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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chapter I

Temporary Extension of Applicability of Regulations Governing Conduct on Federal Property

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notification of temporary extension of the applicability of regulations.

SUMMARY: The Acting Secretary of Homeland Security, pursuant to the Homeland Security Act of 2002, has temporarily extended the applicability of certain regulations governing conduct on federal property to certain areas within the United States Border Patrol's San Diego Sector allowing for their enforcement. This temporary administrative extension enables the Department of Homeland Security (DHS) to protect and secure Federal property at or near the project areas for border wall prototypes and fence replacement near the city of San Diego, including but not limited to, project sites, staging areas, access roads, and buildings temporarily erected to support construction activities and to carry out its statutory obligations to protect and secure the nation's borders. The project areas for border wall prototype and fence replacement are situated within a geographic area that starts at the Pacific Ocean and extends to approximately one mile east of Border Monument 251.

DATES: Pursuant to 40 U.S.C. 1315(d), the extension began on September 19, 2017 and will continue for the duration of the construction activities related to the fence replacement and border wall prototype projects near the city of San Diego.

FOR FURTHER INFORMATION CONTACT: Joshua A. Vayer, Division Director, Protective Operations Division, Federal Protective Service, *joshua.s.vayer@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 1706 of the Homeland Security Act of 2002, 40 U.S.C. 1315(a); Public Law 107–296, 116 Stat. 2135 (Nov. 25, 2002), the Secretary of Homeland Security is responsible for protecting the buildings, grounds, and property owned, occupied, or secured by the Federal Government (including any agency, instrumentality, or wholly owned or mixed ownership corporation thereof) and the persons on the property. To carry out this mandate, the Department is authorized to enforce the applicable Federal regulations for the protection of persons and property set forth in 41 CFR 102–74, subpart C.[1] These regulations govern conduct on federal property and set forth the relevant criminal penalties. Although these regulations apply to all property under the authority of the General Services Administration and to all person entering in or on such property,[2] the Secretary of Homeland Security is authorized pursuant to 40 U.S.C. 1315(d)(2)(A) to extend the applicability of and to enforce these regulations to any property owned or occupied by the Federal Government.

Temporary Extension of Applicability of Regulations Governing Conduct on Federal Property to Certain Areas in the Vicinity of the Border Near the City of San Diego

DHS is replacing existing border fence with bollard wall and constructing border wall prototypes near the city of San Diego in the United States Border Patrol's San Diego Sector pursuant to several statutory and executive directives.[3] In order to protect and secure the property at or near the border wall prototype and fence replacement project areas, including, but not limited to, project sites, staging areas, access roads, and buildings temporarily erected to support construction activities, I temporarily extended the applicability, allowing the enforcement, of regulations governing the conduct of individuals on federal property to areas in or around the fence replacement and border wall prototype project areas, pursuant to 40 U.S.C. 1315(d)(2)(A). The project areas for border wall prototype and fence replacement are situated within a geographic area that starts at the Pacific Ocean and extends to approximately one mile east of Border Monument 251. Specifically, I temporarily extended the applicability, allowing the enforcement, of the regulations in 41 CFR part 102–74, subpart C, to any property owned or occupied by the Federal Government at or near the fence replacement and border wall prototype project areas near the city of San Diego.

The regulations in 41 CFR part 102–74, subpart C, will remain applicable and enforceable at these locations for the duration of the construction related to the fence replacement and border wall prototypes near the city of San Diego.

Elaine C. Duke,

Acting Secretary of Homeland Security.

[FR Doc. 2017–20383 Filed 9–22–17; 8:45 am]

BILLING CODE 4410–10–P

[1] Although these regulations were issued prior to the Homeland Security Act, per section 1512 of the Act, these regulations remain the relevant regulations for purposes of the protection and administration of property owned or occupied by the Federal Government.

[2] *See* 41 CFR 102–74.365.

[3] The statutory and executive directives relating to the construction of the border wall prototypes include, but are not limited to, section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, Div. C, 110 Stat. 3009–546, 3009–554 (Sept. 30, 1996) (8 U.S.C. 1103 note), as amended by the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (8 U.S.C. 1103 note), as amended by the Secure Fence Act of 2006, Public Law 109–367, section 3, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1103 note), as amended by the Department of Homeland Security Appropriations Act, 2008, Public Law 110–161, Div. E, Title V, section 564, 121 Stat. 2090 (Dec. 26, 2007) (8 U.S.C. 1103 note), Section 2 of the Secure Fence Act of 2006, Public Law 109–367, 120 Stat. 2638 (Oct. 26, 2006) (8 U.S.C. 1701 note), and E.O. 13767.

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

12 CFR Part 1102

[Docket No. AS17–07]

Collection and Transmission of Annual AMC Registry Fees

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council (ASC).

ACTION: Final rule.

SUMMARY: The ASC is adopting a final rule to implement collection and transmission of appraisal management company (AMC) annual registry fees in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) to be applied by State appraiser certifying and licensing agencies that elect to register and supervise AMCs, pursuant to 12 U.S.C. 3353 and the regulations promulgated thereunder.

DATES: *Effective date.* This final rule will become effective on November 24, 2017.

FOR FURTHER INFORMATION CONTACT: James R. Park, Executive Director, at (202) 595–7575, or Alice M. Ritter, General Counsel, at (202) 595–7577, Appraisal Subcommittee, 1401 H Street NW., Suite 760, Washington, DC 20005.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1473 of the Dodd-Frank Act [1] included amendments to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [2] (Title XI). Section 1109 of Title XI,[3] *Roster of State certified or licensed appraisers; authority to collect and transmit fees,* was amended by the Dodd-Frank Act to require States [4] that elect to register and supervise AMCs to collect: (1) From AMCs that have been in existence for more than a year an annual registry fee of $25 multiplied by the number of appraisers working for or contracting with such AMC in such State during the previous year; and (2) from AMCs that have not been in existence for more than a year, $25 multiplied by an appropriate number to be determined by the ASC. Such $25 amount may be adjusted, up to a maximum of $50, at the discretion of the ASC, if necessary to carry out the ASC's Title XI functions.[5]

Section 1117 of Title XI,[6] *Establishment of State appraiser certifying and licensing agencies,* was amended by the Dodd-Frank Act to include additional duties for States, if they so choose, to: (1) Register and supervise AMCs; and (2) add information about AMCs in their State to the National Registry of AMCs (AMC Registry).[7] States electing to register and supervise AMCs under Section 1117 must implement minimum requirements in accordance with the AMC Rule.[8]

Section 1103 of Title XI,[9] *Functions of Appraisal Subcommittee,* was amended by the Dodd-Frank Act to require the ASC to maintain the AMC Registry of those AMCs that are either:

(1) Registered with and subject to supervision by a State that has elected to register and supervise AMCs; or (2) are operating subsidiaries of a Federally regulated financial institution (Federally regulated AMCs). On or before the effective date of this rule, the ASC will issue an ASC Bulletin to States that will address:

1. When the AMC Registry will be open for States; and

2. Reporting requirements (information required to be submitted by States in order to register AMCs on the AMC Registry) with the effective date for compliance.

Title XI as amended by the Dodd-Frank Act imposes a statutory restriction on performance of services by AMCs for a federally related transaction (FRT) [10] that applies after a 36-month period that began when the AMC Rule became effective (Implementation Period).[11] The ASC recognizes that States electing to register and supervise AMCs may need to amend their rules and/or regulations, or revise their operating procedures in order to implement AMC registry fees. Given the limited period of time between publication of this final rule and the expiration of the Implementation Period, States may not be able to implement the AMC registry fees within the Implementation Period. As discussed further below in the subsection *Collection and transmission of annual AMC registry fees,* only those AMCs whose registry fees have been transmitted to the ASC are eligible to be on the AMC Registry. While the ASC encourages States that elect to register and supervise AMCs to begin collecting fees from registered AMCs as soon as possible in accordance with the requirements of Section 1109 of Title XI so that those AMCs may be entered on the AMC Registry, the restriction on performance of services for FRTs will not impact an AMC so long as the AMC is registered with a State that has elected to register and supervise AMCs, or is subject to oversight by a Federal financial institutions regulatory agency.

On May 20, 2016, the ASC published a proposed rule with a 60-day public comment period on implementation of the annual AMC registry fee that States would collect and transmit to the ASC if they elect to register and supervise AMCs.[12] This final rule sets the fee formula that States would apply in collecting annual AMC registry fees and transmitting those fees to the ASC.

II. The Final Rule

The final rule: (1) Establishes the annual AMC registry fee in section 1109 of Title XI for AMCs in those States electing to register and supervise AMCs; and (2) implements collection and transmission of AMC registry fees as required by section 1109. The final rule sets forth the ASC's interpretation of the phrase ''working for or contracting with'' for purposes of calculating the annual AMC registry fee.

[1] Public Law 111–203, 124 Stat. 1376.

[2] Public Law 101–73, 103 Stat. 183.

[3] 12 U.S.C. 3338.

[4] As of January, 2017, the 50 States, the District of Columbia, and four Territories, which are the Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, Guam, and United States Virgin Islands, had State appraiser certifying and licensing agencies.

[5] *See* 12 U.S.C. 3338(a)(4)(B).

[6] 12 U.S.C. 3346.

[7] Title XI as amended by the Dodd-Frank Act defines ''appraisal management company'' to mean, in part, an external third party that oversees a network or panel of more than 15 appraisers, who are State certified or licensed in a State, or 25 or more appraisers nationally (two or more States) within a given year. (*See* 12 U.S.C. 3350(11)). Title XI as amended by the Dodd-Frank Act also allows States to adopt requirements in addition to those in the AMC Rule. (*See* 12 U.S.C. 3353(b)). For example, States may decide to supervise entities that provide appraisal management services, but do not meet the size thresholds of the Title XI definition of AMC. If a State has a more expansive regulatory framework that covers entities that provide appraisal management services but do not meet the Title XI definition of AMC, the State should only submit information regarding AMCs meeting the Title XI definition to the AMC Registry.

[8] The Dodd-Frank Act added section 1124 to Title XI, *Appraisal Management Company Minimum Requirements,* which required the Office of the Comptroller of the Currency (OCC); Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); National Credit Union Administration (NCUA); Bureau of Consumer Financial Protection (Bureau); and Federal Housing Finance Agency (FHFA) to establish, by rule, minimum requirements for the registration and supervision of AMCs by States that elect to register and supervise AMCs pursuant to Title XI and the rules promulgated thereunder. The Agencies issued a final rule (AMC Rule) with an effective date of August 10, 2015. (80 FR 32658, June 9, 2015).

[9] 12 U.S.C. 3332.

[10] A federally related transaction includes any real estate-related financial transaction which: (a) A Federal financial institutions regulatory agency engages in, contracts for, or regulates; and (b) requires the services of an appraiser. *See* Title XI sec. 1121 (4), 12 U.S.C. 3350), implemented by the OCC: 12 CFR 34.42(f) and 34.43(a); Board: 12 CFR 225.62(f) and 225.63(a); FDIC: 12 CFR 323.2(f) and 323.3(a); and NCUA: 12 CFR 722.2(f) and 722.3(a). Based on 2014 Home Mortgage Disclosure Act (HMDA) data, at least 90 percent of residential mortgage loan originations are not subject to the Title XI appraisal regulations. (FFIEC report to Congress, *Economic Growth and Regulatory Paperwork Reduction Act,* 82 FR 15900 (March 30, 2017).

[11] *See* 12 U.S.C. 3353(f)(1). In summary, beginning 36 months from the effective date of the AMC Rule, an AMC, as defined by Title XI, may not provide services for FRTs in a State unless the AMC is registered with the State pursuant to a registration and supervision program established under Section 1117, or is subject to oversight by a Federal financial institutions regulatory agency.

[12] 81 FR 31868 (May 20, 2016).

For the reasons discussed in section III of this **SUPPLEMENTARY INFORMATION**, the final rule adopts the rule substantially as proposed. The final rule contains technical, nonsubstantive changes.

III. The Final Rule and Public Comments on the Proposed Rule

The following is a section-by-section review of the proposed rule and a discussion of the public comments received by the ASC concerning the proposal. The ASC received 104 comment letters in response to the published proposal. These comment letters were received from State appraiser certifying and licensing agencies, AMCs, appraiser and real estate trade associations, professional associations, appraisal firms and appraisers.

A. Section 1102.401 Definitions

The ASC requested comment on all aspects of the proposed rule. The following is a discussion of the definitions, related public comments and issues relating to those definitions. Definitions on which the ASC did not receive comment are not discussed below and are adopted without change in the final rule.

The ASC is adopting the definitions substantially as proposed, including cross-references to the definitions established in the AMC Rule. Several commenters requested that the cross-referenced definitions be included in the final rule rather than as proposed by cross reference to definitions in the AMC Rule. However, if the ASC were to adopt the approach suggested by these commenters, in the event those AMC Rule definitions are amended by the interagency process in the future, definitions included in this rule would become inaccurate and inconsistent. To avoid that circumstance, the ASC is adopting the definitions as proposed with cross-reference to those definitions established by the AMC Rule.

One commenter expressed concern over the definition of ''appraiser panel'' stating AMCs should not be penalized over other providers of appraisal services, and included discussion on appraisal firms and AMCs. This commenter quoted language from the AMC Rule on appraisal firms. Another commenter expressed concern that the definition of ''appraiser panel'' should only include independent contractors and not employees. The issues raised by these commenters were determined in the interagency AMC Rule during that rulemaking process.

Proposed § 1102.401(d) defined *performance of an appraisal.* Proposed § 1102.401(d) is being corrected to define *performed an appraisal,* which conforms to the actual phrase used throughout the rule, to mean the appraisal service requested of an appraiser by the AMC was provided to the AMC. The ASC is adopting this definition without substantive change as § 1102.401(d) in the final rule. One commenter questioned whether this referred to initial submission of the report or when the appraisal has been reviewed and accepted by the client in its final form. The ASC recognizes that the issue may be complicated by the ongoing debate within the profession concerning when an appraisal is complete. The ASC is adopting the definition as proposed, intending for the terms to remain subject to a plain English interpretation. Another commenter requested a definition of ''appraisal service'' be included in the final rule. The ASC recognizes that various appraisal services could be requested, including an appraisal review, and therefore declines to define the phrase, recognizing that States can be more restrictive. In general, commenters supported the proposed definition.

Establishing the Annual AMC Registry Fee

The ASC is adopting proposed § 1102.402 without change. Section 1102.402 establishes the annual AMC registry fee for States that elect to register and supervise AMCs as follows:

(1) In the case of an AMC that has been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC on a covered transaction in such State during the previous year; and (2) in the case of an AMC that has not been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC on a covered transaction in such State since the AMC commenced doing business.

For AMCs that have been in existence for more than a year, section 1109 of Title XI provides that the annual AMC registry fee is based on the number of appraisers ''working for or contracting with'' an AMC in a State during a 12-month period multiplied by $25, but where such $25 amount may be adjusted up to a maximum of $50.[13] The final rule adopts the minimum fee of $25 as set by statute and interprets the phrase ''working for or contracting with'' to mean those appraisers on an AMC appraiser panel that performed an appraisal for the AMC on a covered transaction during the previous year in a particular State.

For AMCs that have not been in existence for more than a year, the statute requires a determination by the ASC of an appropriate multiplier to calculate registry fees for those AMCs. The ASC proposed to use the same factors of $25 multiplied by the number of appraisers that performed an appraisal for the AMC on a covered transaction, but the fee would be based on the actual period of time since the AMC commenced doing business rather than 12 months. For example, if an AMC has been operating for 6 months, the fee would be calculated by multiplying $25 by the number of appraisers that performed an appraisal for the AMC on a covered transaction during that 6-month period.

One commenter stated the ASC should identify what it will do with revenue from AMC registry fees and suggested the ASC should consider decreasing the fee to less than $25 which would still allow the ASC plenty of funds to perform its Title XI-related functions. The commenter asserted the ASC has discretion to do so. However, section 1109(a)(4), by its plain terms, sets the minimum fee allowed under the statutory framework at $25. The statute did provide latitude for the ASC to establish an appropriate number to multiply by $25 for AMCs that have not been in existence for more than a year. Using the actual period of time since the AMC commenced doing business will maintain some consistency in the calculation of AMC registry fees to reduce administrative burden for the States. Based on the ASC's anticipated costs of overseeing States that elect to register and supervise AMCs, as well as the ASC's anticipated costs of maintaining the AMC Registry, the ASC believes the proposed annual AMC registry fee would cover those costs while supporting other Title XI functions of the ASC as mandated by Congress, and in particular, further development of its grant programs, particularly to support States as funds are available.

