12/20/13	78 FR 77074
2nd FNPRM	02/04/16	81 FR 5971
2nd R&O	02/04/16	81 FR 5921
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Maria Mullarkey, Attorney, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1067, *Email: maria.mullarkey@fcc.gov.*

RIN: 3060–AK11

316. Revision to Public Inspection Requirement (MB Docket No. 16–161)

Legal Authority: 47 U.S.C. 154

Abstract: In this proceeding, the Commission eliminates two public inspection file requirements to reduce the regulatory burden on commercial broadcasters and cable operators.

Timetable:

Action	Date	FR Cite
NPRM	06/22/16	81 FR 40617
Report and Order	02/23/17	82 FR 11406
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Matthews, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2154, *Fax:* 202 418–2053, *Email: kim.matthews@fcc.gov.*

RIN: 3060–AK50

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Managing Director

Long-Term Actions

317. Assessment and Collection of Regulatory Fees for Fiscal Year 2016

Legal Authority: 47 U.S.C. 159

Abstract: Section 9 of the Communications Act of 1934, as amended, 47 U.S.C. 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	05/19/16	
NPRM Comment Period End.	06/20/16	
R&O	09/26/16	81 FR 65926
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0444, *Email: roland.helvajian@fcc.gov.*

RIN: 3060–AK53

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Long-Term Actions

318. Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems (CC Docket No. 94–102; PS Docket No. 07–114)

Legal Authority: 47 U.S.C. 134(i); 47 U.S.C. 151; 47 U.S.C. 201; 47 U.S.C. 208;

47 U.S.C. 215; 47 U.S.C. 303; 47 U.S.C. 309

Abstract: In a series of orders in several related proceedings issued since 1996, the Federal Communications Commission has taken action to improve the quality and reliability of 911 emergency services for wireless phone users. Rules have been adopted governing the availability of basic 911 services and the implementation of enhanced 911 (E911) for wireless services.

Timetable:

Action	Date	FR Cite
FNPRM	08/02/96	61 FR 40374
R&O	08/02/96	61 FR 40348
MO&O	01/16/98	63 FR 2631
Second R&O	06/28/99	64 FR 34564
Third R&O	11/04/99	64 FR 60126
Second MO&O	12/29/99	64 FR 72951
Fourth MO&O	10/02/00	65 FR 58657
FNPRM	06/13/01	66 FR 31878
Order	11/02/01	66 FR 55618
R&O	05/23/02	67 FR 36112
Public Notice	07/17/02	67 FR 46909
Order to Stay	07/26/02	
Order on Reconsideration.	01/22/03	68 FR 2914
FNPRM	01/23/03	68 FR 3214
R&O, Second FNPRM.	02/11/04	69 FR 6578
Second R&O	09/07/04	69 FR 54037
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
Comment Period End.	10/18/08	
Public Notice	11/18/09	74 FR 59539
Comment Period End.	12/04/09	
FNPRM, NOI	11/02/10	75 FR 67321
Second R&O	11/18/10	75 FR 70604
Order, Comment Period Extension.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
Final Rule	04/28/11	76 FR 23713
NPRM	08/04/11	76 FR 47114
Second FNPRM	08/04/11	76 FR 47114
3rd R&O	09/28/11	76 FR 59916
NPRM Comment Period End.	11/02/11	
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Public Notice (release date).	11/20/14	
Public Notice Comment Period End.	12/17/14	
4th R&O	03/04/15	80 FR 11806
Final Rule	08/03/15	80 FR 45897
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy May, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1463, *Email: timothy.may@fcc.gov*.

RIN: 3060–AG34

319. Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–114

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 222; 47 U.S.C. 251

Abstract: The policies set forth in the Report and Order will assist State governments in drafting legislation that will ensure that multi-line telephone systems are compatible with the enhanced 911 network. The Public Notice seeks comment on whether the Commission, rather than States, should regulate multiline telephone systems, and whether part 68 of the Commission's rules should be revised.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Comment Period End.	03/29/05	
NOI	01/13/11	76 FR 2297
NOI Comment Period End.	03/14/11	
Public Notice (Release Date).	05/21/12	
Public Notice Comment Period End.	08/06/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy May, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1463, *Email: timothy.may@fcc.gov*.

RIN: 3060–AG60

320. Implementation of 911 Act (CC Docket No. 92–105, WT Docket No. 00–110)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 202; 47 U.S.C. 208; 47 U.S.C. 210; 47 U.S.C. 214; 47 U.S.C. 251(e); 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 308 to 309(j); 47 U.S.C. 310

Abstract: This proceeding was separate from the Commission's proceeding on Enhanced 911 Emergency Systems (E911) in that it intended to implement provisions of the Wireless Communications and Public Safety Act of 1999 through the promotion of public safety by the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. More specifically, the chief goal of the proceeding is to ensure that all emergency calls are routed to the appropriate local emergency authority to provide assistance. The E911 proceeding goes a step further and was aimed at improving the effectiveness and reliability of wireless 911 dispatchers with additional information on wireless 911 calls.

Timetable:

Action	Date	FR Cite
Fourth R&O, Third NPRM.	09/19/00	65 FR 56752
NPRM	09/19/00	65 FR 56757
Fifth R&O, First R&O, and MO&O.	01/14/02	67 FR 1643
Final Rule	01/25/02	67 FR 3621
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy May, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1463, *Email: timothy.may@fcc.gov*.

RIN: 3060–AH90

321. Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)

Legal Authority: 47 U.S.C.155; 47 U.S.C. 154; 47 U.S.C. 201; 47 U.S.C. 251

Abstract: The 2004 Report and Order extended the Commission's outage reporting requirements to non-wireline carriers and streamlined reporting through a new electronic template. A Further Notice of Proposed Rulemaking regarding the unique communications needs of airports also remains pending. The 2012 Report and Order extended the Commission's outage reporting requirements to interconnected Voice over Internet Protocol services where there is a complete loss of connectivity that has the potential to affect at least 900,000 user minutes. Interconnected VoIP services providers must now file outage reports through the same electronic mechanism as providers of other services. The Commission indicated that the technical issues

involved in identifying and reporting significant outages of broadband Internet services require further study. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also dockets 04–35 and 15–80). The FNPRM proposed rules to extend Part 4 outage reporting to broadband services. Comments and replies were received by the Commission in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
FNPRM	11/26/04	69 FR 68859
R&O	12/03/04	69 FR 70316
Announcement of Effective Date and Partial Stay.	12/30/04	69 FR 78338
Petition for Reconsideration.	02/15/05	70 FR 7737
Amendment of Delegated Authority.	02/21/08	73 FR 9462
Public Notice	08/02/10	
NPRM	06/09/11	76 FR 33686
NPRM Comment Period End.	08/08/11	
R&O	04/27/12	77 FR 25088
Final Rule; Correction.	01/30/13	78 FR 6216
R&O	07/12/16	81 FR 45055
FNPRM	07/12/16	81 FR 45095
FNPRM Comment Period End.	09/12/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Villanueva, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7005, *Email: brenda.villanueva@fcc.gov.*

RIN: 3060–AI22

322. E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 251(e); 47 U.S.C. 303(r)

Abstract: In this proceeding, the Commission adopted E911 requirements for interconnected Voice Over Internet Protocol (VOIP) service providers. The pending notices seek comment on what additional steps the Commission should take to ensure that VOIP providers interconnecting with the public switched telephone network, provide ubiquitous and reliable enhanced 911 service.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM	06/29/05	70 FR 37307
R&O	06/29/05	70 FR 37273
NPRM Comment Period End.	09/12/05	
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
FNPRM, NOI	11/02/10	75 FR 67321
Order, Extension of Comment Period.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
2nd FNPRM, NPRM.	08/04/11	76 FR 47114
2nd FNPRM, NPRM Comment Period End.	11/02/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy May, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1463, *Email: timothy.may@fcc.gov.*

RIN: 3060–AI62

323. Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: This is related to the proceedings in which the FCC has previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy Enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
FNPRM; NOI	11/02/10	75 FR 67321
Public Notice	11/18/09	74 FR 59539
2nd R&O	11/18/10	75 FR 70604
Second NPRM	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
Final Rule	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Public Notice (Release Date).	11/20/14	
Public Notice Comment Period End.	12/17/14	
4th R&O	03/04/15	80 FR 11806
Final Rule	08/03/15	80 FR 45897
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy May, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1463, *Email: timothy.may@fcc.gov.*

RIN: 3060–AJ52

324. Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHZ Bands; PS Docket No. 13–87

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This proceeding seeks to amend the Commission's rules to promote spectrum efficiency, interoperability, and flexibility in 700 MHz public safety narrowband operations (769–775 and 799–805 MHz).

Timetable:

Action	Date	FR Cite
NPRM	04/19/13	78 FR 23529
Final Rule	12/20/14	79 FR 71321
Final Rule Effective.	01/02/15	
FNPRM	09/29/16	81 FR 65984
Order on Recon	09/29/16	81 FR 66830
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0838, *Email: brian.marenco@fcc.gov.*

RIN: 3060–AK19

325. Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 34 to 39; 47 U.S.C. 301

Abstract: This proceeding takes steps toward assuring the reliability and

resiliency of submarine cables, a critical piece of the Nation's communications infrastructure, by proposing to require submarine cable licensees to report to the Commission when outages occur and communications are disrupted. The Commission's intent is to enhance national security and emergency preparedness by these actions.

Timetable:

Action	Date	FR Cite
NPRM (Release Date).	09/17/15	
R&O	06/24/16	81 FR 52354
Petitions for Recon.	09/08/16	
Petitions for Recon—Public Comment.	10/31/16	81 FR 75368
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Shroyer, Attorney Advisor, Federal Communications Commission, Public Safety Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 201 418–1575, *Email: peter.shroyer@fcc.gov.*

RIN: 3060–AK39

326. Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80

Legal Authority: 47 CFR 0; 47 CFR 4; 47 CFR 63

Abstract: The 2004 Report and Order extended the Commission's communication disruptions reporting rules to non-wireline carriers and streamlined reporting through a new electronic template, see docket ET Docket 04–35. In 2015, this proceeding, PS Docket 15–80, was opened to amend the original communications disruption reporting rules from 2004 in order to reflect technology transitions observed throughout the telecommunications sector. The Commission seeks to further study the possibility to share the reporting database information and access with state and other federal entities. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also dockets 11–82 & 04–35). The R&O adopted rules to update the part 4 requirements to reflect technology transitions. The FNPRM also seeks comment on sharing information in the reporting database.

Timetable:

Action	Date	FR Cite
NPRM	06/16/15	80 FR 34321
NPRM Comment Period End.	07/31/15	
FNPRM	07/12/16	81 FR 45095
R&O	07/12/16	81 FR 45055
FNPRM Comment Period End.	09/12/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Villanueva, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7005, *Email: brenda.villanueva@fcc.gov.*

RIN: 3060–AK40

327. New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35

Legal Authority: 47 U.S.C. 154 to 155; 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 307; 47 U.S.C. 316

Abstract: The proceeding creates a new part 4 in title 47, and amends part 63.100. The proceeding updates the Commission's communication disruptions reporting rules for wireline providers formerly found in 47 CFR 63.100, and extends these rules to other non-wireline providers. Through this proceeding, the Commission streamlines the reporting process through an electronic template. The Report and Order received several petitions for reconsideration, of which two were eventually withdrawn. In 2015, seven were addressed in an Order on Reconsideration and in 2016 another petition was addressed in an Order on Reconsideration. One petition (CPUC Petition) remains pending regarding NORS database sharing with states, which is addressed in a separate proceeding, PS Docket 15–80. To the extent the communication disruption rules cover VoIP, the Commission studies and addresses these questions in a separate docket, PS Docket 11–82.

In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see dockets 11–82 & 15–80). The Order on Reconsideration addressed outage reporting for events at airports, and the FNPRM sought comment on database sharing.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
R&O	11/26/04	69 FR 68859
Denial for Petition for Partial Stay.	12/02/04	
Seek Comment on Petition for Recon.	02/02/10	
Reply Period End	03/19/10	
Seek Comment on Broadband and Interconnected VOIP Service Providers.	07/02/10	
Reply Period End	08/16/12	
R&O and Order on Recon.	06/16/15	80 FR 34321
FNPRM	07/12/16	81 FR 45095
R&O	07/12/16	81 FR 45055
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Villanueva, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7005, *Email: brenda.villanueva@fcc.gov.*

RIN: 3060–AK41

328. Wireless Emergency Alerts (WEA); PS Docket No. 15–91

Legal Authority: Pub. L. 109–347, title VI; 47 U.S.C. 151; 47 U.S.C. 154(i)

Abstract: This proceeding was initiated to improve WEA messaging, to ensure that WEA alerts reach only those individuals to whom they are relevant, and to establish an end-to-end testing program based on advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	11/19/15	80 FR 77289
NPRM Comment Period End.	01/13/16	
NPRM Reply Comment Period End.	02/12/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7452, *Email: lisa.fowlkes@fcc.gov.*

RIN: 3060–AK54

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Completed Actions

329. 700 MHz Public Safety Broadband—First Net (PS Docket Nos. 12–94 & 06–229 and WT 06–150)

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; Pub. L. 112–96

Abstract: This action proposes technical rules to protect against harmful radio frequency interference in the spectrum designated for public safety services under the Middle Class Tax Relief and Job Creation Act of 2012.

Timetable:

Action	Date	FR Cite
NPRM	04/24/13	78 FR 24138
NPRM Comment Period End.	05/24/13	
R&O	01/06/14	79 FR 588
R&O	09/16/16	81 FR 63714

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roberto Mussenden, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1428, *Email: roberto.mussenden@fcc.gov.*

RIN: 3060–AJ99

330. Amendment of Part 90 of the Commission's Rules To Enable Railroad Police Officers To Access Public Safety Interoperability and Mutual Aid Channels

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 316; 47 U.S.C. 337

Abstract: In this proceeding, we amend our rules to permit railroad police officers to use public safety interoperability channels to communicate with public safety entities already authorized to use to use those channels.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End.	11/13/15	
NPRM	11/13/15	80 FR 58421
NPRM Reply Comment Period End.	11/30/15	
R&O	09/28/16	81 FR 66538

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Evanoff, Attorney Advisor, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0848, *Email: john.evanoff@fcc.gov.*

RIN: 3060–AK51

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Final Rule Stage

331. Promoting Technological Solutions To Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307 to 310; 47 U.S.C. 332

Abstract: In this proceeding, the Commission proposes rules to encourage development of multiple technological solutions to combat the use of contraband wireless devices in correctional facilities nationwide. The Commission proposes to streamline rules governing lease agreement modifications between wireless providers and managed access system operators. It also proposes to require wireless providers to terminate service to a contraband wireless device.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
R&O and FNPRM (Released 03/24/2017).	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Conway, Attorney Advisor, Wireless Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2887, *Email: melissa.conway@fcc.gov.*

RIN: 3060–AK06

332. 800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 301 to 303; 47 U.S.C. 308; 47 U.S.C. 309(j); 47 U.S.C. 332

Abstract: The proceeding was launched to revisit and update various rules governing licensing for the 800 MHz cellular radiotelephone service. Most notably, the current site-based model for issuing licenses is under review, mindful of the evolution of this commercial wireless mobile service since its inception more than 30 years ago and the licensing models used for newer wireless telecommunications services. On November 10, 2014, the FCC released a Report and Order (R&O) and a companion Further Notice of Proposed Rulemaking (FNPRM) to revise rules governing the 800 MHz Cellular Service. In the R&O, the FCC eliminated various regulatory requirements and streamlined requirements remaining in place, while retaining Cellular Service licensees' ability to expand into an area that is not yet licensed. In the FNPRM, the FCC proposes and seeks comment on additional Cellular Service reforms of licensing rules and the radiated power rules, to promote flexibility and help foster the deployment of newer technologies such as LTE.

Timetable:

Action	Date	FR Cite
NPRM	03/16/12	77 FR 15665
NPRM Comment Period End.	05/15/12	
NPRM Reply Comment Period End.	06/14/12	
R&O	12/05/14	79 FR 72143
FNPRM	12/22/14	79FR 76268
Final Rule Effective (with 3 exceptions).	01/05/15	
FNPRM Comment Period End.	01/21/15	
FNPRM Reply Comment Period End.	02/20/15	
2nd R&O, Order, and 2nd FNPRM (Released 03/24/2017).	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nina Shafran, Attorney Advisor, Wireless Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2781, *Email: nina.shafran@fcc.gov.*

RIN: 3060–AK13

333. Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 316

Abstract: This proceeding was initiated to revise some of the Commission's general part 1 rules governing competitive bidding for spectrum licenses to reflect changes in the marketplace, including the challenges faced by new entrants, as

well as to advance the statutory directive to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services. In July 2015, the Commission revised its competitive bidding rules, specifically adopting revised requirements for eligibility for bidding credits, a new rural service provider bidding credit, a prohibition on joint bidding agreements and other changes.

Timetable:

Action	Date	FR Cite
NPRM	11/14/14	79 FR 68172
Public Notice	03/16/15	80 FR 15715
Public Notice	04/23/15	80 FR 22690
R&O	09/18/15	80 FR 56764
Public Notice on Petitions for Reconsideration.	11/10/15	80 FR 69630
Order on Recon	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0660, *Email: kelly.quinn@fcc.gov.*

RIN: 3060–AK28

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

334. Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers

Legal Authority: 47 U.S.C. 151; to 152(n); 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 251(a); 47 U.S.C. 253; 47 U.S.C. 303(r); 47 U.S.C. 332(c)(1)(B); 47 U.S.C. 309

Abstract: This rulemaking considers whether the Commission should adopt an automatic roaming rule for voice services for Commercial Mobile Radio Services and whether the Commission should adopt a roaming rule for mobile data services.