The ASC considered three options with respect to interpreting the phrase ''working for or contracting with.'' Under the first option, the phrase ''working for or contracting with'' would have been interpreted to include every appraiser on an AMC appraiser panel during the reporting period[14] in

[13] *See* Title XI sec. 1109(a)(4)(B), 12 U.S.C. 3338(a)(4)(B).

[14] In the case of AMCs that have been in existence for more than a year, the reporting period would be 12 months. In the case of an AMC that has not been

Continued

a particular State. The multiplier in this option would have included all appraisers on an AMC's appraiser panel in a particular State, including appraisers accepted by the AMC for consideration for future appraisal assignments. One commenter stated this option would likely penalize AMCs for adding appraisers to their roster for future use, and would also be burdensome for States. Another commenter stated the interpretation under the first option would be the easiest for States. The ASC remains concerned that this option would impose the most burden to AMCs and impose the highest registry fees.

Under the second option, the phrase ''working for or contracting with'' would have been interpreted to include those appraisers engaged by the AMC to perform an appraisal on a covered transaction during the reporting period in a particular State. Under this option, those appraisers engaged by the AMC to perform an appraisal, regardless of whether the appraiser completed the appraisal during the reporting period, would be included in the calculation of the AMC's registry fees.

The ASC requested comment on the second option's interpretation of the phrase ''working for or contracting with'' and whether this would be an easier interpretation for the States to administer. (*See* Question 3 in the proposal.) Several commenters expressed concern over this option. One commenter stated that AMCs could reduce their panel sizes, thereby creating slower turnaround times and utilizing fewer appraisers. Another commenter stated the interpretation under the second option would not be easier to implement and States would have to rely on AMCs self reporting this information. Another commenter expressed concern that the second option could penalize AMCs if an order is accepted and assigned but later cancelled and neither the AMC or the appraiser receive any compensation, and could also be burdensome for States to enforce without having a status of assignments and their completion during a given timeframe.

Under the third option, which is adopted in the final rule, the phrase ''working for or contracting with'' includes those appraisers that performed an appraisal for the AMC on a covered transaction during the reporting period in a particular State. This option excludes appraisers accepted by the AMC for consideration for future appraisal assignments as well as appraisers who performed appraisals in the past, but did not perform any appraisals in the reporting period. The AMC registry fee is not intended to result in an appraiser being counted twice in calculating the fee, regardless of how many appraisals that appraiser performed in a single State during a reporting period. A few commenters misunderstood the proposed application of the fee and thought the fee would be calculated based on the total number of individual appraisers on an AMC panel, or that the fee would be imposed based on individual appraisals, neither of which is consistent with the proposal or the final rule.

Several commenters expressed support for the third option as having the least economic impact to an AMC, the least burden for appraisers and preferable from a State administrative point of view. A few commenters expressed support for the third option but believed it would be a burden for States to collect information from AMCs. One commenter, while stating the third option is costly to AMCs, stated that the third option would be the most equitable as it applies to those appraisers who had completed appraisal assignments, and that the first two options may cause AMCs to pare their appraiser panels. One commenter stated the third option would also simplify the queries that States would need to run to report all registered AMCs that have completed appraisal reports during a specific year or timeframe. Another commenter stated AMCs may use fewer appraisers for appraisal assignments to keep AMC registry fees down. The ASC anticipates there may well be such responses by AMCs to reduce their registry fees, but under the statutory framework, it is seemingly unavoidable.

The ASC requested comment on the ASC's interpretation of the phrase ''working for or contracting with.'' (*See* Question 2 in the proposal.) One commenter expressed concern that for AMCs in business less than 12 months, determining how many appraisals have been performed could be difficult. Another commenter suggested ''working for'' and ''contracting with'' should be properly defined with specifics and parameters. One commenter requested clarification of the term ''working for,'' and another commenter, while supporting the third option, commented the term ''performed'' needs clarity, suggesting appraisals could be considered ''performed'' when delivered by the AMC to the client. The ASC recognizes that because the AMC is acting as an agent of the appraiser's client, delivery of an appraisal to the AMC could also be deemed delivery to the client. The ASC is adopting the interpretation as proposed, intending for the terms to remain subject to a plain English interpretation.

The ASC also requested comment on what aspects of the proposed rule, if any, would be challenging for States to implement and any alternative approaches that would make implementation easier, while maintaining consistency with the statute. (*See* Question 8 in the proposal.) Several commenters expressed concern that the proposed rule would create significant administrative burden on the State to calculate and verify registry fees, and would also result in expenditures to administer and transmit the registry fees. Some commenters are opposed to the fee in general, while a few expressed opposition to AMCs. A few commenters suggested no action should be taken until the Dodd-Frank Act is amended. One commenter stated the ASC should seek legislative changes to 12 U.S.C. 3338 asserting it is fundamentally flawed, and requested withdrawal of the proposed rule until the federal statute is changed. The ASC, however, is charged with implementation of the statute as passed by Congress.

One commenter stated that the 500 hours of regulatory burden is understated, and added States should be reimbursed for expenses in collecting and transmitting registry fees. Another commenter also stated that the 500 hours is underestimated stating the ASC failed to consider administrative costs and expenses for creating and maintaining a database, and for the staff time to run the program. The ASC is working to minimize such burden in simplifying the reporting requirements for AMCs. As stated in the proposal, the ASC will issue a Bulletin to address reporting requirements with the effective date for compliance.

Another commenter foresees several barriers to collecting reliable data on how many appraisers are on an AMC panel and how many have done work for the AMC in the previous 12 months, including the necessity to adopt new rules, create new forms and update current IT systems to collect and maintain this data, all of which will result in increased labor costs for staff needed for implementation of the proposed rule. As stated in the proposed rule, the ASC anticipates further development of its grants program, particularly in support of the States as funds are available. The statutory purpose of ASC grants to the States is to provide funds to assist States in compliance with Title XI. Therefore, as

in existence for more than a year, the reporting period would be since the AMC commenced doing business.

funds are available, the ASC could consider establishing a grant to assist States in registry reporting requirements and transmission of registry fees for both appraisers and AMCs. Another commenter suggested the ASC should provide a revenue projection as well as costs to develop the AMC Registry. The ASC has included those expenses in its budget process and will continue to do so on an annual basis.

Another commenter opposed the interpretation of ''working for or contracting with,'' stating it will create an entirely new regulatory criterion for States to implement and validate, thereby requiring audits. It should be noted that there is no federal requirement for States to audit AMCs to determine validity of information submitted to the State. A State may determine to periodically audit, or not to exercise such authority at all, or alternatively, a State may rely on the complaint/investigation process to determine if and when an audit is warranted.

By far the majority of comments received expressed concern over these additional fees and the impact on appraisers if the fee is passed on to them by the AMCs. More specifically, these commenters requested that the final rule prohibit AMCs from passing the fee on to appraisers. While the ASC shares in the concern expressed over the fee being passed on to appraisers, such regulation of AMCs is outside of the authority of the ASC. The ASC notes the fee imposed by statute is not a fee assessed on appraisers, but rather on AMCs. Some commenters identified certain States are already attempting to regulate this at the State level. One commenter, however, stated the choice to pass the fee on to the appraiser should be left to the AMC, and that appraisers have a choice whether to participate on an AMC panel.

Some commenters expressed concern that AMCs hide their appraisal management fees from borrowers by including them as part of the fee paid to appraisers, and requested that the final rule require fees be disclosed to the borrower. This, however, is outside the authority of the ASC. Comments were also received expressing concern over AMCs not paying customary and reasonable fees to appraisers, or charging appraisers various fees to be on an AMC panel. This too is outside the authority of the ASC.

One commenter suggested consideration of a de minimis exception, stating the ASC should allow AMCs to use the IRS 1099 threshold and thus exclude those appraisers to whom it pays less than $600 during a tax year, which would include appraisers who performed only one appraisal assignment, and perhaps up to three. The commenter suggests its proposal as an alternative to potentially reduce AMC registry fees. However, the ASC would not have authority under the statute to provide such an exception, particularly in the case of AMCs that have been in existence for more than a year. Furthermore, the ASC is concerned there would be undesirable consequences. For example, there could be a reduction in appraiser fees in order to avoid the proposed threshold. Additionally, AMCs might select appraisers in a manner to avoid the threshold rather than basing a selection on competency. The ASC will continue to work with States to address increased burden and will continue to explore means to provide additional grant funding to the States to support State programs as funds are available and additional grant policies and procedures are developed and approved.

A few commenters expressed preference for a flat fee to avoid any need to verify that AMCs are sending in the correct amount, another commenter suggested a two-tiered system and another commenter suggested a tiered structure based on the size of the appraiser panel and/or the volume of appraisals brokered by an AMC. The ASC considered these various options to calculating the AMC registry fee, but concluded that such options were not supported by the statute. Also, the ASC notes, in response to several commenters expressing concern over the honor system versus auditing AMCs on information provided to the State by AMCs, that it is up to the State to determine whatever process the State deems appropriate.

Two commenters stated the AMC registry fee should be calculated based on FRTs, not covered transactions. The ASC believes the proposal is consistent with the AMC Rule and the statute. The AMC Rule defined a covered transaction as any consumer credit transaction secured by the consumer's principal dwelling.[15] As stated in the AMC Rule preamble, the definition did not limit the definition of covered transaction to FRTs, even though Title XI and its implementing regulations have applied historically only to appraisals for FRTs. The AMC Rule, through the interagency process, determined that defining ''covered transaction'' as such reflected the statutory text of section 1121(11), which defines the term ''appraisal management company,'' as in pertinent part, ''any external third party authorized either by a creditor of a consumer credit transaction secured by the consumer's principal dwelling or by an underwriter of or other principal in the secondary mortgage markets.''[16] It was further stated in the AMC Rule preamble that applying coverage of the AMC Rule beyond FRTs was consistent with the structure and text of other parts of Title XI, section 1124, most of which address appraisals generally rather than appraisals only for FRTs, and in particular, the text of section 1124(a)(4) of Title XI indicates that one of the chief purposes of the minimum requirements for AMCs is to ensure compliance with the valuation independence standards established pursuant to section 129E of the Truth and Lending Act (TILA) (15 U.S.C. 1639e).[17] The preamble of the AMC Rule concluded that those standards apply to AMCs whenever they engage in a consumer credit transaction secured by the consumer's principal dwelling, regardless of whether the transaction is a FRT.[18]

Another commenter questioned the benefit of the AMC Registry to the industry as a whole. The ASC notes the requirement for the ASC to maintain the AMC Registry is statutory. The benefit of the Registry initially will be to promote information sharing between States on AMCs. The Registry will also allow lenders, AMCs and other stakeholders to identify AMCs that are located in participating States, and therefore subject to State registration and supervision. In addition, the Registry will identify AMCs that are Federally regulated AMCs.

Collection and Transmission of Annual AMC Registry Fees

The ASC is adopting § 1102.403(a) and (b) substantially as proposed regarding collection and transmission of annual AMC registry fees. On or before the effective date of this rule, the ASC will issue an ASC Bulletin to States that will address:

1. When the AMC Registry will be open for States; and

2. Reporting requirements (information required to be submitted by States in order to register AMCs on the AMC Registry) with the effective date for compliance.

Section 1102.403(a) and (b) implement collection and transmission of annual AMC registry fees for States that elect to register and supervise AMCs following the statutory scheme

[15] *See* 12 CFR 34.211(h); 12 CFR 225.191(h); 12 CFR 323.9(h); 12 CFR 1222.21(h) (2015).

[16] *See* 80 FR 32658, 32664 (June 9, 2015).

[17] *See* Title XI sec. 1124(a)(4), 12 U.S.C. 3353(a)(4).

[18] *See* 80 FR 32658, 32664 (June 9, 2015).

set forth in sections 1109 and 1117 of Title XI as amended by the Dodd-Frank Act. The final rule requires AMC registry fees to be collected and transmitted to the ASC on an annual basis by States that elect to register and supervise AMCs. Only those AMCs whose registry fees have been transmitted to the ASC are eligible to be on the AMC Registry.

The ASC requested comment on all aspects of proposed collection and transmission of annual AMC registry fees. (*See* Question 4 in the proposal.) One commenter stated that while it is understandable that States should have some flexibility in connection with the collection of registry fees, some boundaries or guidelines should be implemented within the final rule because varying State expiration dates could be financially and logistically challenging for AMCs. One commenter stated that the staggered renewal dates could complicate the reporting process and may be a burden to AMCs and States to maintain records. The commenter suggested the reporting period should be the same for every State. As proposed, the ASC recognizes that States should have the flexibility to align a one-year period with any 12-month period, which may or may not be based on the calendar year. Based on annual fees paid by the States historically for appraiser registry fees, the ASC recognizes States require flexibility to determine the period for reporting and collection of registry fees dependent on their budget cycles, rules and statutes. States vary greatly on the 12-month cycle as well as renewal cycles, which in some States may be 2 years or more. Just as many States do not use a calendar year for their existing appraiser credentialing process, the ASC believes that allowing States to set the 12-month period provides appropriate flexibility and will help States comply with the collection and transmission of AMC fees and reduce regulatory burden for State governments. States may choose to do this in a similar manner as they currently do for their appraisers, meaning some States have a date certain every year, while other States use, for example, the appraiser's date of birth (States could use AMC registration date similarly). The registration cycle is left to the individual States to determine, but the ASC notes that the statutory requirement in section 1109(a)(4) requires States to submit AMC registry fees to the ASC annually.[19]

Several other commenters expressed concern over the additional burden on States to collect and transmit information and fees to the ASC and the need for additional funding and staff. Another commenter stated the ASC should consider implementing a centralized computer system for collecting AMC registry fees, and use some of the fees to provide grants to States to set up and run their AMC programs. The ASC will continue to work with States to address increased burden and will continue to explore means to provide additional grant funding to the States to support State programs as funds are available and additional grant policies and procedures are developed and approved.

One commenter objected to States levying additional fees on AMCs to cover the costs of collecting and transmitting fees to the ASC. This commenter referenced the AMC Rule stating in its preamble the option for States to collect administrative fees from Federally regulated AMCs to offset the cost of collecting the AMC Registry fee and the information related to the fee. The ASC understands the basis for the concern, but recognizes this is a matter left to the States.

The ASC requested comment on Federally regulated AMCs operating in a State that does not elect to register and supervise AMCs, and whether the ASC should collect information and fees directly from those Federally regulated AMCs. (*See* Question 5 in the proposal.) The ASC received a number of comments in response to this question. One commenter expressed concerns about collecting fees from Federally regulated AMCs which are exempt from registration with the State. Another commenter stated that Federally regulated AMCs operating in a State that does not have an AMC program should report and submit fees directly to the ASC. A few commenters stated that the State would not have authority to collect fees from entities that are exempt from State licensure and they do not have authority to require that those entities submit data to the State Board and requested that the ASC collect the fees from those entities directly. Several commenters stated the ASC should collect fees directly from Federally regulated AMCs rather than the State acting as a pass-through. One commenter stated if the ASC sets up a program to collect fees from Federally regulated AMCs in States that do not register and supervise AMCs, the ASC should consider the same for States with an AMC program. Another commenter stated that States could choose to opt out due to the reported low percentage of FRTs compared to overall transactions, which would result in a barrier to collection of fees in those States. The ASC considered commenters' concerns, but recognizes the authority to impose requirements on Federally regulated AMCs lies with the Agencies.[20] The ASC will work with the Agencies to address these concerns.

Some commenters expressed concern that even though they elect to register and supervise AMCs, they would have no authority over Federally regulated AMCs, and therefore no ability to accept information or fees from those AMCs. The ASC recognizes this may present a challenge for some States. However, for States that elect to register and supervise AMCs, the requirement to collect fees from Federally regulated AMCs is statutory. The Agencies[21] involved with issuing the AMC Rule recognized that practical challenges may arise as the minimum requirements are adopted in States and reporting requirements take effect and the Agencies committed to monitor these issues. The ASC will monitor these issues as well and will continue to explore means to provide additional grant funding to the States to support State programs as funds are available and additional grant policies and procedures are developed and approved.

The ASC requested comment on what barriers, if any, exist that would make it difficult for a State to implement the collection and transmission of AMC registry fees (*see* Question 6 in the proposal) and what costs, both direct in terms of fees and indirect in terms of administrative costs, would be associated with collection and transmission of AMC registry fees (*see* Question 7 in the proposal). One commenter estimated that the burden for a State's program would be 25 hours per month of staff time to complete and would cost approximately $6000 to design a database and $700/month for staff to maintain. Another commenter stated the proposed rule could negatively affect AMCs, consumers and real estate appraisers, as well as create burden for States. This commenter also stated AMCs will likely pass on fees to clients and therefore consumers. Another commenter stated costs may negatively affect smaller AMCs causing consolidation of AMCs. Another concern was that AMCs may pare down appraiser panels. The ASC recognizes the collection and transmission to the ASC of AMC registry fees by the States would create some recordkeeping, reporting and compliance requirements.

[19] *See* Title XI sec. 1109(a)(4)(B), 12 U.S.C. 3338(a)(4)(B).

[20] OCC, Board, FDIC, NCUA, Bureau, and FHFA (*see* footnote 8).

[21] Id.

However, these collection and transmission requirements are imposed by the statute. The ASC will continue to work with States to address increased burden and will continue to explore means to provide additional grant funding to the States to support State programs as funds are available and additional grant policies and procedures are developed and approved.

Several commenters requested that States should be allowed to send in multi-year registry fees rather than annually. Another commenter expressed concern that States could incur significant administrative costs to implement programming changes to their computer systems if they have to collect fees annually rather than multi-year fees as they do now for appraisers. If a State can assess on a multi-year basis, the ASC would not object. However, the ASC notes that the statutory requirement in section 1109(a)(4) requires States that elect to register and supervise AMCs to submit AMC registry fees to the ASC annually.[22] For clarification purposes, language that was included at the end of proposed section 1102.403(b) referencing the ''12-month period subsequent to payment of the fee'' has been removed to avoid conflict should a State assess the fee on a multi-year basis.

Another commenter expressed the desire for the ASC to continue to accept data files for AMCs. Historically, the ASC accepted data files, and continues to do so on a limited basis for the Appraiser Registry. However, this method of transmitting rosters is obsolete and time consuming. The ASC has continued to improve the Appraiser Registry using more up-to-date transmission methods such as the extranet application and Simple Object Access Protocol (SOAP) in order to provide more real-time information on the National Registries. While the ASC recognizes this may impose additional burden on States, the ASC will continue to explore means to provide grant funding to the States to support State programs as funds are available and additional grant policies and procedures are developed and approved.

Another commenter was concerned with specific collection and transmission scenarios and how various scenarios would impact determination of fees, calculation of panel size, transmission of fees, verification of fee calculation and audit requirements. Several of this commenter's concerns deal with logistics and will be part of the ASC Bulletin concerning reporting requirements which will be issued after this final rule. This commenter also wanted to know what timeline the ASC is considering between verification and remittance, similar to another commenter who stated there should be flexibility with the timing of payment of fees and the actual transmission of the fees, and that the final rule should add additional language that clearly addresses these potential gaps in order to avoid any unintended consequences. This is a matter that will be left to the States to administer within the following parameters: (1) AMC registry fees must be collected and transmitted to the ASC on an annual basis by States that elect to register and supervise AMCs; and (2) only those AMCs whose registry fees have been transmitted to the ASC are eligible to be on the AMC Registry.

IV. Regulatory Analysis

Paperwork Reduction Act

Certain provisions of the final rule contain ''information collection'' requirements within the meaning of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Under the PRA, the ASC may not conduct or sponsor, and, notwithstanding any other provision of law, a person is not required to respond to, an information collection unless the information collection displays a valid Office of Management and Budget (OMB) control number. The information collection requirements contained in this final rule were submitted to OMB for review and approval at the proposed rule stage by the ASC pursuant to section 3506 of the PRA and section 1320.11 of the OMB's implementing regulations (5 CFR part 1320). OMB instructed the ASC to examine public comment in response to the proposed rule and describe in the supporting statement of their next collections any public comments received regarding the collection as well as why (or why it did not) incorporate the commenter's recommendation. The ASC received 12 public comments regarding the collection and concern of burden on States, and two comments voiced concern that the ASC did not perform a cost benefit analysis. The ASC described the comments in the supporting statement above and the discussion below on the Regulatory Flexibility Act, and addressed why the ASC did not incorporate commenters' recommendations. The collection of information requirements in the final rule are found in §§ 1102.400–1102.403. This information is required to implement section 1473 of the Dodd-Frank Act.

Title of Information Collection: Collection and Transmission of Annual AMC Registry Fees.

OMB Control Nos.: The ASC will be seeking new control numbers for these collections.

Frequency of Response: Event generated.

Affected Public: States; businesses or other for-profit and not-for-profit organizations.

Abstract

State Recordkeeping Requirements

States that elect to register and supervise AMCs are required to collect and transmit annual AMC registry fees to the ASC. Section 1102.402 establishes the annual AMC registry fee for States that elect to register and supervise AMCs as follows: (1) In the case of an AMC that has been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC on a covered transaction in such State during the previous year; and (2) in the case of an AMC that has not been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC on a covered transaction in such State since the AMC commenced doing business.

Section 1102.403 requires AMC registry fees to be collected and transmitted to the ASC on an annual basis by States that elect to register and supervise AMCs. Only those AMCs whose registry fees have been transmitted to the ASC will be eligible to be on the AMC Registry. Section 1102.403 clarifies that States may align a one-year period with any 12-month period, which may, or may not, be based on the calendar year. The registration cycle is left to the individual States to determine.

State Reporting Burden

Section 1103 of Title XI, *Functions of Appraisal Subcommittee,* was amended by the Dodd-Frank Act to require the ASC to maintain a registry of AMCs that are either: (1) Registered with and subject to supervision by a State; or (2) Federally regulated AMCs. On or before the effective date of this rule, the ASC will issue an ASC Bulletin to States that will address:

1. When the AMC Registry will be open for States; and
2. Reporting requirements (information required to be submitted by States in order to register AMCs on the AMC Registry) with the effective date for compliance.

[22] *See* Title XI sec. 1109(a)(4)(B), 12 U.S.C. 3338(a)(4)(B).

Burden Estimates:

Total Number of Respondents: 500 AMCs, 55 States.

Burden Total: 500 hours.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* generally requires that, in connection with a rulemaking, an agency prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the proposed rule on small entities. However, the regulatory flexibility analysis otherwise required under the RFA is not required if an agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities and publishes its certification and a brief explanatory statement in the **Federal Register** together with the rule. Based on its analysis, and for the reasons stated below, the ASC believes that the rule will not have a significant economic impact on a substantial number of small entities.

Section 1109 of Title XI provides that State appraiser certifying and licensing agencies that elect to register and supervise AMCs shall collect (1) from AMCs that have been in existence for more than a year, annual AMC registry fees in the amount of $25 (up to a maximum of $50) multiplied by the number of appraisers ''working for or contracting with'' an AMC in a State during the previous year; and (2) from AMCs that have not been in existence for more than a year, annual AMC registry fees in the amount of $25 (up to a maximum of $50) multiplied by an appropriate number to be determined by the ASC.[23] The purpose of the statutory fee is to support the ASC's functions under Title XI. Because the ASC believes the minimum fee required by the statute would be adequate to support its functions, the rule adopts the minimum fee of $25 as set by statute. The rule also interprets the phrase ''working for or contracting with'' to mean those appraisers that performed an appraisal for the AMC on a covered transaction during the reporting period. For AMCs that have existed for more than a year, the formula is $25 multiplied by the number of appraisers who have performed an appraisal for the AMC on a covered transaction during the previous year. For AMCs that have not existed for more than a year, the $25 fee is multiplied by the number of appraisers that performed an appraisal for the AMC on a covered transaction since the AMC commenced doing business.

Regarding the fee for AMCs that have been in existence for more than a year, the ASC believes the rule imposes the minimum fee allowed under the statutory provisions of section 1109. The ASC did not exercise statutory discretion granted to the ASC to increase the fee above $25. Further, the ASC interprets ''working for or contracting with'' to mean only those appraisers who actually performed an appraisal for the AMC, as opposed to all appraisers on the AMC's panel or all appraisers engaged, regardless of whether the assignment was completed. The ASC believes this formula results in the lowest fee allowed by the statute and the ASC chose not to exercise its authority to increase this minimum fee. Therefore, any burden produced is the result of statutory and not regulatory requirements.

The ASC has also decided to adopt the statutory minimum fee of $25 for AMCs that have not existed for more than a year. As required by statute, the ASC adopted an appropriate number against which to multiply the $25 fee. The ASC adopted the same multiple as used for AMCs that have existed for more than a year (*i.e.,* the number of appraisers that have performed appraisal assignments for the AMC). It is possible that the ASC may have been able to adopt a multiple that would have resulted in a lower fee and would still be deemed appropriate. In this regard, the rule may have created a burden for AMCs that have not existed for more than a year, beyond the burden created by the statutory requirements alone. However, using the actual period of time since the AMC commenced doing business will maintain some consistency in the calculation of AMC registry fees to reduce administrative burden for the States.

One commenter stated the proposed rule would have a large financial impact on smaller AMCs and community banks and credit unions, as well as appraisers, and asserted that the RFA requires analysis when the rule directly regulates small entities. This commenter stated that as an owner of a small AMC, regulatory fees proposed are burdensome, and as a national AMC, is opposed to paying for the same appraiser in different States, especially given that the AMC registry fee is on top of other State fees required by the States, and regulatory oversight seems ''duplicitous.'' Another commenter stated the proposed rule would affect thousands of small appraisal businesses as a result of AMCs passing the registry fee on to appraisers, and that the ASC should do extensive analysis on how the proposed rule will affect residential appraisers. The ASC shares in the concern but has no authority to regulate that issue. A few commenters indicated that some States are looking at regulating this issue at the State level. In support of those States, the ASC notes the fee imposed by statute is not a fee assessed on appraisers, but rather on AMCs. This commenter, similar to the previous commenter, also did not believe the requirements of section 609(a) of the RFA have been met and that the fee may force small AMCs out of business, as well as impact sole proprietorships that accept assignments from AMCs. This commenter went on to state that while the ASC is not required to adhere to Executive Order 12866 or issue cost benefit analysis, this commenter believes it is sound best practice.

The ASC carefully considered these matters and concluded requirements under the rule are imposed by the statute, not the rule, and further, the requirements apply to those States that elect to register and supervise AMCs following the statutory scheme set forth in section 1473 of the Dodd-Frank Act. In addition, the RFA does not require an agency to conduct a small-entity impact analysis when the agency does not regulate the affected entities (AMCs, lenders, appraisers). The ASC's statutory oversight extends to State certifying and licensing agencies. Section 1109 of Title XI provides the framework and minimum fee to collect from AMCs for States that elect to register and supervise AMCs. The ASC believes the rule as proposed imposes the minimum fee of $25 allowed under the statutory provisions of section 1109. The statute did provide latitude for the ASC to establish an appropriate number to multiply by $25 for AMCs that have not been in existence for a year. Using the actual period of time since the AMC commenced doing business will maintain some consistency in the calculation of AMC registry fees to reduce administrative burden for the States. The ASC did not exercise statutory discretion granted to the ASC to increase the fee above $25. Therefore, any burden produced is the result of statutory and not regulatory requirements.

While some burden beyond the statutory requirements may have resulted from the rule for AMCs that have not existed for more than a year, the ASC does not believe the rule will have a significant economic impact on a substantial number of small entities. There are only approximately 500 AMCs operating in the United States. The

[23] *See* 12 U.S.C. 3338(a)(4)(B).

annual regulatory burden will only apply to new AMCs that have not existed for more than a year. Given the small number of AMCs currently in operation, it is unlikely that there will be a substantial number of AMCs that commence doing business in any given year. Further, the ASC adopted the lowest possible fee of $25. Therefore, the ASC does not believe that the exercise of its discretion in setting the fee formula for such AMCs will have a significant economic impact on a substantial number of small entities.

The collection and transmission to the ASC of AMC registry fees by the States would create some recordkeeping, reporting and compliance requirements. However, these collection and transmission requirements are imposed by the statute, not the rule. Further, the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts when the agency's rule directly regulates the small entities.[24]

Based on its analysis, and for the reasons stated above, the ASC believes that the rule will not have a significant economic impact on a substantial number of small entities. Therefore, the ASC certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995 Determination

The ASC has analyzed the final rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532). Under this analysis, the ASC considered whether the final rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted annually for inflation). For the following reasons, the ASC finds that the final rule does not trigger the $100 million UMRA threshold. The costs specifically related to requirements set forth in statute are excluded from expenditures under the UMRA. Given that the final rule reflects requirements that arise from section 1473 of the Dodd-Frank Act, the UMRA cost estimate for the proposed rule is zero. For this reason, and for the other reasons cited above, the ASC has determined that this final rule will not result in expenditures by State, local, and tribal governments, or the private sector, of $100 million or more in any one year. Accordingly, this proposed rule is not subject to section 202 of the UMRA.

List of Subjects in 12 CFR Part 1102

Administrative practice and procedure, Appraisers, Banks, Banking, Freedom of information, Mortgages, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, the ASC amends 12 CFR part 1102 as follows:

PART 1102—APPRAISER REGULATION

■ 1. The authority citation for part 1102 is revised to read as follows:

Authority: 12 U.S.C. 3348(a), 3332, 3335, 3338 (a)(4)(B), 3348(c), 5 U.S.C. 552a, 553(e); Executive Order 12600, 52 FR 23781 (3 CFR, 1987 Comp., p. 235).

■ 2. Subpart E to part 1102 is added to read as follows:

Subpart E—Collection and Transmission of Appraisal Management Company (AMC) Registry Fees

Sec.
1102.400 Authority, purpose, and scope.
1102.401 Definitions.
1102.402 Establishing the annual AMC registry fee.
1102.403 Collection and transmission of annual AMC registry fees.

Subpart E—Collection and Transmission of Appraisal Management Company (AMC) Registry Fees

§ 1102.400 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued by the Appraisal Subcommittee (ASC) under sections 1106 and 1109 (a)(4)(B) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Title XI), as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) (Pub. L. 111–203, 124 Stat. 1376 (2010)), 12 U.S.C. 3335, 3338 (a)(4)(B)).

(b) *Purpose.* The purpose of this subpart is to implement section 1109 (a)(4)(B) of Title XI, 12 U.S.C. 3338.

(c) *Scope.* This subpart applies to States that elect to register and supervise appraisal management companies pursuant to 12 U.S.C. 3346 and 3353, and the regulations promulgated thereunder.

§ 1102.401 Definitions.

For purposes of this subpart:

(a) *AMC Registry* means the national registry maintained by the ASC of those AMCs that meet the Federal definition of AMC, as defined in 12 U.S.C. 3350(11), are registered by a State or are Federally regulated, and have paid the annual AMC registry fee.

(b) AMC Rule means the interagency final rule on minimum requirements for AMCs. (12 CFR 34.210–34.216; 12 CFR 225.190–225.196; 12 CFR 323.8–323.14; 12 CFR 1222.20–1222.26).

(c) *ASC* means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council established under section 1102 (12 U.S.C. 3310) as it amended the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 *et seq.*) by adding section 1011.

(d) *Performed an appraisal* means the appraisal service requested of an appraiser by the AMC was provided to the AMC.

(e) *State* means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, and American Samoa.

(f) *Other terms.* Definitions of: *Appraisal management company (AMC); appraisal management services; appraisal panel; consumer credit; covered transaction; dwelling; Federally regulated AMC* are incorporated from the AMC Rule by reference.

§ 1102.402 Establishing the annual AMC registry fee.

The annual AMC registry fee to be applied by States that elect to register and supervise AMCs is established as follows:

(a) In the case of an AMC that has been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in such State during the previous year; and

(b) In the case of an AMC that has not been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in such State since the AMC commenced doing business.

[24] For purposes of assessing the impacts of the proposed rule on small entities, ''small entities'' is defined in the RFA to include small businesses, small not-for-profit organizations, and small government jurisdictions. *See* 5 U.S.C. 601(6). A ''small business'' is determined by application of SBA regulations and reference to the North American Industry Classification System (NAICS) classifications and size standards. *See* 5 U.S.C. 601(3). A ''small organization'' is any ''not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' 5 U.S.C. 601(4). A ''small governmental jurisdiction'' is the government of a city, county, town, township, village, school district, or special district with a population of less than 50,000. *See* 5 U.S.C. 601(5). Given these definitions, States that elect to establish licensing and certification authorities are not small entities and the burden on them is not relevant to this analysis.