Timetable:

Action	Date	FR Cite
NPRM	11/21/00	65 FR 69891
NPRM	09/28/05	70 FR 56612
NPRM	01/19/06	71 FR 3029
FNPRM	08/30/07	72 FR 50085
Final Rule	08/30/07	72 FR 50064
Final Rule	04/28/10	75 FR 22263
FNPRM	04/28/10	75 FR 22338
2nd R&O	05/06/11	76 FR 26199
Order on Recon	06/25/14	79 FR 43956
Declaratory Ruling (release date).	12/18/14	
Comment Period End.	02/14/15	
Reply Comment Period End.	02/19/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Salhus, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2823, *Email: jsalhus@fcc.gov.*

RIN: 3060–AH83

335. Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: This proceeding is intended to streamline, consolidate, and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
NPRM Comment Period End.	03/14/02	
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
FNPRM Comment Period End.	07/12/04	
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
NPRM Comment Period End.	03/06/07	
Final Rule	12/06/06	71 FR 70671
3rd R&O	03/29/11	76 FR 17347
Stay Order	03/29/11	76 FR 17353
3rd FNPRM	01/30/13	78 FR 6276
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov.*

RIN: 3060–AI35

336. Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 155; 47 U.S.C. 155(c); 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 303(r); 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 309(j); 47 U.S.C. 325(e); 47 U.S.C. 334; 47 U.S.C. 336; 47 U.S.C. 339; 47 U.S.C. 554

Abstract: This proceeding implements rules and procedures needed to comply with the Commercial Spectrum Enhancement Act (CSEA). It establishes a mechanism for reimbursing Federal agencies' out-of-spectrum auction proceeds for the cost of relocating their operations from certain ''eligible frequencies'' that have been reallocated from Federal to non-Federal use. It also seeks to improve the Commission's ability to achieve Congress' directives with regard to designated entities and to ensure that, in accordance with the intent of Congress, every recipient of its designated entity benefits is an entity that uses its licenses to directly provide facilities-based telecommunications services for the benefit of the public.

Timetable:

Action	Date	FR Cite
NPRM	06/14/05	70 FR 43372
Declaratory Ruling	06/14/05	70 FR 43322
R&O	01/24/06	71 FR 6214
FNPRM	02/03/06	71 FR 6992
Second R&O	04/25/06	71 FR 26245
Order on Reconsideration of Second R&O.	06/02/06	71 FR 34272
NPRM	06/21/06	71 FR 35594
Second Order and Reconsideration of Second R&O.	04/04/08	73 FR 18528
Order	03/21/12	77 FR 16470
Order on Recon of 1st R&O, 3rd Order on Recon of 2nd R&O, and 3rd R&O.	09/18/15	80 FR 56764
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0660, *Email: kelly.quinn@fcc.gov.*

RIN: 3060–AI88

337. Facilitating the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 301 to 303; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: The Commission seeks comment on whether to assign Educational Broadband Service (EBS) spectrum in the Gulf of Mexico. It also seeks comment on how to license unassigned and available EBS spectrum. Specifically, we seek comment on whether it would be in the public interest to develop a scheme for licensing unassigned EBS spectrum that avoids mutual exclusivity; we ask whether EBS eligible entities could participate fully in a spectrum auction; we seek comment on the use of small business size standards and bidding credits for EBS if we adopt a licensing scheme that could result in mutually exclusive applications; we seek comment on the proper market size and size of spectrum blocks for new EBS licenses; and we seek comment on issuing one license to a State agency designated by the Governor to be the spectrum manager, using frequency coordinators to avoid mutually exclusive EBS applications, as well as other alternative licensing schemes. The Commission must develop a new licensing scheme for EBS in order to achieve the Commission's goal of facilitating the development of new and innovative wireless services for the benefit of students throughout the Nation. In addition, the Commission has sought comment on a proposal intended to make it possible to use wider channel bandwidths for the provision of broadband services in these spectrum bands. The proposed changes may permit operators to use spectrum more efficiently, and to provide higher data rates to consumers, thereby advancing key goals of the National Broadband Plan.

Timetable:

Action	Date	FR Cite
NPRM	04/02/03	68 FR 34560
NPRM Comment Period End.	09/08/03	
FNPRM	07/29/04	69 FR 72048
FNPRM Comment Period End.	01/10/03	
R&O	07/29/04	69 FR 72020
MO&O	04/27/06	71 FR 35178
FNPRM	03/20/08	73 FR 26067
FNPRM Comment Period End.	07/07/08	
MO&O	03/20/08	73 FR 26032
MO&O	09/28/09	74 FR 49335
FNPRM	09/28/09	74 FR 49356
FNPRM Comment Period End.	10/13/09	
R&O	06/03/10	75 FR 33729
FNPRM	05/27/11	76 FR 32901
FNPRM Comment Period End.	07/22/11	
R&O	07/16/14	79 FR 41448
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ12

338. Service Rules for Advanced Wireless Services in the 2155–2175 MHz Band; WT Docket No. 13–185

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301

Abstract: This proceeding explores the possible uses of the 2155 to 2175 MHz frequency band (AWS–3) to support the introduction of new advanced wireless services, including third generation and future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks. The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS–3 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly used to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services. We proposed to apply our flexible, market-oriented rules to the band to do so. Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed AWS–3 rules, which include adding 5 megahertz of spectrum (2175 to 80 MHz) to the AWS–3 band, and requiring licensees of that spectrum to provide—using up to 25 percent of its wireless network capacity—free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/14/07	72 FR 64013
NPRM Comment Period End.	01/14/08	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End.	08/11/08	
FNPRM	08/20/13	78 FR 51559
FNPRM Comment Period End.	10/16/13	
R&O	06/04/14	79 FR 32366
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ19

339. Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHz Band, and To Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 332

Abstract: This action adopts rules that retain the current site-based licensing paradigm for the 900 MHz B/ILT ''white space''; adopts interference protection rules applicable to all licensees operating in the 900 MHz B/ILT spectrum; and lifts, on a rolling basis, the freeze placed on applications for new 900 MHz B/ILT licenses in September 2004—the lift being tied to the completion of rebanding in each 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) region.

Timetable:

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13143
NPRM Comment Period End.	06/12/05	70 FR 23080
Final Rule	12/16/08	73 FR 67794
Petition for Reconsideration.	03/12/09	74 FR 10739
Order on Reconsideration.	07/17/13	78 FR 42701
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joyce Jones, Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1327, *Email: joyce.jones@fcc.gov.*

RIN: 3060–AJ22

340. Amendment of Part 101 To Accommodate 30 MHz Channels in the 6525 to 6875 MHz Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHz Band (WT Docket No. 04–114)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332 and 333

Abstract: The Commission seeks comments on modifying its rules to authorize channels with bandwidths of as much as 30 MHz in the 6525 to 6875 MHz band. We also propose to allow conditional authorization on additional channels in the 21.8–22.0 and 23.0–23.2 GHz bands.

Timetable:

Action	Date	FR Cite
NPRM	06/29/09	74 FR 36134
NPRM Comment Period End.	07/22/09	
R&O	06/11/10	75 FR 41767
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ28

341. Amendment of Part 90 of the Commission's Rules

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303

Abstract: This proceeding considers rule changes impacting miscellaneous part 90 Private Land Mobile Radio rules.

Timetable:

Action	Date	FR Cite
NPRM	06/13/07	72 FR 32582
FNPRM	04/14/10	75 FR 19340
Order on Reconsideration.	05/27/10	75 FR 29677
5th R&O	05/16/13	78 FR 28749
Petition for Reconsideration.	07/23/13	78 FR 44091
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney P. Conway, Engineer, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2904, *Fax:* 202 418–1944, *Email: rodney.conway@fcc.gov.*

RIN: 3060–AJ37

342. Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 157; 47 U.S.C. 160 and 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319 and 324; 47 U.S.C. 332 and 333

Abstract: In this document, the Commission commences a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipoint communications.

Timetable:

Action	Date	FR Cite
NPRM	08/05/10	75 FR 52185
NPRM Comment Period End.	11/22/10	
R&O	09/27/11	76 FR 59559
FNPRM	09/27/11	76 FR 59614
FNPRM Comment Period End.	10/25/11	
R&O	09/05/12	77 FR 54421
FNPRM	09/05/12	77 FR 54511
FNPRM Comment Period End.	10/22/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ47

343. Universal Service Reform Mobility Fund (WT Docket No. 10–208)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding establishes the Mobility Fund which provides an initial infusion of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current and next-generation wireless infrastructure in areas where these services are unavailable.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
R&O	11/29/11	76 FR 73830
FNPRM	12/16/11	76 FR 78384
R&O	12/28/11	76 FR 81562
2nd R&O	07/03/12	77 FR 39435
4th Order on Recon.	08/14/12	77 FR 48453
FNPRM	07/09/14	79 FR 39196
R&O, Declaratory Ruling, Order, MO&O, and 7th Order on Recon.	07/09/14	79 FR 39163
FNPRM Comment Period End.	09/08/14	
R&O	10/07/16	81 FR 69696
FNPRM	10/07/16	81 FR 69772
FNPRM Comment Period End.	01/05/17	
FNPRM	03/13/17	82 FR 13413
R&O	03/28/17	82 FR 15422
R&O Correction	04/04/17	82 FR 16297
FNPRM Comment Period End.	04/27/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Audra Hale-Maddox, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2109, *Email: audra.hale-maddox@fcc.gov.*

RIN: 3060–AJ58

344. Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 303 and 310

Abstract: The Commission proposes steps making additional spectrum available for new investment in mobile broadband networks while ensuring that the United States maintains robust mobile satellite service capabilities. Mobile broadband is emerging as one of America's most dynamic innovation and economic platforms. Yet tremendous demand growth soon will test the limits of spectrum availability. Some 90 megahertz of spectrum allocated to the Mobile Satellite Service (MSS)—in the 2 GHz band, Big LEO band, and L-band—are potentially available for terrestrial mobile broadband use. The Commission seeks to remove regulatory barriers to terrestrial use, and to promote additional investments, such as those recently made possible by a transaction between Harbinger Capital Partners and SkyTerra Communications, while retaining sufficient market-wide MSS

capability. The Commission proposes to add co-primary Fixed and Mobile allocations to the 2 GHz band, consistent with the International Table of Allocations. This allocation modification is a precondition for more flexible licensing of terrestrial services within the band. Second, the Commission proposes to apply the Commission's secondary market policies and rules applicable to terrestrial services to all transactions involving the use of MSS bands for terrestrial services to create greater predictability and regulatory parity with bands licensed for terrestrial mobile broadband service. The Commission also requests comment on further steps we can take to increase the value, utilization, innovation, and investment in MSS spectrum generally.

Timetable:

Action	Date	FR Cite
NPRM	07/15/10	75 FR 49871
NPRM Comment Period End.	09/30/10	
R&O	04/06/11	76 FR 31252
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blaise Scinto, Chief, Broadband Div., WTB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1380, *Email: blaise.scinto@fcc.gov.*

RIN: 3060–AJ59

345. Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110)

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 307 to 308

Abstract: This proceeding was initiated to allow EA-based 800 MHz SMR licensees in 813.5–824/858.5–869 MHz to exceed the channel spacing and bandwidth limitation in section 90.209 of the Commission's rules, subject to conditions.

Timetable:

Action	Date	FR Cite
NPRM	03/29/12	77 FR 18991
NPRM Comment Period End.	04/13/12	
R&O	05/24/12	77 FR 33972
Petition for Recon Public Notice.	08/16/12	77 FR 53163
Petition for Recon PN Comment Period End.	09/27/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Chang, Associate Chief, Mobility Div., Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1339, *Fax:* 202 418–7447, *Email: linda.chang@fcc.gov.*

RIN: 3060–AJ71

346. Service Rules for Advanced Wireless Services in the 2000–2020 MHz and 2180–2200 MHz Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153; 47 U.S.C. 154(i); 47 U.S.C. 227; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332 to 333

Abstract: In the Report and Order, the Commission increased the Nation's supply of spectrum for mobile broadband by removing unnecessary barriers to flexible use of spectrum currently assigned to the Mobile Satellite Service (MSS) in the 2 GHz band. This action carries out a recommendation in the National Broadband Plan that the Commission enable the provision of standalone terrestrial services in this spectrum. We do so by adopting service, technical, assignment, and licensing rules for this spectrum. These rules are designed to provide for flexible use of this spectrum, encourage innovation and investment in mobile broadband, and provide a stable regulatory environment in which broadband deployment could develop.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End.	04/17/12	
NPRM	04/17/12	77 FR 22720
R&O	05/05/13	78 FR 8229
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ73

347. Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; (GN Docket No. 12–268)

Legal Authority: 47 U.S.C. 309(j)(8)(G); 47 U.S.C. 1452

Abstract: In February 2012, the Middle Class Tax Relief and Job Creation Act was enacted (Pub. L. 112–96, 126 Stat. 156 (2012)). Title VI of that statute, commonly known as the Spectrum Act, provides the Commission with the authority to conduct incentive auctions to meet the growing demand for wireless broadband. Pursuant to the Spectrum Act, the Commission may conduct incentive auctions that will offer new initial spectrum licenses subject to flexible-use service rules on spectrum made available by licensees that voluntarily relinquish some or all of their spectrum usage rights in exchange for a portion, based on the value of the relinquished rights as determined by an auction, of the proceeds of bidding for the new licenses. In addition to granting the Commission general authority to conduct incentive auctions, the Spectrum Act requires the Commission to conduct an incentive auction of broadcast TV spectrum and sets forth special requirements for such an auction.

The Spectrum Act requires that the incentive auction consist of a reverse auction ''to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its spectrum usage rights and a forward auction'' that would allow mobile broadband providers to bid for licenses in the reallocated spectrum. Broadcast television licensees who elected to voluntarily participate in the auction had three basic options: Voluntarily go off the air; share spectrum; or move channels in exchange for receiving part of the proceeds from auctioning that spectrum to wireless providers.

In June 2014 the Commission adopted a Report and Order that laid out the general framework for the incentive auction. The incentive auction started on March 29, 2016, with the submission of initial commitments by eligible broadcast licensees that had submitted timely and complete applications, and bidding ended on March 30, 2017. The announcement of the closing of the incentive auction will start the 39-month transition period during which broadcasters will transition their stations to their post-auction channel assignments in the reorganized television bands.

Timetable:

Action	Date	FR Cite
NPRM	11/21/12	77 FR 69933
R&O	08/15/14	79 FR 48441
Notice	01/29/15	80 FR 4816
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel Kazan, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1500, *Email: rachel.kazan@fcc.gov.*

RIN: 3060–AJ82

348. Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357)

Legal Authority: 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310

Abstract: The Commission proposes rules for the Advanced Wireless Services (AWS) H Block that would make available 10 megahertz of flexible use. The proposal would extend the widely deployed Personal Communications Services (PCS) band, which is used by the four national providers as well as regional and rural providers to offer mobile service across the nation. The additional spectrum for mobile use will help ensure that the speed, capacity, and ubiquity of the Nation's wireless networks keeps pace with the skyrocketing demand for mobile services.

Today's action is a first step to implement the congressional directive in the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) to grant new initial licenses for the 1915–1920 MHz and 1995–2000 MHz bands (the Lower H Block and Upper H Block, respectively) through a system of competitive bidding,Â—unless doing so would cause harmful interference to commercial mobile service licenses in the 1930–1985 MHz (PCS downlink) band. The potential for harmful interference to the PCS downlink band relates only to the Lower H Block transmissions, and may be addressed by appropriate technical rules, including reduced power limits on H Block devices. We, therefore, propose to pair and license the Lower H Block and the Upper H Block for flexible use, including mobile broadband, aiming to assign the licenses through competitive bidding in 2013. In the event that we conclude that the Lower H Block cannot be used without causing harmful interference to PCS, we propose to license the Upper H Block for full power, and seek comment on appropriate use for the Lower H Block, including Unlicensed PCS.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1166
NPRM Comment Period End.	03/06/13	
R&O	08/16/13	78 FR 50213
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ86

349. Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules To Improve Wireless Coverage Through The Use of Signal Boosters (WT Docket No. 10–4)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

Abstract: This action adopts new technical, operational, and registration requirements for signal boosters. It creates two classes of signal boosters—consumer and industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/10/11	76 FR 26983
R&O	04/11/13	78 FR 21555
Petition for Reconsideration.	06/06/13	78 FR 34015
Order on Reconsideration.	11/08/14	79 FR 70790
FNPRM	11/28/14	79 FR 70837
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amanda Huetinck, Attorney Advisor, WTB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7090, *Email: amanda.huetinck@fcc.gov.*

RIN: 3060–AJ87

350. Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42)

Legal Authority: 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e); 47 U.S.C. 151 to 156; 47 U.S.C. 301

Abstract: This action amends part 87 rules to authorize new ground station technologies to promote safety and allow use of frequency 1090 MHz by aeronautical utility mobile stations for airport surface detection equipment (commonly referred to as ''squitters'') to help reduce collisions between aircraft and airport ground vehicles.

Timetable:

Action	Date	FR Cite
NPRM	04/28/10	75 FR 22352
R&O	03/01/13	78 FR 61023
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov.*

RIN: 3060–AJ88

351. Amendment of the Commission's Rules Concerning Commercial Radio Operators (WT Docket No. 10–177)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 332(a)2

Abstract: This action amends parts 0, 1, 13, 80, and 87 of the Commission's rules concerning commercial radio operator licenses for maritime and aviation radio stations in order to reduce administrative burdens on the telecom industry.

Timetable:

Action	Date	FR Cite
NPRM	10/29/10	75 FR 66709
R&O	05/29/13	78 FR 32165
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stanislava Kimball, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1306, *Email: stanislava.kimball@fcc.gov.*

RIN: 3060–AJ91

352. Amendment of Part 90 of the Commission's Rules To Permit Terrestrial Trunked Radio (TETRA) Technology; WT Docket No. 11–6

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 161; 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 332(c)(7)

Abstract: We modify our rules to permit the certification and use of Terrestrial Trunked Radio (TETRA) equipment under part 90 of our rules. TETRA is a spectrally efficient digital technology with the potential to provide valuable benefits to land mobile radio users, such as higher security and lower latency than comparable technologies. It does not, however, conform to all of our current part 90 technical rules. In the Notice of Proposed Rule Making and Order (NPRM) in this proceeding, the Commission proposed to amend part 90 to accommodate TETRA technology. We conclude that modifying the part 90 rules to permit the certification and use of TETRA equipment in two bands-the 450–470 MHz portion of the UHF band (421–512 MHz) and Business/Industrial Land Transportation 800 MHz band channels (809–824/854–869 MHz) that are not in the National Public Safety Planning Advisory Committee (NPSPAC) portion of the band-will give private land mobile radio (PLMR) licensees additional equipment alternatives without increasing the potential for interference or other adverse effects on other licensees.