§ 1102.403 Collection and transmission of annual AMC registry fees.

(a) *Collection of annual AMC registry fees.* States that elect to register and supervise AMCs pursuant to the AMC Rule shall collect an annual registry fee as established in § 1102.402 from AMCs eligible to be on the AMC Registry.

(b) *Transmission of annual AMC registry fee.* States that elect to register and supervise AMCs pursuant to the AMC Rule shall transmit AMC registry fees as established in § 1102.402 to the ASC on an annual basis. States may align a one-year period with any 12-month period, which may, or may not, be based on the calendar year. Only those AMCs whose registry fees have been transmitted to the ASC will be eligible to be on the AMC Registry.

By the Appraisal Subcommittee.

Dated: September 13, 2017.

Arthur Lindo,

Chairman.

[FR Doc. 2017–20400 Filed 9–22–17; 8:45 am]

BILLING CODE 6700–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0639; Product Identifier 2017–CE–016–AD; Amendment 39–19052; AD 2017–19–22]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Regional Aircraft Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2014–07–09 for British Aerospace Regional Aircraft Jetstream Series 3101 and Jetstream Model 3201 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as both the need for newly added inspections for corrosion, which includes the door hinges/supporting structure and attachment bolts for the main spar joint and engine support, and inadequate existing instructions for inspection for corrosion for several areas including the rudder hinge location on the vertical stabilizer. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective October 30, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of October 30, 2017.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0395; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone: +44 1292 675207; fax: +44 1292 675704; email: *RApublications@baesystems.com;* Internet: *http://www.baesystems.com/Businesses/RegionalAircraft/.* You may view this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for Docket No. FAA–2017–0639.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued AD 2014–07–09, Amendment 39–17823 (79 FR 22367; April 22, 2014) (''AD 2014–07–09''). That AD required actions intended to address an unsafe condition on British Aerospace Regional Aircraft Model Jetstream Series 3101 and Jetstream Model 3201 airplanes and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country.

Since we issued AD 2014–07–09, more extensive reports of corrosion have been received, resulting in the need to inspect additional areas.

We issued a notice of proposed rulemaking (NPRM) (82 FR 28592; June 23, 2017) to amend 14 CFR part 39 by adding an AD that would apply to British Aerospace Regional Aircraft Model Jetstream Series 3101 and Jetstream Model 3201 airplanes and supersede AD 2014–07–09.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2017–0073, dated April 27, 2017 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Maintenance instructions for BAE Jetstream 3100 and 3200 aeroplanes, which are approved by EASA, are currently defined and published in the BAE Systems (Operations) Ltd Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme (CPCP) document, JS/CPCP/01. These instructions have been identified as mandatory for continued airworthiness.
>
> Failure to accomplish these instructions could result in an unsafe condition.
>
> EASA issued AD 2012–0036 to require operators to comply with the inspection instructions as contained in the CPCP at Revision 6.
>
> Since that AD was issued, reports have been received of finding extensive corrosion. While affected areas are covered by an existing zonal inspection, it has been determined that this inspection is inadequate to identify the corrosion in those areas. Consequently, new inspection items 52–11–002 C1, 200/EX/01 C2, 500/IN/02 C1, 600/IN/04 C1 and 700/IN/04 C1 have been added to the CPCP at Revision 8.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2012–0036, which is superseded, and requires accomplishment of the actions specified in BAE Systems (Operations) Ltd Jetstream Series 3100 & 3200 CPCP, JS/CPCP/01, Revision 8 (hereafter referred to as 'the CPCP' in this AD).

The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2017-0639-0002.*

Comments

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

Summary Clarification

Kenneth MacKinnon of BAE Systems Regional Aircraft stated that the Summary and Reason, paragraph (e) of this AD, both list corrosion issues that were introduced at Revision 6, which he assumes was mandated by AD 2014–07–09. He assumes this is an error and that both sections should summarize the changes introduced at Revisions 7 and 8, as detailed in the BAE SYSTEMS Certification Plans AWR/768/J3I and AWR/815/J31 respectively. BAE wants the summary to better reflect the changes since FAA AD 2014–07–09.

We partially agree with this comment. The Summary and Reason, paragraph (e)

of this AD, could contain language to better clarify the unsafe condition. We disagree with including all of the details in this AD because we matched the intent of the EASA AD, and the details provided are included in the service documents. We have added language to the Summary and Reason, paragraph (e) of this AD, to clarify the unsafe condition.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed British Aerospace Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref: JS/CPCP/01, Revision 8, dated October 15, 2016. The service information describes procedures for a comprehensive corrosion prevention and control program. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this document.

Costs of Compliance

We estimate that this AD will affect 42 products of U.S. registry. We also estimate that it would take about 100 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $357,000, or $8,500 per product.

The scope of damage found in the required inspection could vary significantly from airplane to airplane. We have no way of determining how much damage may be found on each airplane or the cost to repair damaged parts on each airplane or the number of airplanes that may require repair.

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to small airplanes and domestic business jet transport airplanes to the Director of the Policy and Innovation Division.

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0639; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–17823 (79 FR 22367; April 22, 2014), and adding the following new AD:

2017–19–22 British Aerospace Regional Aircraft: Amendment 39–19052; Docket No. FAA–2017–0639; Product Identifier 2017–CE–016–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective October 30, 2017.

(b) Affected ADs

This AD replaces AD 2014–07–09, Amendment 39–17823 (79 FR 22367; April 22, 2014) (''2014–07–09'').

(c) Applicability

This AD applies to British Aerospace Regional Aircraft Jetstream Series 3101 and Jetstream Model 3201 airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 5: Time Limits.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as both the need for newly added inspections for corrosion, which includes the door hinges/supporting structure and attachment bolts for the main spar joint and engine support, and inadequate existing instructions for inspection for corrosion for several areas including the rudder hinge location on the vertical stabilizer. We are issuing this AD to require actions to address the unsafe

condition on these products as a result of possible corrosion on the rudder upper hinge bracket and internal wing, areas of the passenger/crew door hinges and supporting structure, the main spar joint, and the engine support attachment bolts, which could lead to reduced structural integrity with consequent loss of control.

(f) Actions and Compliance

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

(1) Before further flight after October 30, 2017 (the effective date of this AD), incorporate BAE Systems (Operations) Limited Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref. JS/CPCP/01, Revision 8, dated October 15, 2016, into the Limitations of your FAA-approved maintenance program (instructions for continued airworthiness) on the basis of which the operator or the owner ensures the continuing airworthiness of each operated airplane, as applicable to the airplane model.

(2) Do all tasks in the BAE Systems (Operations) Limited Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref. JS/CPCP/01, Revision 8, dated October 15, 2016, at the compliance times specified in the manual, or within the next 12 months after October 30, 2017 (the effective date of this AD), whichever occurs later; except for the following tasks, which must be done within 12 months after October 30, 2017 (the effective date of this AD): 52–11–002 C1, 200/EX/01 C2, 500/IN/02 C1, 600/IN/04 C1, and 700/IN/04 C1.

(3) If any discrepancy, particularly corrosion, is found during any inspections or tasks required by paragraphs (f)(1) or (2) of this AD, within the compliance time specified, repair or replace, as applicable, all damaged structural parts and components and do the maintenance procedures for corrective action following BAE Systems (Operations) Limited Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref. JS/CPCP/01, Revision 8, dated October 15, 2016. If no compliance time is defined, do the applicable corrective action before further flight.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, Small Airplane Standards Branch; or the European Aviation Safety Agency (EASA), or BAE Systems (Operations) Limited's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

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

(h) Related Information

Refer to MCAI European Aviation Safety Agency 2017–0073, dated April 27, 2017. The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2017-0639-0002.*

(i) Material Incorporated by Reference

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

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

(i) BAE Systems (Operations) Limited Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref. JS/CPCP/01, Revision 8, dated October 15, 2016.

(ii) Reserved.

(3) For British Aerospace Jetstream Series 3100 and 3200 service information related to this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone: +44 1292 675207; fax: +44 1292 675704; email: *RApublications@baesystems.com;* Internet: *http://www.baesystems.com/Businesses/RegionalAircraft/.*

(4) You may review copies of the referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0639.

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

Issued in Kansas City, Missouri, on September 14, 2017.

Pat Mullen,

Acting Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2017–20047 Filed 9–22–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9301; Product Identifier 2015–NM–193–AD; Amendment 39–19056; AD 2017–19–26]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2008–12–04, which applied to certain The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes. AD 2008–12–04 required various repetitive inspections to detect cracks along the chem-milled steps of the fuselage skin, and to detect missing or loose fasteners in the area of a certain preventive modification or repairs; replacement of the time-limited repair with a permanent repair, if applicable; and applicable corrective actions which would end certain repetitive inspections. This AD reduces the post-modification inspection compliance times, limits installation of the preventive modification to airplanes with fewer than 30,000 total flight cycles, and adds repetitive inspections for modified airplanes. This AD was prompted by an evaluation by the design approval holder (DAH) that indicated that the upper skin panel at the chem-milled step above the lap joint is subject to widespread fatigue damage (WFD) if the modification was installed after 30,000 total flight cycles. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 30, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 30, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9301.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9301; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Alan Pohl, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2008–12–04, Amendment 39–15547 (73 FR 32991, June 11, 2008) (''AD 2008–12–04''). AD 2008–12–04 applied to certain The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes. The NPRM published in the **Federal Register** on November 22, 2016 (81 FR 83745) (''the NPRM''). The NPRM was prompted by an evaluation by the DAH that indicated that the upper skin panel at the chem-milled step above the lap joint is subject to WFD if the modification was installed after 30,000 total flight cycles. The NPRM proposed to continue to require various repetitive inspections to detect cracks along the chem-milled steps of the fuselage skin, and to detect missing or loose fasteners in the area of the preventive modification or repairs; replacement of the time-limited repair with a permanent repair, if applicable; and applicable corrective actions which would end certain repetitive inspections. The NPRM also proposed to reduce the post-modification inspection compliance times, limit installation of the preventive modification to airplanes with fewer than 30,000 total flight cycles, and add repetitive inspections for modified airplanes. We are issuing this AD to detect and correct cracking of the upper skin panel at the chem-milled step above the lap joint, which could result in reduced structural integrity of the airplane.

Comments

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

Support for the NPRM

Boeing and United Airlines supported the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that installation of winglets, as provided in Supplemental Type Certificate (STC) ST00830SE, does not affect the ability to accomplish the actions proposed in the NPRM.

We agree with the commenter. We have redesignated paragraph (c) of the proposed AD as (c)(1) and added paragraph (c)(2) to this AD to state that installation of STC ST00830SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Revise Certain Compliance Time Provisions

Southwest Airlines (SWA) asked that we revise certain compliance language in paragraph (p)(4) of the proposed AD, which stipulated that post-repair or post-mod inspections be done at the time specified in the service information or at the time specified in the previously approved AMOC, ''whichever occurs first.'' SWA stated that previously approved AMOCs for post-repair or post-modification supplemental inspections that comply with certain regulations may contain unique damage tolerance inspection programs that demonstrate a level of safety equivalent to that of AD 2008–12–04. SWA added that altering those supplemental inspections to post-repair or post-modification inspections as specified in Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, when those are done first, could result in incorrect inspection methods to geometrical structure that does not conform to the repair or modification definitions specified in Revisions 1 and 3 of that service information.

We partially agree with the commenter's request. We have determined that repairs and preventive modifications should be handled separately. Fleet experience and subsequent analysis of Model 737–200, –200C, –300, –400, and –500 airplanes, which have similar chem-milled step details, have shown that certain post-preventative modification inspection programs may not adequately address the unsafe condition. Therefore, paragraph (p)(4) of this AD has been changed to remove the language ''preventative modifications'' and remove the reference to the service information and ''whichever occurs first'' from the compliance time specified. In addition, we have added paragraph (p)(5) to this AD to address only the preventive modifications without change to the service information and ''whichever occurs first'' language.

Request To Retain Certain Exceptions

Additionally, SWA asked that paragraphs (j) and (k) of AD 2008–12–04 be included in the proposed AD. Paragraph (j) of AD 2008–12–04 provides an allowance for repairs that are FAA-approved and that have a minimum of three rows of fasteners above and below the chem-milled step. SWA stated that paragraph (k) of AD 2008–12–04 provides a means of inspections without an AMOC when an external repair is covering the chem-milled step, but that the doubler does not span the step by a minimum of three rows of fasteners above and below the chem-milled step. SWA added that both paragraphs (j) and (k) of AD 2008–12–04 are missing from the proposed AD and should be added, with certain clarifications, to paragraph (j) of the proposed AD. First, the repair is an external doubler repair. Second, in lieu of the doing the post-repair supplemental inspections in accordance with table 2 of paragraph 1.E.,

''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, the inspections should be done in accordance with 14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2) supplemental inspection requirements, or in accordance with FAA-approved damage tolerance inspection requirements.

SWA also stated that if paragraphs (j) and (k) of AD 2008–12–04 are not restated for compliance with existing FAA-approved repairs, operators will be required to seek AMOC approvals for such existing repairs prior to the inspection threshold or repeat interval of table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. SWA stated that not including the exceptions in paragraphs (j) and (k) of AD 2008–12–04 could potentially lead to disruption of operations if it is necessary to request AMOC approvals during repair discovery, or could burden operators with records research to identify these repairs for AMOC approvals prior to the required compliance times.

We agree that an allowance can be made for repairs that meet the criteria specified in paragraph (j) of AD 2008–12–04. These repairs address the unsafe condition identified in this AD. Therefore, we have added paragraph (l)(3) to this AD to include the provision of paragraph (j) of AD 2008–12–04 for repairs that were accomplished before the effective date of this AD.

We disagree that post-repair inspections for these repairs should be done in accordance with 14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2) supplemental inspection requirements. Post-repair inspections for repairs that meet the criteria of paragraph (j) of this AD are to be accomplished in accordance with table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. This is consistent with the DAH's current recommendation as well as the requirements of paragraph (j) of AD 2008–12–04. Paragraph (l)(3) of this AD reflects these provisions.

We also disagree with the commenter's request to change the word ''repair'' to ''external doubler repair'' in paragraph (l)(3) of this AD because we are retaining the provisions of paragraph (j) of AD 2008–12–04.

We also agree to add certain provisions of paragraph (k) of AD 2008–12–04 to this AD. We have added paragraph (l)(4) to this AD to address certain repairs as defined in paragraph (k) of AD 2008–12–04. However, paragraph (l)(4) of this AD does not include a reference to Boeing Model 737 Non-destructive Test (NDT) Manual, Part 6, Subject 53–30–20, and instead requires that the inspection be done using FAA-approved procedures. We have also added Note 1 to paragraph (l)(4) of this AD to specify that guidance on the inspection specified in paragraph (l)(4) of this AD can be found in Boeing Model 737 NDT Manual, Part 6, Subject 53–30–20.

Clarification of Paragraph (i)(1) of This AD

We have revised the language in paragraph (i)(1) of this AD to clarify which modifications are exempt from the actions required by paragraph (i)(1) of this AD.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. This service information describes procedures for an external detailed inspection and an external nondestructive inspection (NDI) for cracks in the fuselage skin at chem-milled steps. Corrective actions include a permanent or time-limited repair, a preventive modification, and replacement of loose and missing fasteners. Related investigative actions include internal and external detailed inspections of the repair area. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 376 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	Up to 25 work-hours × $85 per hour = $2,125 per inspection cycle.	$0	Up to $2,125 per inspection cycle	Up to $799,000 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Fastener replacement	Up to 1 work-hour × $85 per hour = $85	Minimal	$85

We have received no definitive data that would enable us to provide cost estimates for the related investigative actions, certain repairs, and other applicable actions specified in this AD.

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2008–12–04, Amendment 39–15547 (73 FR 32991, June 11, 2008), and adding the following new AD:

2017–19–26 The Boeing Company: Amendment 39–19056; Docket No. FAA–2016–9301; Product Identifier 2015–NM–193–AD.

(a) Effective Date

This AD is effective October 30, 2017.

(b) Affected ADs

This AD replaces AD 2008–12–04, Amendment 39–15547 (73 FR 32991, June 11, 2008) (''AD 2008–12–04'').

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015.

(2) Installation of Supplemental Type Certificate (STC) ST00830SE [*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/184DE9A71EC3FA5586257EAE00707DA6?OpenDocument&Highlight=st00830se*] does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a fatigue test that revealed numerous cracks in the upper skin panel at the chem-milled step above the lap joint, followed by an evaluation by the design approval holder (DAH) that indicated that location is subject to widespread fatigue damage (WFD) on airplanes on which a certain modification was installed after 30,000 total flight cycles. We are issuing this AD to detect and correct cracking of the upper skin panel at the chem-milled step above the lap joint, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Inspections at Locations Without the Preventive Modification, Time-Limited Repair, or Permanent Repair Installed

At locations where a preventive modification, time-limited repair, or permanent repair has not been installed as specified in Boeing Service Bulletin 737–53A1232: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, do an external detailed inspection and an inspection specified in either paragraph (g)(1) or (g)(2) of this AD, for any crack in the fuselage skin at the chem-milled steps at specified locations, in accordance with Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. Do all applicable related investigative and corrective actions before further flight in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, except as required by paragraph (l)(1) of this AD, and except as provided in paragraphs (l)(3) and (l)(4) of this AD. Repeat the inspections thereafter at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015.

(1) Do an external medium frequency eddy current (MFEC), or magneto optic imager (MOI), or C-Scan inspection.

(2) Do an external ultrasonic phased array (UTPA) inspection.

(h) Repetitive Post-Modification Inspections and Repair at Any Location With the Preventive Modification But No Time-Limited or Permanent Repair

At any location with a preventive modification installed as specified in Boeing Service Bulletin 737–53A1232: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, except as required by paragraph (l)(2) of this AD, do the actions specified in paragraphs (h)(1) and (h)(2) of this AD.

(1) Do external detailed and external high frequency and medium frequency eddy current inspections for any crack, in accordance with Part 7 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. If no crack is found during the inspection, repeat the inspections thereafter at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. If any crack is found during any inspection required by this paragraph, repair before further flight, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27,

2015, except as required by paragraph (l)(1) of this AD.

(2) Do a detailed inspection for any crack and any loose or missing fasteners, in accordance with Part 7 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. Repeat the inspections thereafter at applicable time specified in paragraph 1.E, ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. If any crack is found during any inspection, or any loose or missing fastener is found, before further flight, do all applicable corrective actions, in accordance with Part V of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, except as specified in paragraph (l)(1) of this AD.

(i) Additional Actions for Modified Airplanes

(1) At any location where a preventive modification as specified in Boeing Service Bulletin 737–53A1232 was installed after the accumulation of 30,000 total flight cycles, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, except as required by paragraph (l)(2) of this AD, do all applicable investigative and corrective actions using a method approved in accordance with the procedures specified in paragraph (p) of this AD. For preventive modifications installed on airplanes listed in Appendix A of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, at the specified total flight cycles: The actions specified in this paragraph are not required.

(2) For airplanes which have installed STC ST01697SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/0812969a86af879b8625766400600105/$FILE/ST01697SE.pdf*) and the preventive modification has been installed after 15,000 total flight cycles: Before the accumulation of 25,000 total flight cycles, do all applicable investigative and corrective actions using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(j) Inspections and Repair at Locations With the Permanent Chem-Milled Step Repair Installed

At any location where a permanent repair has been installed as specified in Boeing Service Bulletin 737–53A1232: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, do the inspections specified in paragraph (j)(1) or (j)(2) of this AD, in accordance with Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. Repeat the inspections thereafter at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. Do all applicable related investigative and corrective actions before further flight in accordance with Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, except as required by paragraph (l)(1) of this AD.

(1) Do an external low frequency eddy current (LFEC) inspection for any crack, and doubler external LFEC and external detailed inspections for any crack and loose or missing fasteners.

(2) Do an external LFEC inspection for any crack, a doubler external LFEC and external detailed inspections for any crack and loose or missing fasteners, and an internal MFEC for any crack.

(k) Inspection and Replacement at Locations With a Chem-Milled Time-Limited Repair Installed

At any location where a chem-milled time-limited repair is installed, do the actions specified in paragraphs (k)(1) and (k)(2) of this AD, at the applicable time specified in 1.E. ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015.

(1) Do internal and external detailed inspections of the time-limited repair for any crack, or loose or missing fasteners, in accordance with Part IV of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. Repeat the inspections thereafter at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015. If any crack is found during any inspection, or if any loose or missing fastener is found, before further flight, do all applicable corrective actions, in accordance with Part IV of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, except as specified in paragraph (l)(1) of this AD.

(2) Replace the time-limited repair with the permanent repair, in accordance with Part IV of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015.

(l) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, specifies to contact Boeing for repair instructions, this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(2) Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, specifies a compliance time ''after the date of Revision 2 of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(3) For airplanes on which the actions specified in paragraph (g) of this AD are required: Inspections specified in table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, are not required in areas that are spanned by an FAA-approved repair that has a minimum of 3 rows of fasteners above and below the chem-milled step, provided that the repair was installed before the effective date of this AD. Operators must accomplish post-repair inspections at the applicable time specified in table 2 of paragraph 1.E, ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015.

(4) For any airplane that has an external doubler covering the chem-milled step, but the doubler does not span the step by a minimum of 3 rows of fasteners above and below the chem-milled step and the doubler was installed before the effective date of this AD: One method of compliance with the inspection requirement of paragraph (g) of this AD is to inspect all chem-milled steps covered by the repair using non-destructive test (NDT) methods approved in accordance with the procedures specified in paragraph (p) of this AD. These repairs are to be considered time-limited and are subject to the post-repair supplemental inspections and replacement at the times specified in table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015.

Note 1 to paragraph (l)(4) of this AD: Guidance for the procedures for the alternative inspection specified in paragraph (l)(4) of this AD can be found in the Boeing 737 NDT Manual, Part 6, Subject 53–30–20.

(m) Optional Terminating Action

(1) For airplanes that have accumulated 30,000 total flight cycles or fewer, or for airplanes on which STC ST01697SE was installed and that have accumulated 15,000 total flight cycles or fewer, accomplishment of the preventive modification specified in Part V of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, terminates the inspections required by paragraph (g) of this AD in the modified areas only.

(2) Installation of a permanent repair as specified in Part III of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, or a time-limited repair as specified in Part IV of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, terminates the inspections required by paragraph (g) of this AD in the repaired areas only.

(n) Installation Limitations of Preventive Modification

As of the effective date of this AD, installation of the preventive modification specified in Boeing Service Bulletin 737–53A1232 is prohibited on the airplanes identified in paragraphs (n)(1) and (n)(2) of this AD.

(1) Airplanes that have accumulated more than 30,000 total flight cycles.

(2) Airplanes which have installed STC ST01697SE and that have accumulated more than 15,000 total flight cycles.

(o) Credit for Previous Actions

This paragraph provides credit for the corresponding actions specified in paragraphs (g), (h), (i), (j), (k), and (m) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraph (o)(1), (o)(2), or (o)(3) of this AD.

(1) Boeing Special Attention Service Bulletin 737–53A1232, dated April 2, 2007.

(2) Boeing Special Attention Service Bulletin 737–53A1232, Revision 1, dated May 18, 2012.

(3) Boeing Special Attention Service Bulletin 737–53A1232, Revision 2, dated July 26, 2013.

(p) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved previously for repairs for AD 2008–12–04 are approved as AMOCs for the installation of the repair specified in this AD, provided all post-repair inspections are done at the applicable times specified in the AMOC.

(5) AMOCs approved previously for preventive modifications for AD 2008–12–04 are approved as AMOCs for the installation of the preventive modification specified in this AD, provided all post-modification inspections are done at the applicable times specified in the AMOC, or in tables 1a and 1b of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015, whichever occurs first. The AMOC must include all of the inspections specified in Tables 1a and 1b of Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015.

(q) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6577; fax: 425–917–6450; email: *alan.pohl@faa.gov.*

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

(r) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 737–53A1232, Revision 3, dated July 27, 2015.

(ii) Reserved.

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

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

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

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

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–20114 Filed 9–22–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9143; Product Identifier 2013–SW–037–AD; Amendment 39–19051; AD 2017–19–21]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model EC225LP helicopters. This AD requires modifying the emergency lubrication system (EMLUB). This AD was prompted by two incidents of emergency ditching after there was a warning of a loss of oil pressure and a false EMLUB failure. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective October 30, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of October 30, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.*

You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9143; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Rao Edupuganti, Aviation Safety Engineer, Regulations & Policy Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, Texas 76177; telephone (817) 222–5110; email *rao.edupuganti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On March 14, 2017, at 82 FR 13565, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters (formerly Eurocopter France) Model EC225LP helicopters. The NPRM proposed to require replacing the EMLUB glycol pump, the air and glycol pressure switches, and the MGB lubrication card, and modifying and re-identifying the helicopter wiring harness. The NPRM also proposed testing the function of the EMLUB and electrical systems and revising the Emergency Procedures section of the RFM. Lastly, the NPRM proposed to prohibit installing certain part-numbered EMLUB glycol pumps, air-pressure switches, glycol pressure switches and electronic boards on any helicopter. The proposed requirements were intended to prevent a false EMLUB warning. This condition when associated with a loss of the MGB oil pressure could result in an unnecessary emergency landing or ditching.

The NPRM was prompted by AD No. 2013–0156, dated July 18, 2013, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for the Airbus Helicopters Model EC225LP helicopters. EASA advises of two incidents of emergency ditching in the North Sea after a warning indication of MGB loss of oil pressure followed by a red alarm on the EMLUB. In both cases, the EMLUB provided a false failure indication due to a design nonconformity on the electrical outputs of some EMLUB air and glycol pressure-switches. EASA states that a false red EMLUB warning during an MGB emergency lubrication system operation could cause the flight crew to perform an immediate landing or ditching. As a result, the EASA AD requires several actions that restore safe operation of the EMLUB system.

Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information Under 1 CFR Part 51

Eurocopter (now Airbus Helicopters) issued Alert Service Bulletin (ASB) No. EC225–05A033, Revision 0, dated July 14, 2013, for Model EC225LP helicopters. This ASB specifies replacing the air and glycol pressure switches, modifying the helicopter wiring, replacing the glycol pump, replacing the MGB lubrication card, modifying the RFM emergency procedures in the event of EMLUB activation, and canceling the RFM limitations of Eurocopter Emergency ASB No. 04A010, dated July 14, 2013.

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

Related Service Information

Eurocopter (now Airbus Helicopters) also issued the following Alert Service Bulletins (ASBs), each dated July 14, 2013:

- Emergency ASB, Revision 1, with two different numbers: No. 04A010 for Model EC225LP helicopters and No. 04A009 for military Model EC725AP helicopters, which are not FAA type certificated. This Emergency ASB specifies modifying the RFM emergency procedures in the event of activation of the EMLUB system and applies only to those helicopters that have not been altered by certain modifications.
- Emergency ASB No. 05A032, Revision 2, for both Model EC225LP and military Model EC725AP helicopters. This Emergency ASB specifies checking that the EMLUB electrical system (harness, control, alarm, and indicator panel) operates correctly and applies only to those helicopters that have not been altered by certain modifications (the same as those for Emergency ASB No. 04A010 and No. 04A009).

Costs of Compliance

We estimate that this AD affects 4 helicopters of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect the following costs. We estimate that 34 work-hours are needed to replace the air and glycol pressure switches, modify the helicopter wiring, replace the glycol pump, and replace the MGB lubrication card. The required parts cost $121,695 per helicopter. Based on these estimates, the total costs are $124,585 per helicopter and $498,340 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–19–21 Airbus Helicopters (formerly Eurocopter France): Amendment 39–19051; Docket No. FAA–2016–9143; Product Identifier 2013–SW–037–AD.

(a) Applicability

This AD applies to Model EC225LP helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a false emergency lubrication system (EMLUB) warning. This condition when associated with a loss of the main gearbox (MGB) oil pressure could result in an unnecessary emergency landing or ditching.

(c) Effective Date

This AD becomes effective October 30, 2017.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 500 hours time-in-service:

(i) Replace EMLUB glycol pump part number (P/N) 332A32–5051–00 with EMLUB glycol pump P/N 332A32–5043–00.

(ii) Replace EMLUB air pressure switch P/N MA193–00 or MC7014–0–00 with P/N MC7014–1–00, and replace EMLUB glycol pressure switch P/N MA194–01 or MC7015–0–00 with P/N MC7015–1–00. P/N MC7014–1–00 and P/N MC7015–1–00 must be from the same manufacturer.

(iii) Modify and re-identify the helicopter wiring harness. Refer to Figure 3 of Eurocopter Alert Service Bulletin No. EC225–05A033, Revision 0, dated July 14, 2013 (ASB EC225–05A033).

(iv) Replace MGB lubrication card P/N 704A46580127 with P/N 704A46580146, and MGB lubrication card P/N 704A46580106 with P/N 704A46580146 or –147.

(v) Accomplish a functional test of the EMLUB system and the electrical system.

(vi) Revise the Emergency Procedures section of the Rotorcraft Flight Manual (RFM) by removing any pages from Section 3 of the RFM that pertain to the emergency procedures in the event of EMLUB activation and by inserting the pages from paragraph 4.C. Appendix 3, of ASB EC225–05A033 into Section 3 of the RFM.

(2) Do not install on any helicopter EMLUB glycol pump P/N 332A32–5051–00, air pressure-switch P/N MA193–00 or P/N MC7014–0–00, glycol pressure-switch P/N MA194–01 or P/N MC7015–0–00, or MGB lubrication card P/N 704A46580106 or P/N 704A46580127.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, FAA, may approve AMOCs for this AD. Send your proposal to: Rao Edupuganti, Aviation Safety Engineer, Regulations & Policy Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, Texas 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Emergency Alert Service Bulletin (ASB) No. 05A032, Revision 2, dated July 14, 2013, and Emergency ASB with two numbers (No. 04A010 and No. 04A009), Revision 1, dated July 14, 2013, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD 2013–0156, dated July 18, 2013. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2016–9143.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6320, Main Rotor Gearbox.

(j) Material Incorporated by Reference

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

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

(i) Eurocopter Alert Service Bulletin No. EC225–05A033, Revision 0, dated July 14, 2013.

(ii) Reserved.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued in Fort Worth, Texas, on September 11, 2017.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2017–19939 Filed 9–22–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0188; Airspace Docket No. 17–AGL–8]

Amendment of Class E Airspace; Brainerd, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending up to 700 feet above the surface at Brainerd Lakes Regional Airport (formerly Brainerd-Crow Wing County Regional Airport), Brainerd, MN. Airspace reconfiguration is necessary due to the decommissioning of the Brainerd (BRD) VHF omnidirectional radio range tactical air navigation aid (VORTAC), and cancellation of the VOR approach. This action also updates the geographic coordinates of the airport and the airport name in the Class E airspace. Additionally, an editorial change is made to the Class E surface area airspace legal description replacing Airport/Facility Directory with the term Chart Supplement.

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

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of 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: Walter Tweedy, Federal Aviation Administration, Operations Support

Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5900.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) (82 FR 22091, May 12, 2017) Docket No. FAA–2017–0188 to modify Class E airspace extending upward from 700 feet above the surface and associated Class E airspace at Brainerd Lakes Regional Airport, Brainerd, MN. An editorial correction is made to the heading for para 6002, removing excess language. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6002 and 6005 respectfully of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace 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 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface within a 7.1-mile (from a 7.9-mile) radius of Brainerd Lakes Regional Airport (formerly Brainerd-Crow Wing County Regional Airport), MN, with a segment extending 2 miles each side of the 233° bearing extending from the 7.1-mile radius to 9.1 miles southwest of the airport.

Airspace reconfiguration is necessary due to the decommissioning of the Brainerd VORTAC and cancellation of the VOR approaches, and for the safety and management of the standard instrument approach procedures for IFR operations at the airport. This action also updates the geographic coordinates of the airport.

Additionally, this action replaces the outdated term Airport/Facility Directory with the term Chart Supplement in Class E surface area airspace, as well as updates the airport name from Brainerd-Crow Wing County Regional Airport to Brainerd Lakes Regional Airport.

Regulatory Notices and Analyses

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

Environmental Review

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

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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

* * * * *

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AGL MN E2 Brainerd, MN [Amended]

Brainerd Lakes Regional Airport, MN
(Lat. 46°24′15″ N., long. 94°08′02″ W.)