Timetable:

Action	Date	FR Cite
NPRM	05/11/11	76 FR 27296
R&O	10/10/12	77 FR 61535
Order on Reconsideration.	08/09/13	78 FR 48627
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov.*

RIN: 3060–AK05

353. Enabling Small Cell Use in the 3.5 GHz Band

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j) ; 47 U.S.C. 302(a); 47 U.S.C. 303 to 304; 47 U.S.C. 307(e); 47 U.S.C. 316

Abstract: The NPRM proposed to create a Citizens Broadband Service, licensed-by-rule pursuant to section 307(e) of the Communications Act and classified as a Citizens Band Service under part 95 of the Commission's rules. Access to and use of the 3.5 GHz band would be managed by a spectrum access system (SAS), incorporating a geo-location enabled dynamic database (similar to TVWS).

The Further Notice of Proposed Rulemaking proposes to create a new Citizens Broadband Radio Service in the 3550 to 3650 MHz band to be governed by a new part 96 of the Commission's rules. Access to and use of the 3550 to 3650 MHz band would be managed by a spectrum access system, incorporating a geo-location enabled dynamic database.

The Report and Order and Second Further Notice of Proposed Rulemaking adopted by the Commission established a new Citizens Broadband Radio Service for shared wireless broadband use of the 3550 to 3700 MHz band. The Citizens Broadband Radio Service is governed by a three-tiered spectrum authorization framework to accommodate a variety of commercial uses on a shared basis with incumbent federal and non-federal users of the band. Access and operations will be managed by a dynamic spectrum access system. The three tiers are: Incumbent Access, Priority Access, and General Authorized Access. Rules governing the Citizens Broadband Radio Service are found in part 96 of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1188
NPRM Comment Period End.	03/19/13	
FNPRM	06/02/14	79 FR 31247
FNPRM Comment Period End.	08/15/14	
R&O and 2nd FNPRM.	06/15/15	80 FR 34119
2nd FNPRM Comment Period End.	08/14/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Powell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1613, *Email: paul.powell@fcc.gov.*

RIN: 3060–AK12

354. Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers; WT Docket 10–112

Legal Authority: 47 U.S.C. 151 to 154; 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 301 to 302; 47 U.S.C. 302(a); 47 U.S.C. 303 to 304; 47 U.S.C. 307; 47 U.S.C. 309 to 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 1302

Abstract: In this proceeding, the Commission adopted service rules for licensing of mobile and other uses for millimeter wave (mmW) bands. These high frequencies previously have been best suited for satellite or fixed microwave applications; however, recent technological breakthroughs have newly enabled advanced mobile services in these bands, notably including very high speed and low latency services. This action will help facilitate Fifth Generation mobile services and other mobile services. In developing service rules for mmW bands, the Commission will facilitate access to spectrum, develop a flexible spectrum policy, and encourage wireless innovation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/16	81 FR 1802
NPRM Comment Period End.	02/26/16	
FNPRM	08/24/16	81 FR 58269
Comment Period End.	09/30/16	
FNPRM Reply Comment Period End.	10/31/16	
R&O	11/14/16	81 FR 79894
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AK44

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Completed Actions

355. Implementation of the Communications Act, Amendment of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301 and 302; 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 332

Abstract: NPRM to modify the competitive bidding rules for the Broadband PCS F Block. Report and

Order, adopted June 21, 1996, modified the PCS/cellular rule and the cellular spectrum cap.

Timetable:

Action	Date	FR Cite
O on Recon of Fifth MO&O and D, E, & F R&O.	11/15/00	65 FR 68927
Final Rule	03/02/01	66 FR 13022
Final Rule	06/04/01	66 FR 29911
Third NPRM	08/27/04	69 FR 52632
PP Docket No. 03–253 Closed.	02/21/08	
WT Docket No. 97–82 Closed.	11/02/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Audrey Bashkin, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7535, *Email: abashkin@fcc.gov.*

RIN: 3060–AG21

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Proposed Rule Stage

356. Jurisdictional Separations

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and market changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of five years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission adopted an Order and Further Notice of Proposed Rulemaking, which extended the separations freeze for a period of three years and sought comment on comprehensive reform. In 2009, the Commission adopted a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission adopted a Report and Order extending the separations freeze for an additional two years to June 2014. In 2014, the Commission adopted a Report and Order extending the separations freeze for an additional three years to June 2017.

On March 20, 2017, the Commission adopted a Further Notice of Proposed Rulemaking proposing to extend the separations freeze for an additional 18 months through December 2018 and to consider with the Separations Federal-State Joint Board comprehensive reform of the jurisdictional separations procedures in the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
R&O	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
R&O	05/27/11	76 FR 30840
R&O	05/23/12	77 FR 30410
R&O	06/13/14	79 FR 36232
FNPRM	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Hunter, Attorney-Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1520, *Email: john.hunter@fcc.gov.*

RIN: 3060–AJ06

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Final Rule Stage

357. Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 219; 47 U.S.C. 220

Abstract: The Commission initiates a rulemaking proceeding to review the Uniform System of Accounts (USOA) to consider ways to minimize the compliance burdens on incumbent local exchange carriers while ensuring that the agency retains access to the information it needs to fulfill its regulatory duties. In light of the Commission's actions in areas of price cap regulation, universal service reform, and intercarrier compensation reform, the Commission stated that it is likely appropriate to streamline the existing rules even though those reforms may not have eliminated the need for accounting data for some purposes. The Commission's analysis and proposals are divided into three parts. First, the Commission proposes to streamline the USOA accounting rules while preserving their existing structure. Second, the Commission seeks more focused comment on the accounting requirements needed for price cap carriers to address our statutory and regulatory obligations. Third, the Commission seeks comment on several related issues, including state requirements, rate effects, implementation, continuing property records, and legal authority.

On February 23, 2017, the Commission adopted a Report and Order that revised the part 32 USOA to substantially reduce accounting burdens for both price cap and rate-of-return carriers. First, the Order streamlines the USOA for all carriers. In addition, the USOA will be aligned more closely with generally accepted accounting principles, or GAAP. Second, the Order allows price cap carriers to use GAAP for all regulatory accounting purposes as long as they comply with targeted accounting rules, which are designed to mitigate any impact on pole attachment rates. Alternatively, price cap carriers can elect to use GAAP accounting for all purposes other than those associated with pole attachment rates and continue to use the part 32 accounts for pole attachment rates for up to 12 years. Third, the Order addresses several miscellaneous issues, including referral to the Federal-State Joint Board on Separations the issue of examining jurisdictional separations rules in light of the reforms adopted to part 32.

Timetable:

Action	Date	FR Cite
NPRM	09/15/14	79 FR 54942
NPRM Comment Period End.	11/14/14	
NPRM Reply Comment Period End.	12/15/14	
R&O (Released 2/23/2017).	11/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robin Cohn, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2747, *Email: robin.cohn@fcc.gov.*

RIN: 3060–AK20

358. Protecting and Promoting the Open Internet (WC Docket No. 14–28)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201(b)

Abstract: In May 2014, the Commission adopted a Notice of Proposed Rulemaking seeking comment on rules for Internet openness and the Commission's legal basis to adopt such rules following the *Verizon* v. *FCC* decision that vacated the Commission's *2010 Open Internet Order* conduct-based rules. In February 2015, the Commission adopted a Report and Order on Remand, Declaratory Ruling, and Order (*2015 Order*) that reclassified broadband Internet access service under title II of the Communications Act. The Commission also adopted new rules banning blocking, throttling, and paid prioritization under its title II authority. Finally, the *2015 Order* also adopted a general conduct standard applicable to broadband service providers, as well as additional reporting obligations.

The rules became effective on June 12, 2015, with the exception of the additional reporting obligations, which became effective on January 17, 2017.

In March 2017, the Commission adopted an Order granting a five-year waiver to broadband Internet access service providers with 250,000 or fewer broadband connections from the additional reporting obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/01/14	79 FR 37448
NPRM Comment Period End.	07/18/14	
NPRM Reply Comment Period End.	09/15/14	
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19737
Waiver Order 03/02/2017 (Not yet published).	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zachary Ross, Attorney Advisor, Competiton Policy Division, WCB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1033, *Email: zachary.ross@fcc.gov.*

RIN: 3060–AK21

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

359. Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96–115)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 222; 47 U.S.C. 272; 47 U.S.C. 303(r)

Abstract: The Commission adopted rules implementing the new statutory framework governing carrier use and disclosure of customer proprietary network information (CPNI) created by section 222 of the Communications Act of 1934, as amended. CPNI includes, among other things, to whom, where, and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent to which the service is used.

Timetable:

Action	Date	FR Cite
NPRM	05/28/96	61 FR 26483
Public Notice	02/25/97	62 FR 8414
Second R&O and FNPRM.	04/24/98	63 FR 20364
Order on Recon	10/01/99	64 FR 53242
Final Rule, Announcement of Effective Date.	01/26/01	66 FR 7865
Clarification Order and Second NPRM.	09/07/01	66 FR 50140
Third R&O and Third FNPRM.	09/20/02	67 FR 59205
NPRM	03/15/06	71 FR 13317
NPRM	06/08/07	72 FR 31782
Final Rule, Announcement of Effective Date.	06/08/07	72 FR 31948
Public Notice	07/13/12	77 FR 35336
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov.*

RIN: 3060–AG43

360. 2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements

Legal Authority: 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 303(r); 47 U.S.C. 403

Abstract: The notice of proposed rulemaking (NPRM) proposed to eliminate our current service quality reports (Automated Reporting Management Information System (ARMIS) Report 43–05 and 43–06) and replace them with a more consumer-oriented report. The NPRM proposed to reduce the reporting categories from more than 30 to 6, and addressed the needs of carriers, consumers, State public utility commissions, and other interested parties. On February 15, 2005, the Commission adopted an Order that extended the Federal-State Joint Conference on Accounting Issues until March 1, 2007. On September 6, 2008, the Commission adopted a Memorandum Opinion and Order granting conditional forbearance from the ARMIS 43–05 and 43–06 reporting requirements to all carriers that are required to file these reports.

Timetable:

Action	Date	FR Cite
NPRM	12/04/00	65 FR 75657
Order	02/06/02	67 FR 5670
Order	03/22/05	70 FR 14466
MO&O	10/15/08	73 FR 60997
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Deputy Chief, Industry Analysis Division, WCB, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7380, *Fax:* 202 418–6768, *Email: cathy.zima@fcc.gov.*

RIN: 3060–AH72

361. Numbering Resource Optimization

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 201 *et seq.;* 47 U.S.C. 251(e)

Abstract: In 1999, the Commission released the Numbering Resource Optimization Notice of Proposed Rulemaking (Notice) in CC Docket 99–200. The Notice examined and sought comment on several administrative and technical measures aimed at improving the efficiency with which telecommunications numbering resources are used and allocated. It incorporated input from the North American Numbering Council (NANC), a Federal advisory committee, which advises the Commission on issues related to number administration. In the Numbering Resource Optimization First Report and Order and Further Notice of Proposed Rulemaking (NRO First Report and Order), released on March 31, 2000, the Commission adopted a mandatory utilization data reporting requirement, a

uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use numbers efficiently. In addition, the Commission adopted a single system for allocating numbers in blocks of 1,000, rather than 10,000, wherever possible, and established a plan for national rollout of thousands-block number pooling. The Commission also adopted numbering resource reclamation requirements to ensure that unused numbers are returned to the North American Numbering Plan (NANP) inventory for assignment to other carriers. Also, to encourage better management of numbering resources, carriers are required, to the extent possible, to first assign numbering resources within thousands blocks (a form of sequential numbering). In the NRO Second Report and Order, the Commission adopted a measure that requires all carriers to use at least 60 percent of their numbering resources before they may get additional numbers in a particular area. That 60 percent utilization threshold increases to 75 percent over the next 3 years. The Commission also established a 5-year term for the national Pooling Administrator and an auditing program to verify carrier compliance with the Commission's rules. Furthermore, the Commission addressed several issues raised in the Notice, concerning area code relief. Specifically, the Commission declined to amend the existing Federal rules for area code relief or specify any new Federal guidelines for the implementation of area code relief. The Commission also declined to state a preference for either all-services overlays or geographic splits as a method of area code relief. Regarding mandatory nationwide ten-digit dialing, the Commission declined to adopt this measure at the present time. Furthermore, the Commission declined to mandate nationwide expansion of the ''D digit'' (the ''N'' of an NXX or central office code) to include 0 or 1, or to grant state commissions the authority to implement the expansion of the D digit as a numbering resource optimization measure at the present time. In the NRO Third Report and Order, the Commission addressed national thousands-block number pooling administration issues, including declining to alter the implementation date for covered CMRS carriers to participate in pooling. The Commission also addressed Federal cost recovery for national thousands-block number pooling, and continued to require States to establish cost recovery mechanisms for costs incurred by carriers participating in pooling trials. The Commission reaffirmed the Months-To-Exhaust (MTE) requirement for carriers. The Commission declined to lower the utilization threshold established in the Second Report and Order, and declined to exempt pooling carriers from the utilization threshold. The Commission also established a safety valve mechanism to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources. In the NRO Third Report and Order, the Commission lifted the ban on technology-specific overlays (TSOs), and delegated authority to the Common Carrier Bureau, in consultation with the Wireless Telecommunications Bureau, to resolve any such petitions. Furthermore, the Commission found that carriers who violate our numbering requirements, or fail to cooperate with an auditor conducting either a ''for cause'' or random audit, should be denied numbering resources in certain instances. The Commission also reaffirmed the 180-day reservation period, declined to impose fees to extend the reservation period, and found that State commissions should be allowed password-protected access to the NANPA database for data pertaining to NPAs located within their State. The measures adopted in the NRO orders will allow the Commission to monitor more closely the way numbering resources are used within the NANP, and will promote more efficient allocation and use of NANP resources by tying a carrier's ability to obtain numbering resources more closely to its actual need for numbers to serve its customers. These measures are designed to create national standards to optimize the use of numbering resources by: (1) Minimizing the negative impact on consumers of premature area code exhausts; (2) ensuring sufficient access to numbering resources for all service providers to enter into or to compete in telecommunications markets; (3) avoiding premature exhaust of the NANP; (4) extending the life of the NANP; (5) imposing the least societal cost possible, and ensuring competitive neutrality, while obtaining the highest benefit; (6) ensuring that no class of carrier or consumer is unduly favored or disfavored by the Commission's optimization efforts; and (7) minimizing the incentives for carriers to build and carry excessively large inventories of numbers. In NRO Third Order on Recon in CC Docket No. 99–200, Third Further Notice of Proposed Rulemaking in CC Docket No. 99–200 and Second Further Notice of Proposed Rulemaking in CC Docket No, 95–116, the Commission reconsidered its findings in the NRO Third Report and Order regarding the local Number portability (LNP) and thousands-block number pooling requirements for carriers in the top 100 Metropolitan Statistical areas (MSAs). Specifically, the Commission reversed its clarification that those requirements extend to all carriers in the largest 100 MSAs, regardless of whether they have received a request from another carrier to provide LNP. The Commission also sought comment on whether the Commission should again extend the LNP requirements to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP. The Commission also sought comment on whether all carriers in the top 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. In addition, the Commission sought comment on whether all MSAs included in Combined Metropolitan Statistical Areas (CMSAs) on the Census Bureau's list of the largest 100 MSAs should be included on the Commission's list of the top 100 MSAs. In the NRO Fourth Report and Order and Further Notice of Proposed Rulemaking, the Commission reaffirmed that carriers must deploy LNP in switches within the 100 largest Metropolitan Statistical Areas (MSAs) for which another carrier has made a specific request for the provision of LNP. The Commission delegated the authority to state commissions to require carriers operating within the largest 100 MSAs that have not received a specific request for LNP from another carrier to provide LNP, under certain circumstances and on a case-by-case basis. The Commission concluded that all carriers, except those specifically exempted, are required to participate in thousands-block number pooling in accordance with the national rollout schedule, regardless of whether they are required to provide LNP, including commercial mobile radio service (CMRS) providers that were required to deploy LNP as of November 24, 2003. The Commission specifically exempted from the pooling requirement rural telephone companies and Tier III CMRS providers that have not received a request to provide LNP. The Commission also exempted from the pooling requirement carriers that are the only service provider receiving numbering resources in a given rate center. Additionally, the Commission

sought further comment on whether these exemptions should be expanded to include carriers where there are only two service providers receiving numbering resources in the rate center. Finally, the Commission reaffirmed that the 100 largest MSAs identified in the 1990 U.S. Census reports as well as those areas included on any subsequent U.S. Census report of the 100 largest MSAs. In the NRO Order and Fifth Further Notice of Proposed Rulemaking, the Commission granted petitions for delegated authority to implement mandatory thousands-block pooling filed by the Public Service Commission of West Virginia, the Nebraska Public Service Commission, the Oklahoma Corporation Commission, the Michigan Public Service Commission, and the Missouri Public Service Commission. In granting these petitions, the Commission permitted these states to optimize numbering resources and further extend the life of the specific numbering plan areas. In the Further Notice of Proposed Rulemaking, the Commission sought comment on whether it should delegate authority to all states to implement mandatory thousands-block number pooling consistent with the parameters set forth in the NRO Order.

In its 2013 Notice of Proposed Rulemaking, the Commission proposed to allow interconnected Voice over Internet Protocol providers to obtain telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator, subject to certain requirements. The Commission also sought comment on a forward-looking approach to numbers for other types of providers and uses, including telematics and public safety, and the benefits and number exhaust risks of granting providers other than interconnected Voice over Internet Protocol providers direct access.

In its 2015 Report and Order, the Commission established an authorization process to enable interconnected VoIP providers that choose to obtain access to North American Numbering Plan telephone numbers directly from the North American Numbering Plan Administrator and/or the Pooling Administrator (Numbering Administrators), rather than through intermediaries. The Order also set forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system. Specifically, the Commission required interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. The requirements included any state requirements pursuant to numbering authority delegated to the states by the Commission, as well as industry guidelines and practices, among others. The Commission also required interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. In addition, as conditions to requesting and obtaining numbers directly from the Numbering Administrators, the Commission required interconnected VoIP providers to: (1) Provide the relevant state commissions with regulatory and numbering contacts when requesting numbers in those states, (2) request numbers from the Numbering Administrators under their own unique OCN, (3) file any requests for numbers with the relevant state commissions at least 30 days prior to requesting numbers from the Numbering Administrators, and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area. Finally, the Order also modified Commission's rules in order to permit VoIP Positioning Center providers to obtain pseudo-Automatic Number Identification codes directly from the Numbering Administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32471
R&O and FNPRM	06/16/00	65 FR 37703
Second R&O and Second FNPRM.	02/08/01	66 FR 9528
Third R&O and Second Order on Recon.	02/12/02	67 FR 643
Third O on Recon and Third FNPRM.	04/05/02	67 FR 16347
Fourth R&O and Fourth NPRM.	07/21/03	68 FR 43003
Order and Fifth FNPRM.	03/15/06	71 FR 13393
Order	06/19/13	78 FR 36679
NPRM & NOI	06/19/13	78 FR 36725
R&O (release date).	06/22/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Jones, Attorney, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2357, *Fax:* 202 418–2345, *Email: marilyn.jones@fcc.gov.*

RIN: 3060–AH80

362. National Exchange Carrier Association Petition

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 201 and 202; . . .

Abstract: In a Notice of Proposed Rulemaking (NPRM) released on July 19, 2004, the Commission initiated a rulemaking proceeding to examine the proper number of end user common line charges (commonly referred to as subscriber line charges or SLCs) that carriers may assess upon customers that obtain derived channel T–1 service where the customer provides the terminating channelization equipment and upon customers that obtain Primary Rate Interface (PRI) Integrated Service Digital Network (ISDN) service.

Timetable:

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50141
NPRM Comment Period End.	11/12/04	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov.*

RIN: 3060–AI47

363. IP-Enabled Services; WC Docket No. 04–36

Legal Authority: 47 U.S.C. 151 and 152; . . .

Abstract: The notice seeks comment on ways in which the Commission might categorize or regulate IP-enabled services. It poses questions regarding the proper allocation of jurisdiction over each category of IP-enabled service. The notice then requests comment on whether the services comprising each category constitute ''telecommunications services'' or ''information services'' under the definitions set forth in the Act. Finally, noting the Commission's statutory forbearance authority and title I ancillary jurisdiction, the notice describes a number of central regulatory requirements (including, for example, those relating to access charges, universal service, E911, and disability accessibility), and asks which, if any, should apply to each category of IP-enabled services.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM Comment Period End.	07/14/04	
First R&O	06/03/05	70 FR 37273
Public Notice	06/16/05	70 FR 37403
First R&O Effective.	07/29/05	70 FR 43323
Public Notice	08/31/05	70 FR 51815
R&O	07/10/06	71 FR 38781
R&O and FNPRM	06/08/07	72 FR 31948
FNPRM Comment Period End.	07/09/07	72 FR 31782
R&O	08/06/07	72 FR 43546
Public Notice	08/07/07	72 FR 44136
R&O	08/16/07	72 FR 45908
Public Notice	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Public Notice	12/13/07	72 FR 70808
Public Notice	12/20/07	72 FR 72358
R&O	02/21/08	73 FR 9463
NPRM	02/21/08	73 FR 9507
Order	05/15/08	73 FR 28057
Order	07/29/09	74 FR 37624
R&O	08/07/09	74 FR 39551
Public Notice	10/14/09	74 FR 52808
Announcement of Effective Date.	03/19/10	75 FR 13235
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM, Order, & NOI.	06/19/13	78 FR 36679
R&O	10/29/15	80 FR 66454
Erratum	01/11/16	81 FR 1131
Announcement of Effective Date.	02/24/16	81 FR 5920
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov.*

RIN: 3060–AI48

364. Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21)

Legal Authority: 47 U.S.C. 151 to 155; 47 U.S.C. 160 and 161; 47 U.S.C. 20 to 205; 47 U.S.C. 215; 47 U.S.C. 218 to 220; 47 U.S.C. 251 to 271; 47 U.S.C. 303(r) and 332; 47 U.S.C. 403; 47 U.S.C. 502 and 503

Abstract: This notice of proposed rulemaking (NPRM) tentatively proposes to collect infrastructure and operating data that is tailored in scope to be consistent with Commission objectives from all facilities-based providers of broadband and telecommunications. Similarly, the NPRM also tentatively proposes to collect data concerning service quality and customer satisfaction from all facilities-based providers of broadband and telecommunications. The NPRM seeks comment on the proposals, on the specific information to be collected, and on the mechanisms for collecting information. On June 27, 2013, the Commission adopted a Report and Order addressing collection of broadband deployment data from facilities-based providers.

Timetable:

Action	Date	FR Cite
NPRM	10/15/08	73 FR 60997
NPRM Comment Period End.	11/14/08	
Reply Comment Period End.	12/15/08	
NPRM	02/28/11	76 FR 12308
NPRM Comment Period End.	03/30/11	
Reply Comment Period End.	04/14/11	
R&O	08/13/13	78 FR 49126
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Deputy Chief, Industry Analysis Division, WCB, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7380, *Fax:* 202 418–6768, *Email: cathy.zima@fcc.gov.*

RIN: 3060–AJ14

365. Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The Report and Order streamlined and reformed the Commission's Form 477 Data Program, which is the Commission's primary tool to collect data on broadband and telephone services.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	02/08/11	76 FR 10827
Order	06/27/13	78 FR 49126
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chelsea Fallon, Assistant Division Chief, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7991, *Email: chelsea.fallon@fcc.gov.*

RIN: 3060–AJ15

366. Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: In 2007, the Commission released a Notice of Proposed Rulemaking in WC Docket No. 07–244. The Notice sought comment on whether the Commission should adopt rules specifying the length of the porting intervals or other details of the porting process. It also tentatively concluded that the Commission should adopt rules reducing the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48-hour porting interval.

In the Local Number Portability Porting Interval and Validation Requirements First Report and Order and Further Notice of Proposed Rulemaking, released on May 13, 2009, the Commission reduced the porting interval for simple wireline and simple intermodal port requests, requiring all entities subject to its local number portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In a related Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on what further steps, if any, the Commission should take to improve the process of changing providers.

In the LNP Standard Fields Order, released on May 20, 2010, the Commission adopted standardized data fields for simple wireline and intermodal ports. The Order also adopts the NANC's recommendations for porting process provisioning flows and for counting a business day in the context of number porting.

Timetable:

Action	Date	FR Cite
NPRM	02/21/08	73 FR 9507
R&O and FNPRM	07/02/09	74 FR 31630
R&O	06/22/10	75 FR 35305
Public Notice	12/21/11	76 FR 79607
Public Notice	06/06/13	78 FR 34015
R&O	05/26/15	80 FR 29978
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street

SW., Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov.*

RIN: 3060–AJ32

367. Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 224

Abstract: In 2010, the Commission released an Order and Further Notice of Proposed Rulemaking that implemented certain pole attachment recommendations of the National Broadband Plan and sought comment regarding others. On April 7, 2011, the Commission adopted a Report and Order and Order on Reconsideration that sets forth a comprehensive regulatory scheme for access to poles, and modifies existing rules for pole attachment rates and enforcement. In 2015, the Commission issued an Order on Reconsideration that further harmonized the pole attachment rates paid by telecommunications and cable providers.

The 2015 Order on Reconsideration is currently under appeal before the U.S. Court of Appeals for the Eighth Circuit in *Ameren Corporation, et al.* v. *FCC*, Case No: 16–1683.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6879
FNPRM	07/15/10	75 FR 41338
Declaratory Ruling	08/03/10	75 FR 45494
R&O	05/09/11	76 FR 26620
Order on Recon	02/03/16	81 FR 5605
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Ray, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0357.

RIN: 3060–AJ64

368. Rural Call Completion; WC Docket No. 13–39

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 202(a); 47 U.S.C. 218; 47 U.S.C. 220(a); 47 U.S.C. 257(a); 47 U.S.C. 403

Abstract: The recordkeeping, retention, and reporting requirements in the Report and Order improve the Commission's ability to monitor problems with completing calls to rural areas, and enforce restrictions against blocking, choking, reducing, or restricting calls. The Further Notice of Proposed Rulemaking sought comment on additional measures intended to further ensure reasonable and nondiscriminatory service to rural areas. The Report and Order applies new recordkeeping, retention, and reporting requirements to providers of long-distance voice service that make the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines which, in most cases, is the calling party's long-distance provider. Covered providers are required to file quarterly reports and retain the call detail records for at least six calendar months. Qualifying providers may certify that they meet a Safe Harbor which reduces their reporting and retention obligations, or seek a waiver of these rules from the Wireline Competition Bureau, in consultation with the Enforcement Bureau. The Report and Order also adopts a rule prohibiting all originating and intermediate providers from causing audible ringing to be sent to the caller before the terminating provider has signaled that the called party is being alerted.

On February 13, 2015, the Wireline Competition Bureau provided additional guidance regarding how providers must categorize information. The Commission also adopted an Order on Reconsideration addressing petitions for reconsideration. Reports have been due quarterly beginning with the second quarter of 2015.

Timetable:

Action	Date	FR Cite
NPRM	04/12/13	78 FR 21891
Public Notice	05/07/13	78 FR 26572
NPRM Comment Period End.	05/28/13	
R&O and FNPRM	12/17/13	78 FR 76218
PRA 60 Day Notice.	12/30/13	78 FR 79448
FNPRM Comment Period End.	02/18/14	
PRA Comments Due.	03/11/14	
Public Notice	05/06/14	79 FR 25682
Order on Reconsideration.	12/10/14	79 FR 73227
Erratum	01/08/15	80 FR 1007
Public Notice	03/04/15	80 FR 11954
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: E. Alex Espinoza, Attorney-Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0849, *Email: alex.espinoza@fcc.gov.*

RIN: 3060–AJ89

369. Rates for Inmate Calling Services; WC Docket No. 12–375

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) to (j); 47 U.S.C. 225; 47 U.S.C. 276; 47 U.S.C. 303(r); 47 CFR 64

Abstract: In the Report and Order portion of this document, the Federal Communications Commission adopts rule changes to ensure that rates for both interstate and intrastate inmate calling services (ICS) are fair, just, and reasonable, as required by statute, and limits ancillary service charges imposed by ICS providers. In the Report and Order, the Commission sets caps on all interstate and intrastate calling rates for ICS, establishes a tiered rate structure based on the size and type of facility being served, limits the types of ancillary services that ICS providers may charge for and caps the charges for permitted fees, bans flat-rate calling, facilitates access to ICS by people with disabilities by requiring providers to offer free or steeply discounted rates for calls using TTY, and imposes reporting and certification requirements to facilitate continued oversight of the ICS market. In the Further Notice portion of the item, the Commission seeks comment on ways to promote competition for ICS, video visitation, rates for international calls, and considers an array of solutions to further address areas of concern in the ICS industry. In an Order on Reconsideration, the Commission amends its rate caps and amends the definition of ''mandatory tax or mandatory fee.''

Timetable:

Action	Date	FR Cite
NPRM	01/22/13	78 FR 4369
FNPRM	11/13/13	78 FR 68005
R&O	11/13/13	78 FR 67956
FNPRM Comment Period End.	12/20/13	
Announcement of Effective Date.	06/20/14	79 FR 33709
2nd FNPRM	11/21/14	79 FR 69682
2nd FNPRM Comment Period End.	01/15/15	
2nd FNPRM Reply Comment Period End.	01/20/15	
3rd FNPRM	12/18/15	80 FR 79020
2nd R&O	12/18/15	80 FR 79136
3rd FNPRM Comment Period End.	01/19/16	
3rd FNPRM Reply Comment Period End.	02/08/16	
Order on Reconsideration.	09/12/16	81 FR 62818
Announcement of OMB Approval.	03/01/17	82 FR 12182

Action	Date	FR Cite
Correction to Announcement of OMB Approval.	03/08/17	82 FR 12922
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gil Strobel, Deputy Pricing Policy Div. Chief, WCB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7084.

RIN: 3060–AK08

370. Technology Transitions; GN Docket No. 13–5, WC Docket No. 05–25

Legal Authority: 47 U.S.C. 214; 47 U.S.C. 251

Abstract: This proceeding seeks to strengthen public safety, pro-consumer and pro-competition policies and protections in a manner appropriate for technology transitions that are underway and for networks and services that emerge from those transitions. The Notice of Proposed Rulemaking proposed new rules to ensure reliable backup power for consumers of IP-based voice and data services across networks that provide residential fixed service that substitutes for and improves upon the kind of traditional telephony used by people to dial 911. It also proposed new and revised rules to protect consumers by ensuring they are informed about their choices and the services provided to them when carriers retire legacy facilities (*e.g.,* copper networks) and seek to discontinue legacy services (*e.g.,* basic voice service). Finally, it proposed revised rules to protect competition where it exists today, so that the mere change of a network facility or discontinuance of a legacy service does not deprive small- and medium-size business, schools, libraries, and other enterprises of the ability to choose the kinds of innovative services that best suit their needs.

The Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking: (i) Adopted rules updating the process by which incumbent LECs notify interconnecting entities of planned copper retirements; (ii) clarified that a carrier must obtain Commission approval before discontinuing, reducing, or impairing a service used as a wholesale input, but only when the carrier's actions will discontinue, reduce, or impair service to end users, including a carrier-customer's retail end users; (iii) adopted an interim rule requiring that to receive authority to discontinue, reduce, or impair a legacy TDM-based service special access service or commercial wholesale platform service that is used as a wholesale input by competitive providers, an incumbent LEC must as a condition to obtaining discontinuance authority commit to providing competitive carriers wholesale access on reasonably comparable rates, terms, and conditions; (iv) proposed specific criteria for the Commission to consider in determining whether to authorize carriers to discontinue a legacy retail service in favor of a retail service based on a newer technology; (v) sought comment on updating the rules governing the discontinuance process, including regarding the timing of notice to consumers, the method for providing that notice, and providing notice to Tribal governments; (vi) sought comment on extending the end point of the interim rule adopted in the Report and Order as it applies to the commercial wholesale platform service; and (vii) sought comment on whether to adopt objective criteria to measure an ILEC's good faith in responding to competitive LEC requests for additional information in connection with a copper retirement notice and whether a planned copper retirement should be postponed when an ILEC has failed to fulfill the new good faith communication requirement adopted in the Report and Order.

The Second Report and Order and Order on Reconsideration: (i) Adopted rules updating the process by which carriers seek Commission authorization for the discontinuance of legacy services in favor of services based on newer technologies; (ii) set forth consumer education requirements for carriers seeking to discontinue legacy services in favor of services based on newer technologies; (iii) revised rules to authorize carriers to provide notice to customers of discontinuance applications by email; (iv) revised rules to require carriers to provide notice of discontinuance applications to Tribal entities; (v) revised rules to provide new titles for copper retirement notices and certifications; (vi) revised rules to provide that if a competitive LEC files a section 214(a) discontinuance application based on an incumbent LEC's copper retirement notice without an accompanying discontinuance of TDM-based service, the competitive LEC's application will be automatically granted on the effective date of the copper retirement as long as (1) the competitive LEC submits its discontinuance application to the Commission at least 40 days before the incumbent LEC's copper retirement effective date, and (2) the competitive LEC's discontinuance application contains a certification that the basis for the application is the incumbent LEC's planned copper retirement.

Timetable:

Action	Date	FR Cite
NPRM	01/06/15	80 FR 450
NPRM Comment Period End.	02/05/15	
NPRM Reply Comment Period End.	03/09/15	
FNPRM	09/25/15	80 FR 57768
R&O	09/25/15	80 FR 57768
FNPRM Comment Period End.	10/26/15	
FNPRM Reply Comment Period End.	11/24/15	
2nd R&O	09/12/16	81 FR 62632
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele Levy Berlove, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1477, *Email: michele.berlove@fcc.gov.*

RIN: 3060–AK32

371. Modernizing Common Carrier Rules, WC Docket No. 15–33

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(j); 47 U.S.C. 154(i); 47 U.S.C. 160 to 161; 47 U.S.C. 201 to 205; 47 U.S.C. 214; 47 U.S.C. 218 to 221; 47 U.S.C. 225 to 228; 47 U.S.C. 254; 47 U.S.C. 303; 47 U.S.C. 308; 47 U.S.C. 403; 47 U.S.C. 410; 47 U.S.C. 571; 47 U.S.C. 1302; 52 U.S.C. 30141

Abstract: The Notice of Proposed Rulemaking (Notice) seeks to update our rules to better reflect current requirements and technology by removing outmoded regulations from the Code of Federal Regulations (CFR). The Notice proposes to update the CFR by (1) eliminating certain rules from which the Commission has forborn, and (2) eliminating references to telegraph service in certain rules. We propose to eliminate several rules from which the Commission has granted unconditional forbearance for all carriers. These are: (1) Section 64.804(c)–(g), which governs a carrier's recordkeeping and other obligations when it extends to federal candidates unsecured credit for communications service; (2) sections 42.4, 42.5, and 42.7, which require carriers to preserve certain records; (3) section 64.301, which requires carriers to provide communications service to foreign governments for international communications; (4) section 64.501, governing telephone companies'

obligations when recording telephone conversations; (5) section 64.5001(a)–(c)(2), and (c)(4), which imposes certain reporting and certification requirements for prepaid calling card providers; and (6) section 64.1, governing traffic damage claims for carriers engaged in radio-telegraph, wire-telegraph, or ocean-cable service. We also propose to remove references to telegraph from certain sections of the Commission's rules. This proposal is consistent with Recommendation 5.38 of the Process Reform Report. Specifically, we propose to remove telegraph from: (1) Section 36.126 (separations); (2) section 54.706(a)(13) (universal service contributions); and (3) sections 63.60(c), 63.61, 63.62, 63.65(a)(4), 63.500(g), 63.501(g), and 63.504(k) (discontinuance).