Within a 4.3-mile radius of Brainerd Lakes Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

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

* * * * *

AGL MN E5 Brainerd, MN [Amended]

Brainerd Lakes Regional Airport, MN
(Lat. 46°24′15″ N., long. 94°08′02″ W.)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Brainerd Lakes Regional Airport, MN and within 2 miles each side of the 233° bearing extending from the 7.1-mile radius to 9.1 miles southwest of the airport.

Issued in Fort Worth, Texas on September 14, 2017.

Vonnie Royal,

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

[FR Doc. 2017–20330 Filed 9–22–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2017–0886; Airspace Docket No. 16–ASO–11]

Amendment of Restricted Areas R–3004A and R–3004B and Establishment of R–3004C; Fort Gordon, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the restricted areas at Fort Gordon, GA to further subdivide the vertical limits of the airspace. The designated altitudes for R–3004A and R–3004B are realigned and a new subarea, designated R–3004C, is established above R–3004B. The FAA is taking this action to allow for more efficient use of the airspace during periods when military activities only require restricted airspace below 3,500 feet MSL. The modifications are fully contained within the existing lateral and vertical boundaries of the restricted airspace.

DATES: Effective date: 0901 UTC, December 7, 2017.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it vertically subdivides the restricted airspace at Fort Gordon, GA, into three sections to enable more efficient use of airspace.

Background

The restricted airspace at Fort Gordon, GA consists of R–3004A, extending from the surface to 7,000 feet MSL; and R–3004B, extending from 7,001 feet MSL to 16,000 feet MSL. The time of designation for both areas is as activated by NOTAM 24 hours in advance.

A FAA review of the utilization of the airspace revealed that most activities being conducted only require restricted airspace below 3,500 feet MSL. However, when R–3004A was activated, restrictions were in effect up to 7,000 feet MSL.

While lateral boundaries of the restricted airspace remain the same as currently charted and the overall vertical limits of the restricted airspace are unchanged, in order to provide for more efficient use of airspace, the FAA and the using agency agreed to further subdivide the restricted airspace vertically. The FAA is realigning the designated altitudes for R–3004A and R–3004B and establishing R–3004C as a third subdivision. The new configuration enables activation of restricted airspace to the lower altitude required for the majority of the using agency's training needs while maintaining the ability to activate additional restricted airspace for missions that require higher altitudes.

The designated altitudes for R–3004A are amended to read ''surface to but not including 3,500 feet MSL'' (decreased from 7,000 feet MSL). The designated altitudes for R–3004B are amended to read ''3,500 feet MSL to but not including 7,000 feet MSL,'' instead of the current ''7,001 feet MSL to 16,000 feet MSL.'' This amendment also established a third subdivision, designated R–3004C, which extends from 7,000 feet MSL to 16,000 feet MSL. These changes accommodate the using agency's requirements while releasing unneeded restricted airspace for access by other users.

In addition, the aircraft activity limitations on use of the areas are amended to clarify the limitations in effect during the annual Masters Golf Tournament.

These changes enhance the efficient use of the National Airspace System by providing for activation of the minimum amount of restricted airspace needed for the specific mission being conducted resulting in the release of unneeded restricted airspace for access by other users.

The Rule

This rule amends Title 14 Code of Federal Regulations (14 CFR) part 73 by further dividing the current restricted airspace at Fort Gordon, GA, into three subareas instead of two. The designated altitudes for R–3004A are amended from the current ''surface to 7,000 feet MSL,'' to ''surface to but not including 3,500 feet MSL.'' The designated altitudes for R–3004B are amended from the current ''7,001 feet MSL to 16,000 feet MSL'' to ''3,500 feet MSL to but not including 7,000 feet MSL.'' A new third subdivision, designated R–3004C, is established and extends from 7,000 feet MSL to 16,000 feet MSL.''

Additionally, the terms and conditions listed in the restricted area legal descriptions for aircraft activities in the restricted areas are revised, in part. Specifically, in order to clarify aircraft operations during the annual Masters Golf tournament, the text of item number 1 is changed from ''1. Aircraft activities may not be conducted on weekends, National holidays, or the entire week of the Masters Golf Tournament'' to: ''1. Aircraft activities must not be conducted on weekends, national holidays, or from the Sunday prior to the Masters Golf Tournament through the Monday after (and subsequent weather days if required).'' The terms and conditions in Items 2 and 3 remain unchanged.

The above modifications enhance the efficient use of airspace and reduce the burden on the public by lessening the amount of restricted airspace at Fort Gordon, GA, that is activated on a routine basis. These modifications do not change the current lateral boundaries, overall designated altitudes, or activities conducted within the restricted areas; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of vertically subdividing limits of existing restricted airspace within the current lateral and vertical limits qualifies for categorical exclusion under

the National Environmental Policy Act and in accordance with FAA Order 1050.1F—Environmental Impacts: Policies and Procedures, Categorical Exclusions for Procedural Actions, paragraph 5–6.5d—Modification of the technical description of special use airspace (restricted areas) that does not alter the dimensions, altitudes, or times of designation of the airspace. Therefore, this airspace action is not expected to result in any significant environmental impacts. In accordance with FAAO 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73.30 [Amended]

■ 2. § 73.30 is amended as follows:

* * * * *

R–3004A Fort Gordon, GA [Amended]

By removing the current designated altitudes and aircraft activity limitations and inserting the following in their places:

Designated Altitudes. Surface to but not including 3,500 feet MSL.

Aircraft activity is limited to the following terms and conditions:

Aircraft activities must not be conducted on weekends, national holidays, or from the Sunday prior to the Masters Golf Tournament through the Monday after (and subsequent weather days if required).

2. Aircraft activities may only be conducted from the surface to 12,000 feet AGL.

3. Weather conditions required for aircraft activities are 5 miles visibility and with prevailing clouds or obscuring phenomena no greater than five-tenths coverage of the sky and bases no lower than 3,000 feet AGL.

R–3004B Fort Gordon, GA [Amended]

By removing the current designated altitudes and aircraft activity limitations and inserting the following in their places:

Designated Altitudes. 3,500 feet MSL to but not including 7,000 feet MSL.

Aircraft activity is limited to the following terms and conditions:

1. Aircraft activities must not be conducted on weekends, national holidays, or from the Sunday prior to the Masters Golf Tournament through the Monday after (and subsequent weather days if required).

2. Aircraft activities may only be conducted from the surface to 12,000 feet AGL.

3. Weather conditions required for aircraft activities are 5 miles visibility and with prevailing clouds or obscuring phenomena no greater than five-tenths coverage of the sky and bases no lower than 3,000 feet AGL.

R–3004C Fort Gordon, GA [New]

Boundaries. Beginning at lat. 33°21′54″ N., long. 82°12′14″ W.; to lat. 33°19′44″ N., long. 82°12′14″ W.; to lat. 33°16′21″ N., long. 82°17′59″ W.; to lat. 33°17′30″ N., long. 82°22′59″ W.; to lat. 33°21′16″ N., long. 82°18′46″ W.; to lat. 33°22′16″ N., long. 82°16′59″ W.; to the point of beginning.

Designated Altitudes. 7,000 feet MSL to 16,000 feet MSL.

Times of designation. By NOTAM 24 hours in advance.

Controlling agency. FAA, Atlanta ARTCC.

Using agency. U.S. Army, Commanding Officer, Fort Gordon, GA.

Aircraft activity is limited to the following terms and conditions:

Aircraft activities must not be conducted on weekends, national holidays, or from the Sunday prior to the Masters Golf Tournament through the Monday after (and subsequent weather days if required).

2. Aircraft activities may only be conducted from the surface to 12,000 feet AGL.

3. Weather conditions required for aircraft activities are 5 miles visibility and with prevailing clouds or obscuring phenomena no greater than five-tenths coverage of the sky and bases no lower than 3,000 feet AGL.

Issued in Washington, DC, on September 19, 2017.

Rodger A. Dean, Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2017–20435 Filed 9–22–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 170622586–7586–01]

RIN 0694—AH41

Removal of Certain Entities From the Entity List; and Revisions of Entries on the Entity List

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) by removing three entities under four entries from the Entity List. This rule removes one entity listed under the destination of Australia, one entity listed under the destination of China, and one entity listed under the destinations of Iran and the United Arab Emirates from the Entity List. The one additional entry is being removed to account for one entity listed under more than one destination on the Entity List. All three of the removals are the result of requests for removal received by BIS pursuant to the section of the EAR used for requesting removal or modification of an Entity List entity and a review of information provided in the removal requests in accordance with the procedure for requesting removal or modification of an Entity List entity. Finally, this final rule modifies five existing entries on the Entity List consisting of five entries under Pakistan to provide additional or modified addresses and/or names for these persons.

DATES: This rule is effective September 25, 2017.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List (Supplement No. 4 to part 744) identifies entities and other persons reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States. The EAR imposes additional license requirements on, and limits the availability of most license exceptions for, exports, reexports, and transfers (in-country) to those listed. The ''license review policy'' for each listed entity or other person is identified in the License Review Policy column on the Entity List and the impact on the availability of license exceptions is described in the **Federal Register** document adding entities or other persons to the Entity List. BIS places entities and other persons on the Entity List pursuant to sections of part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair),

State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decisions

Removals From the Entity List

This rule implements a decision of the ERC to remove the following three entities under four entries from the Entity List on the basis of removal requests received by BIS, as follows: Vortex Electronics, located in Australia; China National Commercial New Tone Trading Company Ltd., located in China; and FIMCO FZE, located in Iran and the United Arab Emirates (U.A.E.) (which accounts for two of the entries this final rule removes). The entry for Vortex Electronics was added to the Entity List on September 18, 2014 (*see* 79 FR 56003). The entry for China National Commercial New Tone Trading Company Ltd was added to the Entity List on July 28, 2015 (*see* 80 FR 44849). The two entries for FIMCO FZE were added to the Entity List on August 1, 2014 (*see* 79 FR 44683).

The ERC decided to remove these three entities under four entries based on information received by BIS pursuant to § 744.16 of the EAR and further review conducted by the ERC.

This final rule implements the decision to remove the following one entity located in Australia, one entity located in China, and one entity located in Iran and the U.A.E. from the Entity List:

Australia

(1) *Vortex Electronics,* 125 Walker Street, Quakers Hill, NSW 2763, Australia.

China

(1) *China National Commercial New Tone Trading Company Ltd,* Room 616, 2nd Building, No. 45 Fuxingmennei St, Beijing, China, 100801; *and* No. 45 Fuxing Mennei Avenue, Xicheng District, Beijing, China, 100801.

Iran

(1) *FIMCO FZE,* No. 3, Rahim Salehi Alley, Akbari St., Roomi Bridge, Dr. Shariati Ave., P.O. Box 3379, Tehran, Iran 3379/19395 (See alternate address under U.A.E.).

United Arab Emirates

(1) *FIMCO FZE,* LOB 16, F16401, P.O. Box 61342, JAFZ, U.A.E. (See alternate addresses under Iran).

The removal of the entities referenced above, which was approved by the ERC, eliminates the existing license requirements in Supplement No. 4 to part 744 for exports, reexports and transfers (in-country) to these entities. However, the removal of these entities from the Entity List does not relieve persons of other obligations under part 744 of the EAR or under other parts of the EAR. Neither the removal of an entity from the Entity List nor the removal of Entity List-based license requirements relieves persons of their obligations under General Prohibition 5 in § 736.2(b)(5) of the EAR which provides that, ''you may not, without a license, knowingly export or reexport any item subject to the EAR to an end-user or end-use that is prohibited by part 744 of the EAR.'' Additionally, this removal does not relieve persons of their obligation to apply for export, reexport or in-country transfer licenses required by other provisions of the EAR. BIS strongly urges the use of Supplement No. 3 to part 732 of the EAR, ''BIS's 'Know Your Customer' Guidance and Red Flags,'' when persons are involved in transactions that are subject to the EAR.

Modifications to the Entity List

This final rule implements decisions of the ERC to modify five existing entries on the Entity List. Under the destination of Pakistan, the ERC made a determination to revise five entries, as follows: revise one address and add three additional addresses to the entry for IKAN Engineering Services; correct the spelling of the name of an entry from Imam Group to Iman Group; revise the address to the entry for Interscan; revise the address for the entry for Makkays Hi-Tech Systems; and revise the address to the entry for Micado.

This final rule makes the following modifications to five entries on the Entity List:

Pakistan

(1) *IKAN Engineering Services,* a.k.a., the following one alias: -IKAN Sourcing. 34–KM Shamki Bhattian Multan Road, Lahore, Pakistan; *and* Plot 7, 1–11/3 Markaz, Islamabad, Pakistan; *and* Building #7, #9 Sanitary Market I–11/3 Islamabad, Pakistan; *and* House #B–4, Block-F Gulshane-Jamal, Karachi, Pakistan; *and* 84/L Shah Rukn-e-Alam Colony Multan, Pakistan;

(2) *Iman Group,* a.k.a., the following one alias: -Pana Communication Inc. Plot No. 227, St. No. 7, Sector I–9/2, Industrial Area, Near Dry Port, Islamabad, Pakistan; *and* 70-East A.A. Plaza, Mezz. Floor Blue Area, Islamabad 44000, Capital, Pakistan;

(3) *Interscan,* Sattar Villa B, 32/1–C–1 Block-6, P.E.C.H.S., Karachi 75400i, Sindh, Pakistan;

(4) *Makkays Hi-Tech Systems,* a.k.a., the following one alias: -Zaib Electronics. Block 14 Civic Centre, G–6 Markaz, Islamabad, Pakistan; *and* Kulsum Plaza, 42 Jinnah Avenue, Islamabad, Pakistan; *and* Basement Khyber Plaza, Barma Town, near Barma Bridge, Lehtrar Road, Islamabad, Pakistan; *and* House No. 675, Street No. 19, G–9/3, Islamabad, Pakistan; *and*

(5) *Micado,* 40–C, Block-6, P.E.C.H.S., Shahrah-e-Faisal, Karachi, Sindh, Pakistan.

Export Administration Act of 1979

Although the Export Administration Act of 1979 expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 15, 2017, 82 FR 39005 (August 16, 2017), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act of 1979, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222, as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget

(OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications, and carries a burden estimate of 43.8 minutes for a manual or electronic submission.

Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. For the three entities under four entries removed from the Entity List in this final rule, pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), BIS finds good cause to waive requirements that this rule be subject to notice and the opportunity for public comment because it would be contrary to the public interest.

In determining whether to grant a request for removal from the Entity List, a committee of U.S. Government agencies (the End-User Review Committee (ERC)) evaluates information about and commitments made by listed entities or persons requesting removal from the Entity List, the nature and terms of which are set forth in 15 CFR part 744, Supplement No. 5, as noted in 15 CFR 744.16(b). The information, commitments, and criteria for this extensive review were all established through the notice of proposed rulemaking and public comment process (72 FR 31005 (June 5, 2007) (proposed rule), and 73 FR 49311 (August 21, 2008) (final rule)). These three removals under four entries have been made within the established regulatory framework of the Entity List. If the rule were to be delayed to allow for public comment, U.S. exporters may face unnecessary economic losses as they turn away potential sales to the entities removed by this rule because the customer remained a listed person on the Entity List even after the ERC approved the removal pursuant to the rule published at 73 FR 49311 on August 21, 2008. By publishing without prior notice and comment, BIS allows the applicants to receive U.S. exports immediately because the applicants already have received approval by the ERC pursuant to 15 CFR part 744, Supplement No. 5, as noted in 15 CFR 744.16(b).

Removals from the Entity List granted by the ERC involve interagency deliberation and result from review of public and non-public sources, including sensitive law enforcement information and classified information, and the measurement of such information against the Entity List removal criteria. This information is extensively reviewed according to the criteria for evaluating removal requests from the Entity List, as set out in 15 CFR part 744, Supplement No. 5, and 15 CFR 744.16(b). For reasons of national security, BIS is not at liberty to provide to the public detailed information on which the ERC relied to make the decisions to remove these entities. In addition, the information included in the removal request is information exchanged between the applicant and the ERC, which by law (section 12(c) of the Export Administration Act of 1979), BIS is restricted from sharing with the public. Moreover, removal requests from the Entity List contain confidential business information, which is necessary for the extensive review conducted by the U.S. Government in assessing such removal requests.