Timetable:

Action	Date	FR Cite
NPRM	05/06/15	80 FR 25989
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nirali Patel, Deputy Chief, Competition Policy Division, WCB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7830, *Email: nirali.patel@fcc.gov.*

RIN: 3060–AK33

372. Numbering Policies for Modern Communications, WC Docket No. 13–97

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153 to 154; 47 U.S.C. 201 to 205; 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: This Order establishes a process to authorize interconnected VoIP providers to obtain North American Numbering Plan (NANP) telephone numbers directly from the Numbering Administrators, rather than through intermediaries. Section 52.15(g)(2)(i) of the Commission's rules limits access to telephone numbers to entities that demonstrate they are authorized to provide service in the area for which the numbers are being requested. The Commission has interpreted this rule as requiring evidence of either a state certificate of public convenience and necessity (CPCN) or a Commission license. Neither authorization is typically available in practice to interconnected VoIP providers. Thus, as a practical matter, generally only telecommunications carriers are able to provide the proof of authorization required under our rules, and thus able to obtain numbers directly from the Numbering Administrators. This Order establishes an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the Numbering Administrators. Next, the Order sets forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system.

The Order requires interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. These requirements include any state requirements pursuant to numbering authority delegated to the states by the Commission, as well as industry guidelines and practices, among others. The Order also requires interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. As conditions to requesting and obtaining numbers directly from the Numbering Administrators, interconnected VoIP providers are also required to: (1) Provide the relevant state commissions with regulatory and numbering contacts when requesting numbers in those states, (2) request numbers from the Numbering Administrators under their own unique OCN, (3) file any requests for numbers with the relevant state commissions at least 30 days prior to requesting numbers from the Numbering Administrators, and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area.

Finally, the Order also modifies Commission's rules in order to permit VoIP Positioning Center (VPC) providers to obtain pseudo-Automatic Number Identification (p–ANI) codes directly from the Numbering Administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/19/13	78 FR 36725
NPRM Comment Period End.	07/19/13	
R&O	10/29/15	80 FR 66454
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Jones, Attorney, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2357, *Fax:* 202 418–2345, *Email: marilyn.jones@fcc.gov.*

RIN: 3060–AK36

373. • Implementation of the Universal Service Portions of the 1996 Telecommunications Act

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The Telecommunications Act of 1996 expanded the traditional goal of universal service to include increased access to both telecommunications and advanced services such as high-speed Internet for all consumers at just, reasonable and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low-incomes. Additional principles called for increased access to high-speed Internet in the nation's schools, libraries and rural health care facilities. The FCC established four programs within the Universal Service Fund to implement the statute. The four programs are:

Connect America Fund (formally known as High-Cost Support) for rural areas

Lifeline (for low-income consumers), including initiatives to expand phone service for Native Americans

Schools and Libraries (E-rate)

Rural Health Care

The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over Internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC.

On December 20, 2016, the Commission adopted measures to address the significant demand for Alternative Connect America Cost Model (A–CAM) support.

On March 2, 2017, the Commission implements Connect America Phase II auction in which service providers will compete to receive support to offer voice and broadband service in unserved high cost areas.

Timetable:

Action	Date	FR Cite
R&O and FNPRM	01/13/17	82 FR 4275
NPRM Comment Period End.	02/13/17	
NPRM Reply Comment Period End.	02/27/17	
R&O and Order on Recon.	03/21/17	82 FR 14466

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nakesha Woodward, Program Support Assistant, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1502, *Email: kesha.woodward@fcc.gov.*

RIN: 3060–AK57

[FR Doc. 2017–16981 Filed 8–23–17; 8:45 am]

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Part XXV

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is hereby publishing items for the Spring 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Proposed Rule Stage

Enhanced Cyber Risk Management Standards (3064–AE45)

On October 26, 2016, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation published in the **Federal Register** an advanced notice of proposed rulemaking (ANPRM) regarding enhanced cyber risk management standards for large and interconnected entities under their supervision and those entities' service providers. The ANPRM addresses five categories of cyber standards: Cyber risk governance; cyber risk management; internal dependency management; external dependency management; and incident response, cyber resilience, and situational awareness. Due to the range and complexity of the issues addressed in the ANPRM the public comment period was extended until February 17, 2017. This action allowed interested persons additional time to analyze the proposal and prepare their comments.

** Real Estate Appraisals (3064–AE56)*

The OCC, Board, FDIC, and NCUA (collectively, the Agencies) are seeking comment on a proposed rule to amend the agencies' regulations regarding appraisals of real estate, adopted pursuant to title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Title XI). Title XI requires the agencies to adopt regulations regarding the performance of appraisals used in connection with federally related transactions (Title XI appraisals) within the jurisdiction of each agency. As discussed below, the agencies received comments requesting that the agencies require title XI appraisals for fewer transactions as part of a regulatory review process mandated by the Economic Growth and Regulatory Paperwork Reduction Act. The proposed amendments would increase the threshold level at or below which title XI appraisals are not required for commercial real estate loans to $400,000, as defined in this regulation. For commercial real estate loans below the threshold, the amended rule would require institutions to obtain an evaluation of the real property collateral consistent with safe and sound banking practices, if the institution does not obtain a title XI appraisal. The agencies also propose to amend their appraisal regulations to require that appraisals for federally related transactions are subject to appropriate review for compliance with the Uniform Standards of Professional Appraisal Practice, as required by an amendment to title XI included in section 1473(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

** Management Official Interlocks (3064–AE57)*

The OCC, Board, and the FDIC are seeking comment on a joint proposed rule to revise their respective regulations that implement the Depository Institution Management Interlocks Act (DIMIA). The proposed rule would adjust asset thresholds for the DIMIA major asset prohibition, which prohibits management officials for depository institutions with assets in excess of specified levels from engaging in management interlocks (an individual may not serve as an official of two unaffiliated depository institutions with assets in excess of the specified levels). The levels are currently set at $2.5 billion and $1.5 billion. Based on inflation or market changes, current inflation adjusted thresholds would be $3.6 billion and $2.16 billion.

** Community Reinvestment Act Regulations (3064–AE58)*

The Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation propose (1) To amend their regulations implementing the Community Reinvestment Act to update the existing definitions of home mortgage loan and consumer loan, related cross references, and the public file content requirements to reflect recent revisions made by the Consumer Financial Protection Bureau to Regulation C, which implements the Home Mortgage Disclosure Act, and (2) to remove obsolete references to the Neighborhood Stabilization Program.

Regulatory Capital Rules: Simplification of Generally Applicable Rules (3064–AE59)

The OCC, Board, and FDIC (the Agencies) seek comment on a joint proposed rule to revise the generally applicable capital rules with the goal of meaningfully reducing regulatory burden on community banking organizations while at the same time maintaining safety and soundness and the quality and quantity of regulatory capital in the banking system. The proposal includes (1) Replacing the framework's complex treatment of high volatility commercial real estate (HVCRE) exposures with a more straightforward treatment for most acquisition, development, or construction (ADC) loans; (2) simplifying the current regulatory capital treatment for mortgage servicing assets (MSAs), timing difference deferred tax assets (DTAs), and holdings of regulatory capital instruments issued by financial institutions; and (3) simplifying the current limitations on minority interests in regulatory capital.

** Reporting and Recordkeeping Requirements for Covered Trading Activities (3064–AE60)*

The OCC, Board, FDIC, CFTC, and SEC are requesting comment on a proposed rule that would modify the reporting and recordkeeping requirements for covered trading activities under appendix A of the final rule implementing section 13 of the Bank Holding Company Act of 1956, which was added by section 619 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The Agencies adopted a final rule implementing section 13 that became effective on April 1, 2014. In appendix A of the final rule, the Agencies said they would review the data collected and revise the collection requirement as appropriate

based on a review of the data collected prior to September 30, 2015.

** Source of Strength (3064–AE61)*

The OCC, Board, and FDIC (the appropriate Federal banking agencies) are developing a joint Notice of Proposed Rulemaking which will be published in the **Federal Register**. The rule, when finalized, will implement section 616(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). That section of the Dodd-Frank Act requires the appropriate Federal banking agencies to jointly issue final rules that ensure that parent companies of subsidiary insured depository institutions serve as a source of financial strength for such institutions.

Final Rule Stage

Net Stable Funding Ratio: Liquidity Risk Measurement Standards and Disclosure Requirements (3064–AE44)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation invited comment on a proposed rule that would implement a stable funding requirement, the net stable funding ratio (NSFR), for large and internationally active banking organizations. The proposed NSFR requirement is designed to reduce the likelihood that disruptions to a banking organization's regular sources of funding will compromise its liquidity position, as well as to promote improvements in the measurement and management of liquidity risk. The proposed rule would also amend certain definitions in the liquidity coverage ratio rule that are also applicable to the NSFR. The proposed NSFR requirement would apply beginning on January 1, 2018, to bank holding companies, certain savings and loan holding companies, and depository institutions that, in each case, have $250 billion or more in total consolidated assets or $10 billion or more in total on-balance sheet foreign exposure, and to their consolidated subsidiaries that are depository institutions with $10 billion or more in total consolidated assets. In addition, the Board proposed a modified NSFR requirement for bank holding companies and certain savings and loan holding companies that, in each case, have $50 billion or more, but less than $250 billion, in total consolidated assets and less than $10 billion in total on-balance sheet foreign exposure. Neither the proposed NSFR requirement nor the proposed modified NSFR requirement would apply to banking organizations with consolidated assets of less than $50 billion and total on-balance sheet foreign exposure of less than $10 billion. A bank holding company or savings and loan holding company subject to the proposed NSFR requirement or modified NSFR requirement would be required to publicly disclose the company's NSFR and the components of its NSFR each calendar quarter.

** Restrictions on Qualified Financial Contracts of Certain FDIC-Supervised Institutions; Revisions to the Definition of Qualifying Master Netting Agreement and Related Definitions (3064–AE46)*

The FDIC is proposing to add a new part 382 to its rules to improve the resolvability of systemically important U.S. banking organizations and systemically important foreign banking organizations and enhance the resilience and the safety and soundness of certain state savings associations and state-chartered banks that are not members of the Federal Reserve System (state non-member banks or SNMBs) for which the FDIC is the primary federal regulator (together, FSIs or FDIC-supervised institutions). Under this proposed rule, covered FSIs would be required to ensure that covered qualified financial contracts (QFCs) to which they are a party provide that any default rights and restrictions on the transfer of the QFCs are limited to the same extent as they would be under the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Federal Deposit Insurance Act. In addition, covered FSIs would generally be prohibited from being party to QFCs that would allow a QFC counterparty to exercise default rights against the covered FSI based on the entry into a resolution proceeding under the Dodd-Frank Act, FDI Act, or any other resolution proceeding of an affiliate of the covered FSI.

The proposal would also amend the definition of qualifying master netting agreement in the FDIC's capital and liquidity rules, and certain related terms in the FDIC's capital rules. These proposed amendments are intended to ensure that the regulatory capital and liquidity treatment of QFCs to which a covered FSI is party would not be affected by the proposed restrictions on such QFCs. The requirements of this proposed rule are substantively identical to those contained in notice of proposed rulemaking issued by the Board of Governors of the Federal Reserve System on May 3, 2016, regarding covered entities, and the notice of proposed rulemaking issued by the Office of the Comptroller of the Currency on August 19, 2016, regarding covered banks.

** Removal of Transferred OTS Regulations Regarding Minimum Security Procedures Amendments (3064–AE47)*

The Federal Deposit Insurance Corporation proposed to rescind and remove a part from the Code of Federal Regulations entitled Security Procedures and to amend FDIC regulations to make the removed Office of Thrift Supervision regulations applicable to State savings associations.

** Removal of Transferred OTS Regulations Regarding Consumer Protection in Sales of Insurance and Amendments to FDIC Consumer Protection in Sales of Insurance Regulation (3064–AE49)*

The Federal Deposit Insurance Corporation (FDIC) proposed to rescind and remove from the Code of Federal Regulations 12 CFR part 390, subpart I, entitled Consumer Protection in Sales of Insurance. This subpart was included in the regulations that were transferred to the FDIC from the Office of Thrift Supervision on July 21, 2011, in connection with the implementation of applicable provisions of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The requirements for State savings associations in part 390, subpart I are substantively similar to the requirements in the FDIC's 12 CFR part 343, which is also entitled Consumer Protection in Sales of Insurance and is applicable for all insured depository institutions (IDIs) for which the FDIC has been designated the appropriate Federal banking agency.

The FDIC proposed to rescind in its entirety part 390, subpart I and to modify the scope of part 343 to include State savings associations and their subsidiaries to conform to and reflect the scope of the FDIC's current supervisory responsibilities as the appropriate Federal banking agency. The FDIC also proposed to define FDIC-supervised insured depository institution or institution and State savings association. Finally, the FDIC proposed to transfer an anticoercion and antitying provision from part 390, subpart I that is applicable to State savings associations. Upon removal of part 390, subpart I, the Consumer Protection in Sales of Insurance, regulations applicable for all IDIs for which the FDIC has been designated the appropriate Federal banking agency will be found at 12 CFR part 343.

** Loans in Areas Having Special Flood Hazards—Private Flood Insurance (3064–AE50)*

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Farm Credit Administration, and the National Credit Union Administration have issued a new proposal to amend their regulations regarding loans in areas having special flood hazards to implement the private flood insurance provisions of the Biggert-Waters Flood Insurance Reform Act of 2012. Specifically, the proposed rule would require regulated lending institutions to accept policies that meet the statutory definition of private flood insurance in the Biggert-Waters Act and permit regulated lending institutions to accept flood insurance provided by private insurers that does not meet the statutory definition of private flood insurance on a discretionary basis, subject to certain restrictions.

** Regulatory Capital Rules: To Rescind the FDIC's Capital Rules That Are No Longer Effective Following the Implementation of Capital Rules Consistent With Basel III (3064–AE51)*

This final rule rescinds the capital regulations in part 325 and subparts Y and Z of part 390 of the FDIC's codified rules (the superseded capital rules) that were no longer effective following the January 1, 2015, implementation of the capital rules consistent with the Basel III initiatives. The final rule also makes conforming changes to sections in the FDIC's codified rules that refer to the superseded capital rules. The FDIC has concluded that good cause exists to publish this rule as final without a period of notice and comment and with an effective date as of the date of its publication in the **Federal Register** because this rule rescinds the superseded capital rules and other sections of the FDIC's codified rules that refer to the superseded capital rules and imposes no new requirement on FDIC-supervised institutions.

** Revision of the FDIC's Freedom of Information Act Regulations (3064–AE53)*

This rule amends the Federal Deposit Insurance Corporation's regulations under the Freedom of Information Act (FOIA) to incorporate certain changes made to the FOIA by the FOIA Improvement Act of 2016. In addition, this rule amends certain provisions to reflect changes brought about by prior amendments to the FOIA that had been incorporated into Agency practice and corrects inaccurate contact information and adjusts numbering and lettering of current provisions because of additions to the regulations.

** Recordkeeping Requirements for Qualified Financial Contracts (3064–AE54)*

The FDIC proposes to amend its regulations regarding Recordkeeping Requirements for Qualified Financial Contracts (Part 371) which requires insured depository institutions (IDIs) in a troubled condition to keep records relating to qualified financial contracts (QFCs) to which they are party. The proposed rule would (i) Simplify QFC recordkeeping for large banks by aligning requirements with the rule of the US Treasury governing QFC recordkeeping of certain non-bank affiliates; (ii) require such large banks to keep QFC records of certain of their subsidiaries; (iii) for all other IDIs subject to part 371, add and delete a limited number of data requirements and make certain formatting changes with respect to the QFC recordkeeping requirements; (iv) provide additional time for certain IDIs in a troubled condition to comply with part 371; and (v) include certain other changes, including changes relating to certain extension procedures and clarifications relating to the timing for creation of daily records.

Long-Term Actions

Incentive-Based Compensation Arrangements (3064–AD86)

The OCC, Board, FDIC, FHFA, NCUA, and SEC (the Agencies) sought comment on a joint proposed rule to revise the proposed rule the Agencies published in the **Federal Register** on April 14, 2011, and to implement section 956 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Section 956 generally requires that the Agencies jointly issue regulations or guidelines: (1) Prohibiting incentive-based payment arrangements that the Agencies determine encourage inappropriate risks by certain financial institutions by providing excessive compensation or that could lead to material financial loss; and (2) requiring those financial institutions to disclose information concerning incentive-based compensation arrangements to the appropriate Federal regulator.

Treatment of Certain Collateralized Debt Obligations Backed Primarily by Trust Preferred Securities; Prohibitions and Restrictions on Certain Interests in Hedge Funds and Private Equity Funds (3064–AE11)

The Office of the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the U.S. Commodity Futures Trading Commission, and the Securities Exchange Commission (individually, an Agency, and collectively, the Agencies) will be adopting an interim final rule that would permit banking entities to retain investments in certain pooled investment vehicles that invested their offering proceeds primarily in trust preferred or subordinated debt securities issued by community banking organizations of the type grandfathered under section 171 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The interim final rule is a companion rule to the final rules adopted by the Agencies to implement section 13 of the Bank Holding Company Act of 1956, which was added by section 619 of the Dodd-Frank Act.