Section 553(d) of the APA generally provides that rules may not take effect earlier than thirty (30) days after they are published in the **Federal Register**. BIS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(1) because this rule is a substantive rule which relieves a restriction. This rule's removal of three entities under four entries from the Entity List removes requirements (the Entity-List-based license requirement and limitation on use of license exceptions) on these three entities being removed from the Entity List. The rule does not impose a requirement on any other person for these removals from the Entity List. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule.

5. The Department finds that there is good cause under 5 U.S.C. 553(b)(3)(B) to waive the provisions of the Administrative Procedure Act (APA) requiring prior notice and the opportunity for public comment for the five modifications included in this rule because, as described above, they are impracticable and are contrary to the public interest. In addition, these five changes are limited to to providing additional or modified addresses and/or a corrected name for these entities on the Entity List, which will assist the public in more easily identifying these listed entities on the Entity List.

6. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 is revised to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 15, 2016, 81 FR 64343 (September 19, 2016); Notice of November 8, 2016, 81 FR 79379 (November 10, 2016); Notice of January 13, 2017, 82 FR 6165 (January 18, 2017); Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

■ 2. Supplement No. 4 to part 744 is amended:

■ a. By removing the entry for Australia;

■ b. By removing, under China, one Chinese entity, ''China National Commercial New Tone Trading Company Ltd, Room 616, 2nd Building, No. 45 Fuxingmennei St, Beijing, China, 100801; *and* No. 45 Fuxing Mennei Avenue, Xicheng District, Beijing, China, 100801'';

■ c. By removing, under Iran, one Iranian entity, ''FIMCO FZE, No. 3, Rahim Salehi Alley, Akbari St., Roomi Bridge, Dr. Shariati Ave, P.O. Box 3379, Tehran, Iran 3379/19395 (See alternate address under U.A.E.)'';

■ d. By revising, under Pakistan, five Pakistani entities; and

■ e. By removing under the United Arab Emirates, one Emirati entity, ''FIMCO FZE, LOB 16, F16401, P.O. Box 61342, JAFZ, U.A.E. (See alternate addresses under Iran).''

The revisions read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

Country	Entity	License requirement	License review policy	Federal Register citation
*	*	*	*	*
PAKISTAN	*	*	*	*
	IKAN Engineering Services, a.k.a., the following one alias: —IKAN Sourcing. 34–KM Shamki Bhattian Multan Road, Lahore, Pakistan; *and* Plot 7, 1–11/3 Markaz, Islamabad, Pakistan; *and* Building #7, #9 Sanitary Market I–11/3 Islamabad, Pakistan; *and* House #B–4, Block-F Gulshane- Jamal, Karachi, Pakistan; *and* 84/L Shah Rukn-e-Alam Colony Multan, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	79 FR 56003, 9/18/14. 82 FR [INSERT FR PAGE NUMBER], 9/25/2017.
	Iman Group, a.k.a., the following one alias: —Pana Communication Inc. Plot No. 227, St. No. 7, Sector I–9/2, Industrial Area, Near Dry Port, Islamabad, Pakistan; *and* 70-East A.A. Plaza, Mezz. Floor Blue Area, Islamabad 44000, Capital, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	82 FR 24245, 5/26/17. 82 FR [INSERT FR PAGE NUMBER], 9/25/2017.
	Interscan, Sattar Villa B, 32/1–C–1 Block-6, P.E.C.H.S., Karachi 75400i, Sindh, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	82 FR 24245, 5/26/17. 82 FR [INSERT FR PAGE NUMBER], 9/25/2017.
	*	*	*	*
	Makkays Hi-Tech Systems, a.k.a., the following one alias: — Zaib Electronics. Block 14 Civic Centre, G–6 Markaz, Islamabad, Pakistan; *and* Kulsum Plaza, 42 Jinnah Avenue, Islamabad, Pakistan; *and* Basement Khyber Plaza, Barma Town, near Barma Bridge, Lehtrar Road, Islamabad, Pakistan; *and* House No. 675, Street No. 19, G–9/3, Islamabad, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	82 FR 24245, 5/26/17. 82 FR [INSERT FR PAGE NUMBER], 9/25/2017.
	*	*	*	*
	Micado, 40–C, Block-6, P.E.C.H.S., Shahrah-e-Faisal, Karachi, Sindh, Pakistan.	For all items subject to the EAR. (See § 744.11 of the EAR)	Presumption of denial	82 FR 24245, 5/26/17. 82 FR [INSERT FR PAGE NUMBER], 9/25/2017.
	*	*	*	*
*	*	*	*	*

Dated: September 19, 2017.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2017–20406 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 570

[Docket No. FR–5767–N–06]

RIN 2506–AC35

Section 108 Loan Guarantee Program: Announcement of Fee To Cover Credit Subsidy Costs

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notification of fees.

SUMMARY: This document announces the fee that HUD will collect from borrowers of loans guaranteed under HUD's Section 108 Loan Guarantee Program (Section 108 Program) to offset the credit subsidy costs of the guaranteed loans pursuant to commitments awarded in FY 2018.

DATES: *Applicability Date:* October 25, 2017.

FOR FURTHER INFORMATION CONTACT: Paul Webster, Director, Financial Management Division, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7180, Washington, DC 20410; telephone number 202–402–4563 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339. FAX inquiries (but not comments) may be sent to Mr. Webster at 202–708–1798 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2015 (division K of Pub. L. 113–235, approved December 16, 2014) (2015 Appropriations Act) provided that ''the Secretary shall collect fees from borrowers . . . to result in a credit subsidy cost of zero for guaranteeing'' Section 108 loans. Identical language was continued or included in the Department's continuing resolutions and appropriations acts authorizing HUD to issue Section 108 loan guarantees during fiscal years 2016 and 2017 (Pub. L. 114–53, 114–113, and 115–31). Section 101(a) of the Continuing Appropriations Act, 2018 (Division D of Pub. L. 115–56, approved September 8, 2017) includes the costs of HUD loan guarantees generally in its continuation of fiscal year 2017 programs. Additionally, the Senate appropriations bill under consideration (S. 1655) and the House omnibus bill (H.R. 3354) have identical language regarding the fees and credit subsidy cost for the Section 108 Program.

On November 3, 2015, HUD published a final rule (80 FR 67626) that amended the Section 108 Program regulations at 24 CFR part 570 to establish additional procedures, including procedures for announcing the amount of the fee each fiscal year when HUD is required to offset the credit subsidy costs to the Federal government to guarantee Section 108 loans. For fiscal years 2016 and 2017, HUD issued notices to set the fees.[1]

II. FY 2018 Fee: 2.365 Percent of the Principal Amount of the Loan

This document sets the fee for Section 108 loan disbursements under loan guarantee commitments awarded for FY 2018 at 2.365 percent of the principal amount of the loan. HUD will collect this fee from borrowers of loans guaranteed under the Section 108 Program to offset the credit subsidy costs of the guaranteed loans pursuant to commitments awarded in FY 2018.

For this fee notice, HUD is not changing the underlying assumptions or creating new considerations for borrowers. The calculation of the FY 2018 fee uses the same fee calculation model as the FY 2016 and FY 2017 final notices, but incorporates updated information regarding the composition of the Section 108 portfolio and the timing of the estimated future cash flows for defaults and recoveries. The calculation of the fee is also affected by the discount rates required to be used by HUD when calculating the present value of the future cash flows as part of the Federal budget process.

As described in 24 CFR 570.712(b), HUD's credit subsidy calculation is based on the amount required to reduce the credit subsidy cost to the Federal government associated with making a Section 108 loan guarantee to the amount established by applicable appropriation acts. As a result, HUD's credit subsidy cost calculations incorporated assumptions based on: (i) Data on default frequency for municipal debt where such debt is comparable to loans in the Section 108 loan portfolio; (ii) data on recovery rates on collateral security for comparable municipal debt; (iii) the expected composition of the Section 108 portfolio by end users of the guaranteed loan funds (*e.g.,* third party borrowers and public entities); and (iv) other factors that HUD determined were relevant to this calculation (*e.g.,* assumptions as to loan disbursement and repayment patterns).

Taking these factors into consideration, HUD determined that the fee for disbursements made under loan guarantee commitments awarded in FY 2018 will be 2.365 percent, which will be applied only at the time of loan disbursements. Note that future notices may provide for a combination of up-front and periodic fees for loan guarantee commitments awarded in future fiscal years but, if so, will provide the public an opportunity to comment if appropriate under 24 CFR 570.712(b)(2).

The expected cost of a Section 108 loan guarantee is difficult to estimate using historical program data because there have been no defaults in the history of the program that required HUD to invoke its full faith and credit guarantee or use the credit subsidy reserved each year for future losses.[2] This is due to a variety of factors, including the availability of Community Development Block Grant (CDBG) funds as security for HUD's guarantee as provided in 24 CFR 570.705(b). As authorized by Section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5308), borrowers may make payments on Section 108 loans using CDBG grant funds. Borrowers may also make Section 108 loan payments from other anticipated sources but continue to have CDBG funds available should they encounter shortfalls in the anticipated repayment source. Despite the program's history of no defaults, federal credit budgeting principles require that the availability of CDBG funds to repay the guaranteed loans cannot be assumed in the development of the credit subsidy cost estimate (see 80 FR 67629, November 3, 2015). Thus, the estimate must incorporate the risk that alternative sources are used to repay the guaranteed loan in lieu of CDBG funds, and that those sources may be insufficient. Based on the rate that CDBG funds are used annually for repayment of loan guarantees, HUD's calculation of the credit subsidy cost must take into account the possibility of future defaults if those CDBG funds were not available. The fee of 2.365 percent of the principal amount of the loan will offset the expected cost to the government due to default, financing costs, and other relevant factors. To arrive at this measure, HUD analyzed data on comparable municipal debt over

[1] 80 FR 67634 (November 3, 2015) and 81 FR 68297 (October 4, 2016), respectively.

[2] Department of Housing and Urban Development, Study of HUD's Section 108 Loan Guarantee Program, (prepared by Econometrica, Inc. and The Urban Institute), September 2012.

an extended 16 to 23-year period. The estimated rate is based on the default and recovery rates for general purpose municipal debt and industrial development bonds. The cumulative default rates on industrial development bonds (14.62 percent) were higher than the default rates on general purpose municipal debt (0.25 percent) during the period from which the data were taken. (The recovery rates for industrial development bonds and general purpose debt were 74.76 and 90.27 percent, respectively.) These two subsectors of municipal debt were chosen because their purposes and loan terms most closely resemble those of Section 108 guaranteed loans.

In this regard, Section 108 guaranteed loans can be broken down into two categories: (1) Loans that finance public infrastructure and activities to support subsidized housing (other than financing new construction) and (2) other development projects (*e.g.,* retail, commercial, industrial). The 2.365 percent fee was derived by weighting the default and recovery data for general purpose municipal debt and the data for industrial development bonds according to the expected composition of the Section 108 portfolio by corresponding project type. Based on the dollar amount of Section 108 loan guarantee commitments awarded during the period from FY 2012 through FY 2016, HUD expects that 30 percent of the Section 108 portfolio will be similar to general purpose municipal debt and 70 percent of the portfolio will be similar to industrial development bonds. In setting the fee at 2.365 percent of the principal amount of the guaranteed loan, HUD expects that the amount generated will fully offset the cost to the Federal government associated with making guarantee commitments awarded in FY 2018. Note that the FY 2018 fee represents a 0.225 percent decrease from the FY 2017 fee of 2.59 percent. This is due primarily to updated loan repayment patterns and discount rates used in calculating the present value of cash flows. These are variables that ordinarily are modified in the credit subsidy calculation.

This document establishes a rate that does not constitute a development decision that affects the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this document is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Dated: September 12, 2017.

Neal Rackleff,

Assistant Secretary for Community Planning and Development.

[FR Doc. 2017–20474 Filed 9–22–17; 8:45 am]

BILLING CODE 4210–67–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2009–0226; FRL–9968–17–Region 4]

Air Plan Approval; GA: Emission Reduction Credits

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve changes to the Georgia State Implementation Plan (SIP) to revise the Emission Reduction Credits (ERC) regulation. EPA is approving portions of the SIP revision submitted by the State of Georgia, through the Georgia Department of Natural Resources' Environmental Protection Division (GA EPD) on September 15, 2008. The revision expands the eligibility for sources in Barrow County that can participate in the ERC Program, adds a provision for reevaluation of the Certificates of ERC, changes the administrative fees, and eliminates an exemption for certain types of ERCs. This action is being taken pursuant to the Clean Air Act (CAA or Act).

DATES: This direct final rule is effective November 24, 2017 without further notice, unless EPA receives adverse comment by October 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–2009–0226 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: Sean Lakeman, 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. Lakeman can be reached via telephone at (404) 562–9043 or via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 15, 2008, GA EPD submitted a SIP revision to EPA for approval that involves changes to Georgia's emissions reduction credits rule and the administrative fees found in Georgia Rule 391–3–1–.03(13). Rule 391–3–1–.03(13) provides for the creation, banking, transfer, and use of nitrogen oxides (NO_X) and volatile organic compounds (VOC) ERCs in Federally designated ozone nonattainment areas in Georgia and administrative fees associated with the ERC Program.

GA EPD oversees the ERC Program, which was created in 1999 and approved into Georgia's SIP on July 10, 2001 (66 FR 35906). The ERC Program facilitates construction permitting for major emission sources that are subject to Nonattainment New Source Review (NNSR) permitting in Georgia ozone nonattainment areas. Emissions point sources within the 25-county area surrounding Atlanta that require Best Available Control Technology (BACT) and offset permitting are also eligible for the ERC Program.

The ERC Program allows eligible sources that voluntarily reduce emissions in the affected counties to certify and ''bank'' these reductions as ERCs for future use by themselves or others. The banked ERCs hold their value for ten years, at which point they begin devaluing ten percent per year until they have reached 50 percent of their original value. The ERC Program is intended to help the Atlanta area achieve compliance with federal standards for ground-level ozone. The

ERC does not allow for any increase in emissions of NO_X or VOC in the area to which it is applicable. In this action, EPA is approving the portion of Georgia's submission that makes changes to the applicability, discounting and revocation, and administrative fees sections of Rule 391–3–1–.03(13)—''Emission Reduction Credits.''

II. Analysis of State's Submittals

The September 15, 2008, SIP revision involves changes to Georgia's Rule 391–3–1–.03—''Permits'' paragraph (13) ''Emissions Reduction Credits,'' which provides for the creation, banking, transfer, and use of NO_X and VOC ERCs in Federally designated ozone nonattainment areas in Georgia, as well as administrative fees associated with the ERC Program. Georgia's September 15, 2008, changes to 391–3–1–.03(13) include:

—Under applicability paragraph (a), Georgia modifies eligibility to participate in the ERC Program for stationary sources in Barrow County by removing Barrow County from the list of counties with sources eligible to create and bank NO_X and VOC ERCs only for electric generating units that have the potential to emit NO_X and VOC emissions in amounts greater than 100 tons per year (tpy), and adding Barrow County to the list of counties with sources eligible to create and bank NO_X and VOC ERCs for any stationary source that has the potential to emit NO_X and VOC emissions in amounts greater than 100 tpy. This change expands the universe of stationary sources in Barrow County that may voluntarily reduce NO_X and VOC emissions and then credit those reductions at an equal or reduced rate against future emissions of those pollutants—thus incentivizing overall emissions reductions. Accordingly, EPA is approving this change as SIP strengthening.

—Under discounting and revocation of ERCs paragraph (d), Georgia removes a provision that previously allowed ERCs created through the shutdown of individual process equipment to retain their value indefinitely. Like ERCs created through other methods, these ERCs will now retain their original value for ten years, at which point they will begin devaluing ten percent per year until they have reached 50 percent of their original value. EPA has concluded that the removal of this provision will strengthen Georgia's SIP because the change will decrease the value of these ERCs when they are used to offset emissions occurring more than ten years in the future, thus reducing overall emissions in areas where the Program is implemented. Accordingly, EPA is approving the revision to the Georgia SIP.

—Under discounting and revocation of ERCs paragraph (d), Georgia adds a new provision that allows owners to re-evaluate certificates of ERCs to determine if credits specified in the certificate have been discounted or revoked in accordance with the requirements of Rule 391–3–1–.03(13)(d)1. EPA is approving this provision as consistent with section 110(a) of the CAA.

—Under administrative fees paragraph (h), Georgia revises the administrative fees for the ERCs program. EPA is approving this provision as consistent with section 110(a) of the CAA.