Removal of Transferred Office of Thrift Supervision Regulations Regarding Lending and Investment and Amendments to FDIC Rules and Regulations (3064–AE22)

In this rulemaking, the Federal Deposit Insurance Corporation (FDIC) will be proposing to rescind and remove from the Code of Federal Regulations 12 CFR part 390, subpart P, entitled Lending and Investment (part 390, subpart P). This subpart was included in the regulations that were transferred to the FDIC from the Office of Thrift Supervision on July 21, 2011, in connection with the implementation of applicable provisions of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Upon removal of part 390, subpart P, all insured depository institutions for which the FDIC is the appropriate Federal banking agency will follow the safety and soundness standards contained in 12 CFR part 364 of the FDIC's Rules and Regulations and the real-estate lending standards found in 12 CFR part 365 of the FDIC's Rules.

Transferred Office of Thrift Supervision Regulations Regarding Fiduciary Powers of State Savings Associations (3064–AE23)

The Federal Deposit Insurance Corporation (FDIC) will be proposing to rescind and remove from the Code of Federal Regulations 12 CFR part 390

subpart J, entitled Fiduciary Powers of State Savings Associations and all references thereto, and amend certain sections of 12 CFR parts 333 and 303 regarding consent to exercise trust powers to reflect their applicability to State savings associations. Part 390 subpart J was included in the regulations that were transferred to the FDIC from the Office of Thrift Supervision on July 21, 2011, in connection with the implementation of applicable provisions of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Upon removal of part 390 subpart J from the FDIC rules and regulations and adopting of the amendment to parts 333 and 303 proposed herein, all State nonmember banks and State savings associations seeking consent to exercise trust powers not previously granted by its chartering authority will be required to comply with FDIC rules governing applications for consent to exercise trust powers.

Alternatives to Credit Ratings With Respect to Permissible Activities for Foreign Branches of Insured State Nonmember Banks and Pledge of Assets by Insured Domestic Branches of Foreign Banks (3064–AE36)

The FDIC sought public comment on a proposed rule to amend its international banking regulations (Part 347) consistent with section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) and the FDIC's authority under section 5(c) of the Federal Deposit Insurance Act. Section 939A directs each Federal agency to review and modify regulations that reference credit ratings. The rule would amend the provisions of subparts A and B of part 347 that reference credit ratings. Subpart A, which sets forth the FDIC's requirements for insured State nonmember banks that operate foreign branches, would be amended to replace references to credit ratings in the definition of ''investment grade'' with a standard of creditworthiness that has been adopted in other Federal regulations that conform with section 939A. Subpart B would be amended to revise the FDIC's asset pledge requirement for insured U.S. branches of foreign banks. The eligibility criteria for the types of assets that foreign banks may pledge would be amended by replacing the references to credit ratings with the revised definition of investment grade. The rule would apply this investment grade standard to each type of pledgeable asset, establish a liquidity requirement for such assets, and subject them to a fair value discount. The proposed rule would also introduce cash as a new asset type that foreign banks may pledge under subpart B and create a separate asset category expressly for debt securities issued by government sponsored enterprises.

Covered Broker-Dealer Provisions Under Title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (3064–AE39)

The Federal Deposit Insurance Corporation and the Securities and Exchange Commission, in accordance with section 205(h) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, jointly proposed a rule to implement provisions applicable to the orderly liquidation of covered brokers and dealers under title II of the Dodd-Frank Act.

Completed Actions

Regulatory Capital Rules, Liquidity Coverage Ratio: Revisions to the Definition of Qualifying Master Netting Agreement and Related Definitions (3064–AE30)

The FDIC is adopting a final rule that amends the definition of qualifying master netting agreement under the regulatory capital rules and the liquidity coverage ratio rule. In this final rule, the FDIC also is amending the definitions of collateral agreement, eligible margin loan, and repo-style transaction under the regulatory capital rules. These amendments are designed to ensure that the regulatory capital and liquidity treatment of certain financial contracts generally would not be affected by implementation of special resolution regimes in non-U.S. jurisdictions that are substantially similar to the U.S. resolution framework or by changes to the International Swaps and Derivative Association Master Agreement that provide for contractual submission to such regimes. The Office of the Comptroller of the Currency and the Board of Governors of the Federal Reserve System issued in December 2014, a joint interim final rule that is substantially identical to this final rule.

Recordkeeping for Timely Deposit Insurance Determination (3064–AE33)

The FDIC is adopting a final rule to facilitate prompt payment of FDIC-insured deposits when large insured depository institutions fail. The final rule requires each insured depository institution that has two million or more deposit accounts to (1) Configure its information technology system to be capable of calculating the insured and uninsured amount in each deposit account by ownership right and capacity, which would be used by the FDIC to make deposit insurance determinations in the event of the institution's failure, and (2) maintain complete and accurate information needed by the FDIC to determine deposit insurance coverage with respect to each deposit account, except as otherwise provided.

Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks (3064–AE42)

The Office of the Comptroller of the Currency, the Federal Reserve System, and the Federal Deposit Insurance Corporation (collectively, the Agencies) are jointly adopting as final and without change the agencies' interim final rules published in the **Federal Register** on February 29, 2016, that implemented section 83001 of the Fixing America's Surface Transportation Act (FAST Act). Section 83001 of the FAST Act permits the agencies to conduct a full-scope, onsite examination of qualifying insured depository institutions with less than $1 billion in total assets no less than once during each 18-month period. Prior to enactment of the FAST Act, only qualifying insured depository institutions with less than $500 million in total assets were eligible for an 18-month on-site examination cycle. The final rules, like the interim final rules, generally allow well capitalized and well managed institutions with less than $1 billion in total assets to benefit from the extended 18-month examination schedule. In addition, the final rules adopt as final parallel changes to the agencies' regulations governing the onsite examination cycle for U.S. branches and agencies of foreign banks, consistent with the International Banking Act of 1978. Finally, through this rulemaking, the FDIC has integrated its regulations regarding the frequency of safety and soundness examinations for State nonmember banks and State savings associations.

** Guidelines Establishing Standards for Corporate Governance and Risk Management for Covered Institutions With Average Total Consolidated Assets of $10 Billion or More (3064–AE48)*

To improve corporate governance and risk management at insured State banks, State savings associations, and insured State branches of foreign banks that have average total consolidated assets of $10 billion or more, the FDIC is proposing to issue new corporate governance and risk management guidelines under its safety and soundness authority provided by section 39 of the Federal Deposit Insurance Act. The proposed Guidelines

would be enforceable under section 39. The FDIC also proposes to amend parts 308 and 364 of its regulations to implement the proposed Guidelines.

** Rules of Practice and Procedure (3064–AE52)*

The Federal Deposit Insurance Corporation is adjusting the maximum amount of each civil money penalty within its jurisdiction to account for inflation. This action is required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. The FDIC is also amending its rules of practice and procedure under 12 CFR part 308 to cross-reference the annual adjustments that will be published in the **Federal Register** and to correct a technical error from the previous inflation-adjustment rulemaking.

** Disclosure and Reporting of CRA-Related Agreements (3064–AE55)*

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (collectively, the Agencies) are inviting comment on a notice of proposed rulemaking that would amend the Agencies' rules on disclosure and reporting of Community Reinvestment Act-related agreements to remove the quarterly reporting requirement and an obsolete provision.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

FEDERAL DEPOSIT INSURANCE CORPORATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
374	12 CFR 324 Regulatory Capital Rules: Simplification of Generally Applicable Rules	3064–AE59

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Proposed Rule Stage

374. • Regulatory Capital Rules: Simplification of Generally Applicable Rules

Legal Authority: 12 U.S.C. 1819(a)(Tenth); 12 U.S.C. 1831o; 12 U.S.C. 3907; 12 U.S.C. 5371

Abstract: The OCC, Board, and FDIC (the Agencies) seek comment on a joint proposed rule to revise the generally applicable capital rules with the goal of meaningfully reducing regulatory burden on community banking organizations while at the same time maintaining safety and soundness and the quality and quantity of regulatory capital in the banking system. The proposal includes (1) Replacing the framework's complex treatment of high volatility commercial real estate (HVCRE) exposures with a more straightforward treatment for most acquisition, development, or construction (ADC) loans; (2) simplifying the current regulatory capital treatment for mortgage servicing assets (MSAs), timing difference deferred tax assets (DTAs), and holdings of regulatory capital instruments issued by financial institutions; and (3) simplifying the current limitations on minority interests in regulatory capital.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bobby R. Bean, Associate Director, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3575, *Email: bbean@fdic.gov*.

Ryan Billingsley, Chief, Capital Policy Section, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3797, *Email: rbillingsley@fdic.gov*.

Benedetto Bosco, Chief, Capital Policy Section, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20459, *Phone:* 202 898–6853, *Email: bbosco@fdic.gov*.

Michael Phillips, Counsel, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3581, *Email: mphillips@fdic.gov*.

Rachel J. Ackmann, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–6858, *Email: rackmann@fdic.gov*.

Catherine S. Wood, Counsel, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20459, *Phone:* 202 898–3788, *Email: cawood@fdic.gov*.

RIN: 3064–AE59

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Part XXVI

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period June 1, 2017, through October 31, 2017. The next agenda will be published in fall 2017.

DATES: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESSES: Comments should be addressed to Ann E. Misback, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its spring 2017 agenda as part of the Spring 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following Web site: *www.reginfo.gov.* Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into four sections. The first, Pre-rule Stage, reports on matters the Board is considering for future rulemaking. The second section, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The third section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. And a fourth section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda and which the Board has not completed.

Yao-Chin Chao,

Assistant Secretary of the Board.

FEDERAL RESERVE SYSTEM—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
375	Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)	7100–AD68

FEDERAL RESERVE SYSTEM—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
376	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429).	7100–AD80

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

375. Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)

Legal Authority: 12 U.S.C. 4001 to 4010; 12 U.S.C. 5001 to 5018

Abstract: The Board of Governors of the Federal Reserve System (the Board) proposed amendments to Regulation CC to facilitate the banking industry's ongoing transition to fully electronic interbank check collection and return, including proposed amendments to subpart C to condition a depositary bank's right of expeditious return on the depositary bank agreeing to accept returned checks electronically, either directly or indirectly, from the paying bank. The Board also proposed amendments to subpart B, the funds availability schedule provisions to reflect the fact that there are no longer any non-local checks. The Board proposed to revise the model forms in appendix C that banks may use in disclosing their funds availability policies to their customers and to update the preemption determinations in appendix F. Finally, the Board requested comment on whether it should consider future changes to the regulation to improve the check collection system, such as decreasing the time afforded to a paying bank to decide whether to pay a check in order to reduce the risk to a depositary bank of needing to make funds available for withdrawal before learning whether a deposited check has been returned unpaid.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	03/25/11	76 FR 16862
Board Requested Comment on Revised Proposal.	02/04/14	79 FR 6673
Board Expects Further Action on Subpart C.	06/00/17	
Board Expects Further Action on Subpart B.	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clinton Chen, Attorney, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3952.

RIN: 7100–AD68

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

376. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429)

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828

Abstract: The Dodd-Frank Act Wall Street Reform and Consumer Protection Act (the Act) transferred responsibility

for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (the Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively. The Board on August 12, 2011, approved an interim final rule for SLHCs, including a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board. The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances, interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters. Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board's regulations. In many instances, interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs. The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Board Expects Further Action.	12/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: C. Tate Wilson, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–3696.

Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AD80

[FR Doc. 2017–17013 Filed 8–23–17; 8:45 am]

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Part XXVII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0078]

10 CFR Chapter I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: We are publishing our semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' The Agenda is a compilation of all rulemaking activities on which we have recently completed action or have proposed or are considering action. We have completed 10 rulemaking activities since publication of our last Agenda on December 23, 2016 (81 FR 94894). This issuance of our Agenda contains 34 active and 24 long-term rulemaking activities: 3 are Economically Significant; 8 represent Other Significant agency priorities; 45 are Substantive, Nonsignificant rulemaking activities; and 2 are Administrative rulemaking activities. In addition, 3 rulemaking activities impact small entities. We are requesting comment on the rulemaking activities as identified in this Agenda.

DATES: Submit comments on rulemaking activities as identified in this Agenda by September 25, 2017.

ADDRESSES: Submit comments on any rulemaking activity in the Agenda by the date and methods specified in any **Federal Register** notice on the rulemaking activity. Comments received on rulemaking activities for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the **Federal Register** notice. You may submit comments on this Agenda through the Federal Rulemaking Web site by going to *http://www.regulations.gov* and searching for Docket ID NRC–2017–0078. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions on any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

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: Cindy Bladey, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: *Cindy.Bladey@nrc.gov.* Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

SUPPLEMENTARY INFORMATION:

Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0078 when contacting the NRC about the availability of information for this document. You may obtain publically-available information related to this document by any of the following methods:

- *Reginfo.gov:*
  - For completed rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed,* select ''spring 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions'' from drop down menu, and select ''Nuclear Regulatory Commission'' from drop down menu.
  - For active rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain* and select ''Nuclear Regulatory Commission'' from drop down menu.
  - For long-term rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain,* select ''Current Long Term Actions'' link, and select ''Nuclear Regulatory Commission'' from drop down menu.
- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0078.
- *NRC's Public Document Room:* 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–2017–0078 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 will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into the Agencywide Documents Access and Management System (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 into ADAMS.

Introduction

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: Completed, active, and long-term. Completed rulemaking activities are those that were completed since publication of an agency's last Agenda; active rulemaking activities are those that an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long-term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Unified Agenda.

We assign a ''Regulation Identifier Number'' (RIN) to a rulemaking activity when our Commission initiates a rulemaking and approves a rulemaking plan, or when the NRC staff begins work on a Commission delegated rulemaking that does not require a rulemaking plan. The Office of Management and Budget uses this number to track all relevant documents throughout the entire ''lifecycle'' of a particular rulemaking activity. We report all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition for a completed, an active, or a long-term rulemaking activity.

The information contained in this Agenda is updated to reflect any action that has occurred on a rulemaking activity since publication of our last Agenda on December 23, 2016 (81 FR 94894). Specifically, the information in this Agenda has been updated through March 31, 2017. The NRC provides additional information on planned

rulemaking and petition for rulemaking activities, including priority and schedule, on our Web site at *https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html#cprlist.*

The date for the next scheduled action under the heading ''Timetable'' is the date the next regulatory action for the rulemaking activity is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in our rulemaking process. However, we may consider or act on any rulemaking activity even though it is not included in the Agenda.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of promulgation of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. We undertake these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, we do not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, we have not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of our regulations that impact small entities and related Small Entity Compliance Guides are available from the NRC's Web site at *http://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html.*

Dated at Rockville, Maryland, this 31st day of March 2017.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
377	Revision of Fee Schedules: Fee Recovery for FY 2018 [NRC–2017–0026]	3150–AJ95

NUCLEAR REGULATORY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
378	Revision of Fee Schedules; Fee Recovery for FY 2017 [NRC–2016–0081]	3150–AJ73

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
379	Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]	3150–AJ99

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

377. • Revision of Fee Schedules: Fee Recovery for FY 2018 [NRC–2017–0026]

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the Nuclear Regulatory Commission's cost of providing services to identifiable applicants and licensees. Examples of services provided by the Nuclear Regulatory Commission for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/18	
Final Rule	05/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AJ95

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

378. Revision of Fee Schedules; Fee Recovery for FY 2017 [NRC–2016–0081]

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing and generic homeland security activities, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection

fees are established under 10 CFR part 170 and recover the Nuclear Regulatory Commission's cost of providing services to identifiable applicants and licensees. Examples of services provided by the Nuclear Regulatory Commission for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Timetable:

Action	Date	FR Cite
NPRM	01/30/17	82 FR 8696
NPRM Comment Period End.	03/01/17	
Final Rule	06/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AJ73

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

379. • Revision of Fee Schedules: Fee Recovery for FY 2019 [NRC–2017–0032]

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires the Nuclear Regulatory Commission to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees. The licensing and inspection fees are established under 10 CFR part 170 and recover the Nuclear Regulatory Commission's cost of providing services to identifiable applicants and licensees. Examples of services provided by the Nuclear Regulatory Commission for which 10 CFR part 170 fees are assessed include license application reviews, license renewals, license amendment reviews, and inspections. The annual fees established under 10 CFR part 171 recover budgeted costs for generic (*e.g.,* research and rulemaking) and other regulatory activities not recovered under 10 CFR part 170 fees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/19	
Final Rule	05/00/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele D. Kaplan, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–5256, *Email: michele.kaplan@nrc.gov.*

RIN: 3150–AJ99

[FR Doc. 2017–17015 Filed 8–23–17; 8:45 am]

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Part XXVIII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33–10333, 34–80357, IA–4677, IC–32588, File No. S7–04–17]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing the Chairman's agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sep. 19, 1980). The items listed in the Regulatory Flexibility Agenda for spring 2017 reflect only the priorities of the Acting Chairman of the U.S. Securities and Exchange Commission, and do not necessarily reflect the view and priorities of any individual Commissioner.

Information in the agenda was accurate on March 29, 2017, the date on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission's complete RFA agenda will be available online at *www.reginfo.gov.*

DATES: Comments should be received on or before September 25, 2017.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–04–17 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. S7–04–17. This file number should be included on the subject line if email is used. To help us 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/other.shtml*). Comments are also 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Mykaila DeLesDernier, Office of the General Counsel, 202–551–5129.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the Agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an gency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''—Securities Act of 1933

''Exchange Act''—Securities Exchange Act of 1934

''Investment Company Act''—Investment Company Act of 1940

''Investment Advisers Act''—Investment Advisers Act of 1940

''Dodd Frank Act''—Dodd-Frank Wall Street Reform and Consumer Protection Act

''JOBS Act''—Jumpstart Our Business Startups Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.

Dated: March 31, 2017.

Brent J. Fields,

Secretary.

DIVISION OF CORPORATION FINANCE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
380	Amendments to Interactive Data (XBRL) Program	3235–AL59

DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
381	Amendments to Smaller Reporting Company Definition	3235–AL90
382	Modernization of Property Disclosures for Mining Registrants	3235–AL81
383	Disclosure Update and Simplification	3235–AL82
384	Form 10–K Summary	3235–AL89

DIVISION OF CORPORATION FINANCE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
385	Amendments to Regulation D, Form D and Rule 156 Under the Securities Act	3235–AL46
386	Disclosure of Hedging by Employees, Officers and Directors	3235–AL49
387	Listing Standards for Recovery of Erroneously Awarded Compensation	3235–AK99
388	Pay Versus Performance	3235–AL00
389	Universal Proxy	3235–AL84

DIVISION OF CORPORATION FINANCE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
390	Exhibit Hyperlinks and HTML Format	3235–AL95
391	Exemptions To Facilitate Intrastate and Regional Securities Offerings	3235–AL80

DIVISION OF INVESTMENT MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
392	Reporting of Proxy Votes on Executive Compensation and Other Matters	3235–AK67

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
393	Adviser Business Continuity and Transition Plans	3235–AL62
394	Investment Company Reporting Modernization; Option for Website Transmission of Shareholder Reports	3235–AL42
395	Use of Derivatives by Registered Investment Companies and Business Development Companies	3235–AL60

DIVISION OF INVESTMENT MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
396	Investment Company Liquidity Risk Management Programs; Investment Company Swing Pricing	3235–AL61

DIVISION OF TRADING AND MARKETS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
397	Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934	3235–AL14

DIVISION OF TRADING AND MARKETS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
398	Amendment to Securities Transaction Settlement Cycle	3235–AL86

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Proposed Rule Stage

380. Amendments to Interactive Data (XBRL) Program

Legal Authority: 15 U.S.C. 77g; 15 U.S.C. 78w(a); 15 U.S.C. 80a–37

Abstract: The Commission proposed amendments to the XBRL rules to provide for companies to use Inline XBRL to file a single combined document.

Timetable:

Action	Date	FR Cite
NPRM	03/17/17	82 FR 14282
NPRM Comment Period End.	05/16/17	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark W. Green, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–0301, *Phone:* 202 551–3430, *Fax:* 202 772–9207.

RIN: 3235–AL59

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Final Rule Stage

381. Amendments to Smaller Reporting Company Definition

Legal Authority: Not Yet Determined

Abstract: The Commission proposed revisions to the ''smaller reporting company'' definitions and related provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/01/16	81 FR 43130
NPRM Comment Period End.	08/30/16	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Reischauer, Securities and Exchange Commission, 110 F Street NE., Washington, DC 20549, *Phone:* 202 551–3460, *Email: reischauerp@sec.gov*.

RIN: 3235–AL90

382. Modernization of Property Disclosures for Mining Registrants

Legal Authority: 15 U.S.C. 77c(b); 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 78c(b); 15 U.S.C. 77l; 15 U.S.C. 78m; 15 U.S.C. 780(d)

Abstract: The Commission proposed rules to modernize and clarify the disclosure requirements for companies engaged in mining operations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/16	81 FR 41652
NPRM Comment Period End.	08/26/16	
NPRM Comment Period Extended.	08/26/16	81 FR 58877
NPRM Comment Period Extended End.	09/26/16	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elliot Staffin, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3450, *Email: staffine@sec.gov*.

RIN: 3235–AL81

383. Disclosure Update and Simplification

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.;* 15 U.S.C. 80a–1 *et seq.;* Pub. L. 114–94

Abstract: The Commission proposed rules to update certain disclosure requirements in Regulations S–X and S–K that may have become redundant, duplicative, overlapping, outdated or superseded in light of other Commission disclosure requirements, U.S. Generally Accepted Accounting Principles, International Financial Reporting Standards, or changes in the information environment.

Timetable:

Action	Date	FR Cite
NPRM	08/04/16	81 FR 51607
NPRM Comment Period Extended.	09/29/16	81 FR 66898
NPRM Comment Period End.	10/03/16	
NPRM Comment Period Extended End.	11/02/16	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nili Shah, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3255, *Email: shahn@sec.gov*.

RIN: 3235–AL82

384. Form 10–K Summary

Legal Authority: Pub. L. 114–94; 15 U.S.C. 78c; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w

Abstract: The Commission adopted an interim final amendment to implement Section 72001 of the FAST Act by permitting an issuer to include a summary in its Form l0–K and also requested comment on the interim final amendment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/16	81 FR 37132
Interim Final Rule Effective.	06/09/16	
Interim Final Rule Comment Period End.	07/11/16	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Harrison, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3430, *Fax:* 202 772–9207, *Email: harrisons@sec.gov*.

RIN: 3235–AL89

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Long-Term Actions

385. Amendments to Regulation D, Form D and Rule 156 Under the Securities Act

Legal Authority: 15 U.S.C. 77a *et seq.*

Abstract: The Commission proposed rule and form amendments to enhance the Commission's ability to evaluate the development of market practices in offerings under Rule 506 of Regulation D and address concerns that may arise in connection with permitting issuers to engage in general solicitation and general advertising under new paragraph (c) of Rule 506.

Timetable:

Action	Date	FR Cite
NPRM	07/24/13	78 FR 44806
NPRM Comment Period End.	09/23/13	
NPRM Comment Period Reopened.	10/03/13	78 FR 61222
NPRM Comment Period Reopened End.	11/04/13	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Vilardo, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500, *Email: vilardom@sec.gov*.

RIN: 3235–AL46

386. Disclosure of Hedging by Employees, Officers and Directors

Legal Authority: Pub. L. 111–203

Abstract: The Commission proposed rules to implement section 955 of the Dodd-Frank Act, which added section 14(j) to the Exchange Act to require annual meeting proxy statement disclosure of whether employees or members of the board of directors are permitted to engage in transactions to hedge or offset any decrease in the market value of equity securities granted to the employee or board member as compensation, or held directly or indirectly by the employee or board member.

Timetable:

Action	Date	FR Cite
NPRM	02/17/15	80 FR 8486
NPRM Comment Period End.	04/20/15	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carolyn Sherman, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500, *Email: shermanc@sec.gov*.

RIN: 3235–AL49

387. Listing Standards for Recovery of Erroneously Awarded Compensation

Legal Authority: Pub. L. 111–203, sec. 954; 15 U.S.C. 78j–4

Abstract: The Commission proposed rules to implement section 954 of the Dodd-Frank Act, which requires the Commission to adopt rules to direct national securities exchanges to prohibit the listing of securities of issuers that have not developed and implemented a policy providing for disclosure of the issuer's policy on incentive-based compensation and mandating the clawback of such compensation in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 41144
NPRM Comment Period End.	09/14/15	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anne M. Krauskopf, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

RIN: 3235–AK99

388. Pay Versus Performance

Legal Authority: Pub. L. 111–203, sec.953(a); 15 U.S.C. 78c(b); 15 U.S.C. 78cn; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Commission proposed rules to implement section 953(a) of the Dodd-Frank Act, which added section 14(i) to the Exchange Act to require issuers to disclose information that shows the relationship between executive compensation actually paid and the financial performance of the issuer.

Timetable:

Action	Date	FR Cite
NPRM	05/07/15	80 FR 26329
NPRM Comment Period End.	07/06/15	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3430, *Email: hearnes@sec.gov*.

RIN: 3235–AL00

389. Universal Proxy

Legal Authority: 15 U.S.C. 78n; 15 U.S.C. 78w(a)

Abstract: The Commission proposed to amend the proxy rules to expand shareholders' ability to vote by proxy to select among duly-nominated candidates in a contested election of directors.

Timetable:

Action	Date	FR Cite
NPRM	11/10/16	81 FR 79122
NPRM Comment Period End.	01/09/17	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3430, *Email: hearnes@sec.gov*.

RIN: 3235–AL84

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Completed Actions

390. Exhibit Hyperlinks and HTML Format

Legal Authority: 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77s(a); 15 U.S.C. 78c; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o(d); 15 U.S.C. 78w(a); 15 U.S.C. 78ll

Abstract: The Commission adopted rules to facilitate access to exhibits identified in the exhibit index of certain filings through the use of hyperlinks.

Timetable:

Action	Date	FR Cite
NPRM	09/12/16	81 FR 62689
NPRM Comment Period End.	10/27/16	
Final Action	03/17/17	82 FR 14130
Final Action Effective.	09/01/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Harrison, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3430.

RIN: 3235–AL95

391. Exemptions To Facilitate Intrastate and Regional Securities Offerings

Legal Authority: 15 U.S.C. 77c; 15 U.S.C. 77s; 15 U.S.C. 77z–3; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w; 15 U.S.C. 78mm; 15 U.S.C. 80a–37; 15 U.S.C. 80b–11

Abstract: The Commission adopted rules to modernize Rules 147 and 504 under the Securities Act to facilitate intrastate and regional securities offerings.

Timetable:

Action	Date	FR Cite
NPRM	11/10/15	80 FR 69786
NPRM Comment Period End.	01/11/16	
Final Action	11/21/16	81 FR 83494
Final Action Effective—(Rule 504) and (Rule 30–1).	01/20/17	
Final Action Effective—(Rule 147) and (Rule 147A).	04/20/17	
Final Action Effective—(Rule 505) and all Other Amendments.	05/22/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony G. Barone, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3460, *Email: baronea@sec.gov*.

RIN: 3235–AL80

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Proposed Rule Stage

392. Reporting of Proxy Votes on Executive Compensation and Other Matters

Legal Authority: 15 U.S.C. 78m; 15 U.S.C. 78w(a); 15 U.S.C. 78mm; 15 U.S.C. 78x; 15 U.S.C. 80a–8; 15 U.S.C. 80a–29; 15 U.S.C. 80a–30; 15 U.S.C. 80a–37; 15 U.S.C. 80a–44; Pub. L. 111–203, sec 951

Abstract: The Division is considering recommending that the Commission repropose rule amendments to implement section 951 of the Dodd-Frank Act. The Commission previously proposed amendments to rules and Form N–PX that would require institutional investment managers subject to section 13(f) of the Exchange Act to report how they voted on any shareholder vote on executive compensation or golden parachutes pursuant to sections 14A(a) and (b) of the Exchange Act.

Timetable:

Action	Date	FR Cite
NPRM	10/28/10	75 FR 66622
NPRM Comment Period End.	11/18/10	
Second NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew DeLesDernier, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6792, *Email: delesdernierj@sec.gov.*

RIN: 3235–AK67

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

393. Adviser Business Continuity and Transition Plans

Legal Authority: 15 U.S.C. 80b–4; 15 U.S.C. 80b–6(4); 15 U.S.C. 80b–11(a)

Abstract: The Commission proposed a new rule that would require investment advisers registered with the Commission to adopt and implement written business continuity and transition plans.

Timetable:

Action	Date	FR Cite
NPRM	07/05/16	81 FR 43530
NPRM Comment Period End.	09/06/16	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alpa Patel, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6797, *Email: patelalp@sec.gov.*

RIN: 3235–AL62

394. Investment Company Reporting Modernization; Option for Website Transmission of Shareholder Reports

Legal Authority: 15 U.S.C. 77 *et seq.*; 15 U.S.C. 77aaa *et seq.*; 15 U.S.C. 78a *et seq.*; 15 U.S.C. 80a *et seq.*; 44 U.S.C. 3506; 44 U.S.C. 3507

Abstract: The Commission adopted new rules and forms as well as amendments to its rules and forms to modernize the reporting and disclosure of information by registered investment companies. The Commission proposed new rule 30e–3, which would permit, but not require registered investment companies to transmit periodic reports to their shareholders by making the reports accessible on a Web site and satisfying certain other conditions. The Commission has not finalized proposed rule 30e–3.

Timetable:

Action	Date	FR Cite
NPRM	06/12/15	80 FR 33590
NPRM Comment Period End.	08/11/15	
NPRM Comment Period Re-opened.	10/12/15	80 FR 62274
NPRM Comment Period Re-opened End.	01/13/16	
Final Action	11/18/16	81 FR 81870
Final Action Effective.	01/17/17	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sara Cortes, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5137, *Email: cortess@sec.gov.*

RIN: 3235–AL42

395. Use of Derivatives by Registered Investment Companies and Business Development Companies

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–31(a); 15 U.S.C. 80a–12(a); 15 U.S.C. 80a–38(a); 15 U.S.C. 80a–8; 15 U.S.C. 80a–30; 15 U.S.C. 80a–38

Abstract: The Commission proposed a new rule designed to enhance the regulation of the use of derivatives by registered investment companies, including mutual funds, exchange-traded funds, closed-end funds and business development companies. The proposed rule would regulate registered investment companies' use of derivatives and require enhanced risk management measures.

Timetable:

Action	Date	FR Cite
NPRM	12/28/15	80 FR 80884
NPRM Comment Period End.	03/28/16	
Final Action	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Johnson, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6740, *Email: johnsonbm@sec.gov.*

RIN: 3235–AL60

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Completed Actions

396. Investment Company Liquidity Risk Management Programs; Investment Company Swing Pricing

Legal Authority: 15 U.S.C. 80a–37(a); 15 U.S.C. 80a–22(c); 15 U.S.C. 80a–31(a); 15 U.S.C. 77a *et seq.*; 15 U.S.C. 77aaa *et seq.*; 15 U.S.C. 78a *et seq.*; 15 U.S.C. 80a *et seq.*

Abstract: The Commission adopted a new rule requiring open-end funds to adopt and implement liquidity management programs. The Commission also adopted rule amendments that permit open-end funds to use ''swing pricing'' and form amendments that enhance disclosure regarding fund liquidity and redemption practices.

Timetable:

Action	Date	FR Cite
NPRM	10/15/15	80 FR 62274
NPRM Comment Period End.	01/13/16	
Final Action	11/18/16	81 FR 82142
Final Action Effective.	01/17/17	
Final Action Effective—Amendments to Form N–CEN.	06/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sarah ten Siethoff, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6729, *Email: tensiethoffs@sec.gov*.

RIN: 3235–AL61

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Long-Term Actions

397. Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934

Legal Authority: Pub. L. 111–203, sec. 939A

Abstract: Section 939A of the Dodd-Frank Act requires the Commission to remove certain references to credit ratings from its regulations and to substitute such standards of creditworthiness as the Commission determines to be appropriate. The Commission amended certain rules and one form under the Exchange Act applicable to broker-dealer financial responsibility, and confirmation of transactions. The Commission has not yet finalized amendments to certain rules regarding the distribution of securities.

Timetable:

Action	Date	FR Cite
NPRM	05/06/11	76 FR 26550
NPRM Comment Period End.	07/05/11	
Final Action	01/08/14	79 FR 1522
Final Action Effective.	07/07/14	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Guidroz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6439, *Email: guidrozj@sec.gov*.

RIN: 3235–AL14

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Completed Actions

398. Amendment to Securities Transaction Settlement Cycle

Legal Authority: 15 U.S.C. 78o(c)(6); 15 U.S.C. 78q–1; 15 U.S.C. 78w(a)

Abstract: The Commission proposed to amend Exchange Act Rule 15c6–1 to shorten the standard settlement period from three days to two days.

Timetable:

Action	Date	FR Cite
NPRM	10/05/16	81 FR 69240
NPRM Comment Period End.	12/05/16	
Final Action	03/29/17	82 FR 15564
Final Action Effective.	05/30/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeffrey S. Mooney, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 942–4174, *Email: mooneyj@sec.gov*.

RIN: 3235–AL86

[FR Doc. 2017–17017 Filed 8–23–17; 8:45 am]

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FEDERAL REGISTER

Vol. 82 Thursday,

No. 163 August 24, 2017

Part XXIX

Surface Transportation Board

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 42)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board (the Board), in accordance with the requirements of the Regulatory Flexibility Act (RFA), is publishing a semiannual agenda of: (1) Current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules that will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: ''Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda.''

The Board is publishing its spring 2017 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866 and 13563. The Board is participating voluntarily in the program to assist OMB.

Dated: March 31, 2017.

By the Board, Board Members Begeman, Elliott and Miller.

Jeffrey Herzig,

Clearance Clerk.

SURFACE TRANSPORTATION BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
399	Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)	2140–AB29

SURFACE TRANSPORTATION BOARD (STB)

Long-Term Actions

399. Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)

Legal Authority: 49 U.S.C. 10502; 49 U.S.C. 13301

Abstract: In this proceeding, the Board is proposing to revoke the class exemptions for the rail transportation of: (1) Crushed or broken stone or rip-rap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings.

Timetable:

Action	Date	FR Cite
NPRM	03/28/16	81 FR 17125
NPRM Comment Period End.	07/26/16	
NPRM Reply Comment Period End.	08/26/16	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott M. Zimmerman, Deputy Director, Office of Proceedings, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001, *Phone:* 202 245–0386, *Email: scott.zimmerman@stb.gov*. Francis O'Connor, Section Chief, Chemical & Agricultural Transportation, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001, *Phone:* 202 245–0331, *Email: francis.o'connor@stb.gov*.

RIN: 2140–AB29

[FR Doc. 2017–17023 Filed 8–23–17; 8:45 am]

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FEDERAL REGISTER

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Part XXX

The President

Executive Order 13807—Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects

Proclamation 9630—National Employer Support of the Guard and Reserve Week, 2017

Federal Register
Vol. 82, No. 163
Thursday, August 24, 2017

Presidential Documents

Title 3—

The President

Executive Order 13807 of August 15, 2017

Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure that the Federal environmental review and permitting process for infrastructure projects is coordinated, predictable, and transparent, it is hereby ordered as follows:

Section 1. *Purpose.* America needs increased infrastructure investment to strengthen our economy, enhance our competitiveness in world trade, create jobs and increase wages for our workers, and reduce the costs of goods and services for our families. The poor condition of America's infrastructure has been estimated to cost a typical American household thousands of dollars each year. Inefficiencies in current infrastructure project decisions, including management of environmental reviews and permit decisions or authorizations, have delayed infrastructure investments, increased project costs, and blocked the American people from enjoying improved infrastructure that would benefit our economy, society, and environment. More efficient and effective Federal infrastructure decisions can transform our economy, so the Federal Government, as a whole, must change the way it processes environmental reviews and authorization decisions.

Sec. 2. *Policy.* It is the policy of the Federal Government to:

(a) safeguard our communities and maintain a healthy environment;

(b) ensure that Federal authorities make informed decisions concerning the environmental impacts of infrastructure projects;

(c) develop infrastructure in an environmentally sensitive manner;

(d) provide transparency and accountability to the public regarding environmental review and authorization decisions;

(e) be good stewards of public funds, including those used to develop infrastructure projects, and avoid duplicative and wasteful processes;

(f) conduct environmental reviews and authorization processes in a coordinated, consistent, predictable, and timely manner in order to give public and private investors the confidence necessary to make funding decisions for new infrastructure projects;

(g) speak with a coordinated voice when conducting environmental reviews and making authorization decisions; and

(h) make timely decisions with the goal of completing all Federal environmental reviews and authorization decisions for major infrastructure projects within 2 years.

Sec. 3. *Definitions.* The terms of this order shall be applied consistently with those defined under 42 U.S.C. 4370m and implementing guidance to the maximum extent possible. The following definitions shall specifically apply:

(a) ''Authorization'' means any license, permit, approval, finding, determination, or other administrative decision issued by a Federal department or agency (agency) that is required or authorized under Federal law in

order to site, construct, reconstruct, or commence operations of an infrastructure project, including any authorization under 42 U.S.C. 4370m(3).

(b) ''CAP Goals'' means Federal Government Priority Goals established by the Government Performance and Results Act (GPRA) Modernization Act of 2010, Public Law 111–352, 124 Stat. 3866, and commonly referred to as Cross-Agency Priority (CAP) Goals.

(c) ''Federal Permitting Improvement Steering Council'' or ''FPISC'' means the entity established under 42 U.S.C. 4370m–1.

(d) ''Infrastructure project'' means a project to develop the public and private physical assets that are designed to provide or support services to the general public in the following sectors: surface transportation, including roadways, bridges, railroads, and transit; aviation; ports, including navigational channels; water resources projects; energy production and generation, including from fossil, renewable, nuclear, and hydro sources; electricity transmission; broadband Internet; pipelines; stormwater and sewer infrastructure; drinking water infrastructure; and other sectors as may be determined by the FPISC.

(e) ''Major infrastructure project'' means an infrastructure project for which multiple authorizations by Federal agencies will be required to proceed with construction, the lead Federal agency has determined that it will prepare an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* and the project sponsor has identified the reasonable availability of funds sufficient to complete the project.

(f) ''Permitting timetable'' means an environmental review and authorization schedule, or other equivalent schedule, for a project or group of projects that identifies milestones—including intermediate and final completion dates for action by each agency on any Federal environmental review or authorization required for a project or group of projects—that is prepared by the lead Federal agency in consultation with all cooperating and participating agencies.

Sec. 4. *Agency Performance Accountability.* Federal agencies should follow transparent and coordinated processes for conducting environmental reviews and making authorization decisions. These processes must include early and open coordination among Federal, State, tribal, and local agencies and early engagement with the public. Holding Federal agencies accountable for their progress on implementing the policy set forth in section 2 of this order should, among other things, produce measurably better environmental outcomes with respect to infrastructure development.

(a) *Performance Priority Goals.*

(i) *CAP Goal.* A CAP Goal is a Federal tool for accelerating progress in priority areas that require active collaboration among multiple agencies to overcome organizational barriers and to achieve better performance than one agency could achieve on its own. Within 180 days of the date of this order, the Director of the Office of Management and Budget (OMB), in consultation with the FPISC, shall establish a CAP Goal on Infrastructure Permitting Modernization so that, where permitted by law:

(A) Federal environmental reviews and authorization processes for infrastructure projects are consistent, coordinated, and predictable; and

(B) the time for the Federal Government's processing of environmental reviews and authorization decisions for new major infrastructure projects should be reduced to not more than an average of approximately 2 years, measured from the date of the publication of a notice of intent to prepare an environmental impact statement or other benchmark deemed appropriate by the Director of OMB.

(ii) *Agency Goals.* All Federal agencies with environmental review, authorization, or consultation responsibilities for infrastructure projects shall modify their Strategic Plans and Annual Performance Plans under the

GPRA Modernization Act of 2010 to include agency performance goals related to the completion of environmental reviews and authorizations for infrastructure projects consistent with the new CAP Goal on Infrastructure Permitting Modernization. The agencies shall integrate the achievement of these performance goals into appropriate agency personnel performance plans, such as those of the agency Chief Environmental Review and Permitting Officers (CERPOs) or other appropriate officials, consistent with guidance to be provided by OMB, in consultation with the Office of Personnel Management. Progress on these goals shall be reviewed and analyzed by agency leadership, pursuant to the GPRA Modernization Act of 2010.

(b) *Accountability.* Within 180 days of the establishment of the CAP Goal on Infrastructure Permitting Modernization, as described in subsection (a) of this section, or such longer period of time as determined by the Director of OMB, OMB, in consultation with the FPISC, shall issue guidance for establishing a performance accountability system to facilitate achievement of the CAP Goal.

(i) *Tracking of Major Infrastructure Projects.* The performance accountability system shall track each major infrastructure project. The performance accountability system shall include, at a minimum, assessments of the agency's performance with respect to each of the following areas, as applicable:

(A) whether major infrastructure projects are processed using the ''One Federal Decision'' mechanism, as described in subsection 5(b) of this order;

(B) whether major infrastructure projects have a permitting timetable;

(C) whether major infrastructure projects follow an effective process that automatically elevates instances in which permitting timetable milestones are missed or extended, or are anticipated to be missed or extended, to appropriate senior agency officials;

(D) whether agencies are meeting the established milestones in the permitting timetable;

(E) the time it takes to complete the processing of environmental reviews and authorizations for each major infrastructure project; and

(F) the costs of the environmental reviews and authorizations for each major infrastructure project.

(ii) *Scoring.* The accountability system shall include a scoring mechanism that shall follow, at a minimum, the following procedures:

(A) agencies will submit information to OMB, consistent with existing reporting mechanisms to the maximum extent possible, on the assessment areas described in subsection (b)(i) of this section;

(B) at least once per quarter, OMB will produce a scorecard of agency performance and overall progress toward achieving CAP Goal targets;

(C) where an agency's inability to meet a permitting timetable milestone results in a significant delay of the project timeline, after consulting with the project sponsor and relevant agencies, agencies will submit (based on OMB guidance) an estimate of the delay's costs to the project; and

(D) the Director of OMB will consider each agency's performance during budget formulation and determine whether appropriate penalties, including those authorized at 23 U.S.C. 139(h)(7) and 33 U.S.C. 2348(h)(5), must or should be imposed, to the extent required or permitted by law, for those that significantly fail to meet a permitting timetable milestone or in other situations deemed appropriate by the Director of OMB after considering the causes of any poor performance.

(iii) *Best Practices.* Agencies shall implement the techniques and strategies the FPISC annually identifies as best practices pursuant to 42 U.S.C. 4370m–1(c)(2)(B), as appropriate. The performance accountability system

shall track and score agencies on the incorporation and implementation of appropriate best practices for all infrastructure projects, including the implementation of such best practices at an agency's field level.

Sec. 5. *Process Enhancements.* In furtherance of the policy described in section 2 of this order, Federal agencies shall follow a more unified environmental review and authorization process.

(a) *Processing of Major Infrastructure Projects.* In processing environmental reviews and authorizations for major infrastructure projects, Federal agencies shall:

(i) use ''One Federal Decision'' described in subsection (b) of this section;

(ii) develop and follow a permitting timetable, which shall be reviewed and updated at least quarterly by the lead Federal agency in consultation with Federal cooperating and participating agencies; and

(iii) follow an effective process that automatically elevates instances where a permitting timetable milestone is missed or extended, or is anticipated to be missed or extended, to appropriate senior agency officials of the lead Federal agency and the cooperating and participating Federal agency or agencies to which the milestone applies.

(b) *One Federal Decision.*

(i) Each major infrastructure project shall have a lead Federal agency, which shall be responsible for navigating the project through the Federal environmental review and authorization process, including the identification of a primary Federal point of contact at each Federal agency. All Federal cooperating and participating agencies shall identify points of contact for each project, cooperate with the lead Federal agency point of contact, and respond to all reasonable requests for information from the lead Federal agency in a timely manner.

(ii) With respect to the applicability of NEPA to a major infrastructure project, the Federal lead, cooperating, and participating agencies for each major infrastructure project shall all record any individual agency decision in one Record of Decision (ROD), which shall be coordinated by the lead Federal agency unless the project sponsor requests that agencies issue separate NEPA documents, the NEPA obligations of a cooperating or participating agency have already been satisfied, or the lead Federal agency determines that a single ROD would not best promote completion of the project's environmental review and authorization process. The Federal lead, cooperating, and participating agencies shall all agree to a permitting timetable that includes the completion dates for the ROD and the federally required authorizations for the project.

(iii) All Federal authorization decisions for the construction of a major infrastructure project shall be completed within 90 days of the issuance of a ROD by the lead Federal agency, provided that the final EIS includes an adequate level of detail to inform agency decisions pursuant to their specific statutory authority and requirements. The lead Federal agency may extend the 90-day deadline if the lead Federal agency determines that Federal law prohibits the agency from issuing its approval or permit within the 90-day period, the project sponsor requests that the permit or approval follow a different timeline, or the lead Federal agency determines that an extension would better promote completion of the project's environmental review and authorization process.

(iv) The Council on Environmental Quality (CEQ) and OMB shall develop the framework for implementing One Federal Decision, in consultation with the FPISC.

(A) The framework should be consistent with the model processes established under 42 U.S.C. 4370m–2, 23 U.S.C. 139, 33 U.S.C. 2348, the 2015 ''Red Book'' (officially entitled ''Synchronizing Environmental Reviews for Transportation and Other Infrastructure Projects''), and CEQ guidance on efficient and timely environmental reviews under NEPA.

(B) The framework shall also include guidance on the development of permitting timetables by the lead Federal agencies, in collaboration with Federal cooperating and participating agencies. Permitting timetables shall identify estimated intermediate and final completion dates for all environmental reviews and authorizations that are reasonably anticipated as being needed for a project, including the process for granting extensions of any established dates. The guidance shall specify that lead Federal agencies need not include the estimated intermediate and final completion dates of any such reviews or authorizations until the design of a project has sufficiently advanced so that they can be developed. In such cases, the guidance shall instruct lead Federal agencies to estimate when the project's design will be advanced enough to determine such dates. The timelines shall account for any federally required decisions or permits that are assumed by, or delegated to, State, tribal, or local agencies and the extent to which any approval or permit to be issued by a Federal agency is dependent upon the issuance of such a decision or permit.

(C) CEQ and OMB shall also develop guidance for applying One Federal Decision whenever the lead agency is a State, tribal, or local agency exercising an assignment or delegation of an agency's NEPA responsibilities.

(c) *Dashboard.* All projects subject to 23 U.S.C. 139 and ''covered projects'' under 42 U.S.C. 4370m shall be tracked on the Dashboard established under 42 U.S.C. 4370m–2(b). Other projects or classes of projects subject to special environmental review and authorization streamlining processes similar to those referenced in this subsection may also be tracked on the Dashboard at the discretion of the FPISC Executive Director. The dates for milestones of all projects tracked on the Dashboard shall be updated monthly, or on another appropriate timeline as may be determined by the FPISC Executive Director.

(d) *Executive Order 13766.* For purposes of implementing Executive Order 13766 of January 24, 2017 (Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects), all infrastructure projects that meet the criteria for, and are subject to, 23 U.S.C. 139, 33 U.S.C. 2348, or 42 U.S.C. 4370m–4370m–12 shall qualify as high priority projects under Executive Order 13766. Other projects or classes of projects subject to special environmental review and authorization streamlining processes, similar to those referenced in this subsection as may be determined by the FPISC Executive Director in consultation with OMB and CEQ, shall also qualify as high priority infrastructure projects under Executive Order 13766. The CEQ Chairman's responsibilities under sections 2 and 3 of Executive Order 13766 shall be satisfied by referring the project to the FPISC Executive Director, the Secretary of Transportation, or the Assistant Secretary of the Army for Civil Works, as appropriate.

(e) *Council on Environmental Quality.*

(i) *Directives.* Within 30 days of the date of this order, the CEQ shall develop an initial list of actions it will take to enhance and modernize the Federal environmental review and authorization process. Such actions should include issuing such regulations, guidance, and directives as CEQ may deem necessary to:

(A) ensure optimal interagency coordination of environmental review and authorization decisions, including by providing for an expanded role and authorities for lead agencies, more clearly defined responsibilities for cooperating and participating agencies, and Government-wide applicability of NEPA decisions and analyses;

(B) ensure that environmental reviews and authorization decisions involving multiple agencies are conducted in a manner that is concurrent, synchronized, timely, and efficient;

(C) provide for agency use, to the maximum extent permitted by law, of environmental studies, analysis, and decisions conducted in support

of earlier Federal, State, tribal, or local environmental reviews or authorization decisions; and

(D) ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, including by using CEQ's authority to interpret NEPA to simplify and accelerate the NEPA review process.

(ii) *Dispute Resolution.* Except where dispute resolution processes are otherwise provided for in law, including under 42 U.S.C. 4370m–2, or by Executive Order or other Presidential directive, upon request of a lead Federal agency, cooperating agency, or participating agency, CEQ may mediate interagency disputes arising between Federal agencies concerning Federal environmental review or authorization decisions for any infrastructure project pertaining to any environmental law, regulation, order or policy, and shall facilitate resolution of any conflicting positions of the relevant agencies.

(iii) *Agency Procedures.* CEQ shall form and lead an interagency working group, consisting of the Director of OMB, agency CERPOs, and such other representatives of agencies as CEQ deems appropriate. The working group shall review the NEPA implementing regulations and other environmental review and authorization processing policies of agencies that are members of the FPISC to identify impediments to efficient and effective environmental reviews and authorizations for infrastructure projects. The working group shall also identify those agencies that require an action plan to address identified impediments. Based on this review, agencies shall develop action plans that set forth the actions they will take and timelines for completing those actions, and they shall submit those action plans to CEQ and OMB for comment. Each agency's action plan shall, at a minimum, establish procedures for a regular review and update of categorical exclusions, where appropriate.

(f) *Federal Permitting Improvement Steering Council.*

(i) *Organizational Support.* Unless otherwise determined by the Director of OMB, the General Services Administration (GSA) shall provide necessary administrative and organizational support to the FPISC, including personnel, procurement, and budget support. The GSA Administrator, or the head of another agency designated by the Director of OMB, may delegate any authority to the FPISC Executive Director necessary for the operation and administration of the FPISC and the Office of the Executive Director, and the Executive Director may redelegate these authorities, as appropriate.

(ii) *Additional Duties.* In addition to the duties and responsibilities charged to the FPISC Executive Director under 42 U.S.C. 4370m–4370m–12 and this order, the FPISC Executive Director may, upon request of a FPISC member agency or a project sponsor, work with the lead agency or any cooperating and participating agencies to facilitate the environmental review and authorization process for any infrastructure project regardless of whether the project is a ''covered project'' under 42 U.S.C. 4370m, including by resolving disputes and promoting early coordination. The FPISC Executive Director, the Director of OMB, or the Chairman of CEQ may establish any appropriate policies or procedures concerning the FPISC Executive Director's facilitation of the environmental review and authorization process under this subsection. Agencies must cooperate with the FPISC Executive Director with respect to the implementation of these additional duties.

(g) *Energy Corridors.* The Departments of the Interior and Agriculture, as appropriate, shall be the lead agencies for facilitating the identification and designation of energy right-of-way corridors on Federal lands for Government-wide expedited environmental review for the development of energy infrastructure projects.

(h) The Department of the Interior shall provide to OMB a strategy and recommendations for a multi-agency reorganization effort that would further

the aims of this order. OMB, in consultation with the Department of the Interior, shall coordinate with the heads of other agencies affected to incorporate the strategy, as appropriate, into the comprehensive reorganization plan developed under Executive Order 13781 of March 13, 2017 (Comprehensive Plan for Reorganizing the Executive Branch).

Sec. 6. Executive Order 13690 of January 30, 2015 (Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input), is revoked.

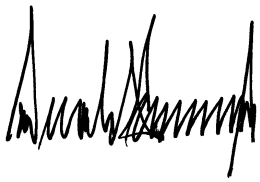
Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
August 15, 2017.

[FR Doc. 2017–18134
Filed 8–23–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Proclamation 9630 of August 20, 2017

National Employer Support of the Guard and Reserve Week, 2017

By the President of the United States of America

A Proclamation

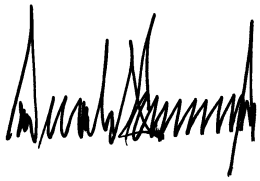
Throughout our Nation's history, Americans from all walks of life have made tremendous sacrifices in defense of our freedom. Today, more than one million citizen soldiers, sailors, airmen, marines, and coastguardsmen continue this proud legacy as members of the National Guard and Reserve. During National Employer Support of the Guard and Reserve Week, we express our gratitude to the employers and communities who support those brave men and women.

Employer support for the National Guard and Reserve is important to our ability to sustain an all-volunteer force. Employers play a vital role in easing the transitions our national guardsmen and reservists must make from civilian life to military service and back again. Whether they are participating in weekend training in support of readiness or deploying in response to a crisis at home and abroad, our national guardsmen and reservists are more effective when they have the support of civilian employers.

Our Nation salutes our employers and business leaders who, often at their own expense, back their employees who serve in the National Guard and Reserve. As President, I will continue to focus on providing our men and women in uniform and their families with access to the services, benefits, and care they so deserve. I encourage all Americans to join with our employers in facilitating the service our national guardsmen and reservists provide to our Nation and honoring the sacrifices they make in defense of our security.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 20 through August 26, 2017, as National Employer Support of the Guard and Reserve Week. I call upon all Americans to join me in expressing our heartfelt thanks to the civilian employers who provide critical support to the men and women of the National Guard and Reserve. I also call on State and local officials, private organizations, and all military commanders to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of August, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.



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