EPA has concluded that these changes will not interfere with any applicable requirement concerning attainment and reasonable progress, nor any other applicable requirement of the CAA. EPA is therefore approving these changes to the Georgia SIP.[1]

III. Incorporation by Reference

In this rule, 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 Georgia Rule 391–3–1–.03—''Permits,'' effective September 11, 2008. 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, this material has been approved by EPA for inclusion in the SIP, has 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.[2]

IV. Final Action

EPA is approving the aforementioned changes to the SIP because they are consistent with the CFR and the CAA. EPA is publishing this rule 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 November 24, 2017 without further notice unless the Agency receives adverse comments by October 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 November 24, 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.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *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 CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described

[1] Other portions of the September 15, 2008, submission were previously approved, and therefore, are not before EPA for consideration in this action. *See* 77 FR 59554 (September 28, 2012) and 79 FR 36218 (June 26, 2014).

[2] 62 FR 27968 (May 22, 1997).

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 November 24, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

Dated: September 13, 2017.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

40 CFR Part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart L—Georgia

■ 2. In § 52.570, the table in paragraph (c) is amended by revising the entry ''391–3–1–.03'' to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Emission Standards				
*	*	*	*	*
391–3–1–.03	Permits	9/11/2008	9/25/2017, [insert **Federal Register** citation]	
*	*	*	*	*

* * * * *

[FR Doc. 2017–20336 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0149; FRL–9968–00–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Maryland Portion of the Philadelphia-Wilmington-Atlantic City Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve the 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City marginal nonattainment area for the 2008 8-hour ozone national ambient air quality standard (NAAQS). The State of Maryland submitted the emission inventory, which included the ozone precursors, nitrogen oxides (NO_X) and volatile organic compounds (VOC), as well as several other pollutants, through the Maryland Department of the Environment (MDE) to meet the nonattainment requirements for marginal ozone nonattainment areas for the 2008 8-hour ozone NAAQS. EPA is approving the 2011 base year emissions inventory for the 2008 8-hour ozone NAAQS as a revision to the Maryland State Implementation Plan (SIP) as the inventory for NO_X and VOC is in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on November 24, 2017 without further notice, unless EPA receives adverse written comment by October 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–R03–OAR–2017–0149 at *https://www.regulations.gov,* or via email to *stahl.cynthia@epa.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Sara Calcinore, (215) 814–2043, or by email at *calcinore.sara@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Ground level ozone is formed when NO_X and VOC react in the presence of sunlight. NO_X and VOC are referred to as ozone precursors and are emitted by many types of pollution sources, including motor vehicles, power plants, industrial facilities, and area wide sources, such as consumer products and lawn and garden equipment. Scientific evidence indicates that adverse public health effects occur following exposure to ozone. These effects are more pronounced in children and adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases. In response to this scientific evidence, EPA promulgated the first ozone NAAQS in 1979, the 0.12 part per million (ppm) 1-hour ozone NAAQS. *See* 44 FR 8202 (February 8, 1979). EPA had previously promulgated a NAAQS for total photochemical oxidants.

On July 18, 1997, EPA promulgated a revised ozone NAAQS of 0.08 ppm, averaged over eight hours. 62 FR 38855. This 8-hour ozone NAAQS was determined to be more protective of public health than the previous 1979 1-hour ozone NAAQS. In 2008, EPA revised the 8-hour ozone NAAQS from 0.08 to 0.075 ppm. *See* 73 FR 16436 (March 27, 2008).[1]

On May 21, 2012, the Philadelphia-Wilmington-Atlantic City area was designated as marginal nonattainment for the 2008 8-hour ozone NAAQS. 77 FR 30088. The designation of the Philadelphia-Wilmington-Atlantic City area as marginal nonattainment was effective July 20, 2012. The Philadelphia-Wilmington-Atlantic City nonattainment area is comprised of Cecil County in Maryland, as well as counties in Delaware, New Jersey, and Pennsylvania. Under section 172(c)(3) of the CAA, Maryland is required to submit a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutants, *i.e.* the ozone precursors NO_X and VOC, in its marginal nonattainment area, *i.e.,* the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area.

II. Summary of SIP Revision and EPA Analysis

Under CAA section 172(c)(3), states are required to submit a comprehensive, accurate, and current inventory of actual emissions from all sources (point, nonpoint, nonroad, and onroad) of the relevant pollutant or pollutants in the nonattainment area. CAA section 182(a)(1) requires that areas designated as nonattainment and classified as marginal submit an inventory of all sources of ozone precursors no later than 2 years after the effective date of designation. EPA's guidance for emissions inventory development calls for actual emissions to be used in the base year inventory. The state must report annual emissions as well as ''summer day emissions.'' As defined in 40 CFR 51.900(v), ''summer day emissions'' means, ''an average day's emissions for a typical summer work weekday. The state will select the particular month(s) in summer and the day(s) in the work week to be represented.''

On January 19, 2017, MDE submitted a formal revision (SIP #16–15) to its SIP. The SIP revision consists of the 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS. MDE selected 2011 as its base year for SIP planning purposes, as recommended in EPA's final rule, ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements.'' *See* 80 FR 12263 (March 6, 2015). MDE's 2011 base year inventory includes emissions estimates covering the general source categories of stationary point, area (nonpoint), nonroad mobile, onroad mobile, and Marine-Air-Rail (M–A–R).

[1] On October 1, 2015, EPA strengthened the 8-hour ozone NAAQS to 0.070 ppm. *See* 80 FR 65292 (October 16, 2015). This rulemaking addresses the 2008 8-hour ozone NAAQS and does not address the 2015 8-hour ozone NAAQS.

In its 2011 base year inventory, MDE reported actual annual emissions and typical summer day emissions for the months of May through September for NO_X, VOC, and carbon monoxide (CO). Although MDE also reported annual emissions for fine particulate matter ($PM_{2.5}$), sulfur dioxide (SO_2), and ammonia (NH_3) and typical summer day emissions for CO, in this approval of the 2011 base year emissions inventory for the 2008 ozone NAAQS, EPA is approving only relevant ozone precursors, which are VOC and NO_X.[2]

Table 1 summarizes the 2011 VOC and NO_X emission inventory by source sector for Maryland's marginal nonattainment area. Annual emissions are given in tons per year (tpy) and summer weekday emissions are given by tons per day (tpd).

TABLE 1—SUMMARY OF 2011 EMISSIONS OF OZONE PRECURSORS FOR THE PHILADELPHIA-WILMINGTON-ATLANTIC CITY NONATTAINMENT AREA

Source sector	Summer weekday (tpd)		Annual (tpy)	
	VOC	NO_X	VOC	NO_X
Point	0.301	2.63	64.91	76.19
Area	2.863	0.31	937.78	242.02
Nonroad	5.127	2.01	1,054.93	529.02
Onroad	2.29	7.50	791.98	2,730.44
M–A–R	0.030	0.46	11.03	167.97
Anthropogenic Subtotal	10.61	12.90	2,860.63	3,745.63

Point sources are large, stationary, and identifiable sources of emissions that release pollutants into the atmosphere. Maryland obtained its point source data from the MDE Air and Radiation Management Administration (ARMA) point source emissions inventory. ARMA identifies and inventories stationary sources for the point source emissions inventory through inspections, investigations, permitting, and equipment registrations.

Area sources, also known as nonpoint sources, are sources of pollution that are small and numerous and have not been inventoried as specific point or mobile sources. To inventory these sources, they are grouped so that emissions can be estimated collectively using one methodology. Examples include residential heating emissions and emissions from consumer solvents. MDE calculated nonpoint emissions for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area by multiplying emissions factors specific for each source category with some known indicator of collective activity for each source category, such as population or employment data.

Nonroad sources are mobile sources other than onroad vehicles, including aircraft, locomotives, construction and agricultural equipment, and marine vessels. Emissions from different source categories are calculated using various methodologies. MDE relied on EPA's nonroad emissions calculations from the National Mobile Inventory Model (NMIM—April 5, 2009). Onroad or highway sources are vehicles, such as cars, trucks, and buses, which are operated on public roadways. MDE estimated onroad emissions using EPA's Motor Vehicle Emission Simulator (MOVES) model, version 2010a, and appropriate activity levels, such as vehicle miles traveled (VMT) estimates developed from vehicle count data maintained by the State Highway Administration (SHA) of the Maryland Department of Transportation (MDOT). M-A-R sources include marine vessels, airports, and railroad locomotives. MDE estimated M-A-R emissions using data from surveyed sources or state and federal reporting agencies.

EPA reviewed Maryland's 2011 base year emission inventory's results, procedures, and methodologies for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area and found them to be acceptable and approvable for sections 110, 172(c)(3) and 182(a)(1) of the CAA. EPA's review and analysis is detailed in a Technical Support Document (TSD) prepared for this rulemaking. The TSD is available online at *http://www.regulations.gov,* Docket ID No. EPA–R03–OAR–2017–0149.

III. Final Action

EPA is approving the Maryland January 19, 2017 SIP revision as meeting requirements for a base year inventory for the 2008 8-hour ozone NAAQS for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area because the inventory for ozone precursors was prepared in accordance with requirements in sections 110, 172(c)(3) and 182(a)(1) of the CAA and its implementing regulations including 40 CFR 51.915. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on November 24, 2017 without further notice unless EPA receives adverse comment by October 25, 2017. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the

[2] The actual annual emissions and typical summer day emissions were summarized by MDE in Table 1–1: 2011 Base Year SIP Emission Inventory Summary. A discrepancy was found between the area annual emissions reported for $PM_{2.5}$ and NH_3 in Table 1–1 and the area annual emissions reported for $PM_{2.5}$ and NH_3 in Table 4–1: 2011 Base Year SIP Area Source Emission Inventories and the Nonpoint Annual data table under Appendix C Area/Nonpoint Sources. Since the anthropogenic totals in Table 1–1 correspond to the annual emissions values, the anthropogenic totals for $PM_{2.5}$ and NH_3 in Table 1–1 were also affected by the discrepancy. In a correction letter, MDE confirmed that the area annual emissions for $PM_{2.5}$ and NH_3 in Table 1–1 are 456.50 tpy for $PM_{2.5}$ and 477.15 tpy for NH_3. MDE also confirmed that the corresponding anthropogenic totals for $PM_{2.5}$ and NH_3 are 625.04 tpy and 530.10 tpy. MDE has submitted a corrected version of page 3 of the 2011 base year inventory to reflect the necessary corrections to Table 1–1. The corrected version as well as the correction letter are included in the docket for this rulemaking even though the CAA at sections 172 and 182 only require an inventory of ozone precursors. *See* July 20, 2017 letter from Brian Hug, Program Manager, Maryland Department of the Environment to Cecil Rodrigues, Acting Regional Administrator, EPA Region III, Subject: SIP #16–15 ''2011 Base Year Emissions Inventory for the Maryland Portion of the Philadelphia-Atlantic City, PA-NJ-DE-MD 2008 Ozone NAAQS Nonattainment Area (Cecil County, MD)'' Minor Corrections.

proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Statutory and Executive Order Reviews

A. General Requirements

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

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 24, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action.

This action approving Maryland's 2011 base year inventory for the 2008 8-hour ozone NAAQS for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: September 8, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart V—Maryland

■ 2. In § 52.1070, the table in paragraph (e) is amended by adding an entry for ''2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard'' at the end of the table to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard.	Maryland portion of the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD 2008 ozone nonattainment area.	01/19/2017	09/25/2017, [Insert **Federal Register** citation].	§ 52.1075(q).

■ 3. Section 52.1075 is amended by adding paragraph (q) to read as follows:

§ 52.1075 Base year emissions inventory.

* * * * *

(q) EPA approves, as a revision to the Maryland state implementation plan the

2011 base year emissions inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City marginal nonattainment area for the 2008 8-hour ozone national ambient air quality standards submitted by the Maryland Department of the Environment on January 19, 2017, as amended July 20, 2017. The 2011 base year emissions inventory includes emissions estimates that cover the general source categories of stationary point, area (nonpoint), nonroad mobile, onroad mobile, and Marine-Air-Rail (M–A–R). The inventory included actual annual emissions and typical summer day emissions for the months of May through September for the ozone precursors, VOC and NO_X.

[FR Doc. 2017–20324 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0574; FRL–9968–15–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of Clean Air Interstate Rule Trading Programs Replaced by Cross-State Air Pollution Rule Trading Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve two state implementation plan (SIP) revisions submitted by the State of West Virginia. These revisions pertain to two West Virginia regulations that established trading programs under the Clean Air Interstate Rule (CAIR). The EPA-administered trading programs under CAIR were discontinued on December 31, 2014 upon the implementation of the Cross-State Air Pollution Rule (CSAPR), which was promulgated by EPA to replace CAIR. CSAPR established federal implementation plans (FIPs) for 23 states, including West Virginia. The submitted SIP revisions request removal of regulations that implemented the CAIR annual nitrogen oxide (NO_X) and annual sulfur dioxide (SO_2) trading programs from the West Virginia SIP (as CSAPR has supplanted CAIR). West Virginia's SIP revision submittal requesting removal of a regulation that implemented the CAIR ozone season trading program will be addressed in a separate action. EPA is approving these SIP revisions in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on December 26, 2017 without further notice, unless EPA receives adverse written comment by October 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–R03–OAR–2016–0574 at *https://www.regulations.gov,* or via email to *stahl.cynthia@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by email at *powers.marilyn@epa.gov.*

SUPPLEMENTARY INFORMATION: On July 13, 2016, the State of West Virginia, through the West Virginia Department of Environmental Protection (WVDEP), submitted three SIP revisions requesting EPA remove from its SIP three regulations that implemented the CAIR (70 FR 25162, May 12, 2005) trading programs: Regulation 45CSR39—*Control of Annual Nitrogen Oxides Emissions,* Regulation 45CSR40—*Control of Ozone Season Nitrogen Oxides Emissions,* and Regulation 45CSR41—*Control of Annual Sulfur Dioxide Emissions.* This action pertains to the two submittals that remove 45CSR39 and 45CSR41, the CAIR annual NO_X and annual SO_2 trading programs, respectively, from the West Virginia SIP. The submittal pertaining to removal of the CAIR ozone season NO_X trading program is not a part of this action and will be addressed in a separate action.

I. Background

In 2005, EPA promulgated CAIR (70 FR 25162, May 12, 2005) to address transported emissions that significantly contributed to downwind states' nonattainment and interfered with maintenance of the 1997 ozone and fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS). CAIR required 28 states, including West Virginia, to reduce emissions of NO_X and SO_2, precursors to the formation of ambient ozone and $PM_{2.5}$. Under CAIR, EPA established federal implementation plans (FIPs) comprised of separate cap and trade programs for annual NO_X, ozone season NO_X, and annual SO_2. States could comply with the requirements of CAIR by remaining on the FIP, which applied only to electric generating units (EGUs), or by submitting a CAIR SIP revision that included as trading sources EGUs and certain non-EGUs [1] that formerly traded in the NO_X Budget Trading Program under the NO_X SIP Call.[2] West Virginia submitted, and EPA approved, a CAIR SIP revision that included EGUs and certain non-EGUs as part of the State's regulation for the CAIR ozone season trading program as well as EGUs in the CAIR annual trading program for NO_X and SO_2. *See* 74 FR 38536 (August 4, 2009).

The United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) initially vacated CAIR in 2008,[3] but ultimately remanded the rule to EPA without *vacatur* to preserve the environmental benefits provided by CAIR.[4] The ruling allowed CAIR to remain in effect temporarily until a replacement rule consistent with the Court's opinion was developed. While EPA worked on developing a replacement rule, the CAIR program continued as planned with the NO_X annual and ozone season programs

[1] These non-EGUs are defined in the NO_X SIP Call as stationary, fossil fuel-fired boilers, combustion turbines, or combined cycle systems with a maximum design heat input greater than 250 million British thermal units per hour (MMBtu/hr).

[2] In October 1998, EPA finalized the ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone''—commonly called the NO_X SIP Call. *See* 63 FR 57356 (October 27, 1998).

[3] *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008).

[4] *North Carolina* v. *EPA,* 550 F.3d 1176 (D.C. Cir. 2008).

beginning in 2009 and the SO_2 annual program beginning in 2010.

On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated the CSAPR to replace CAIR to address the interstate transport of emissions contributing to nonattainment and interfering with maintenance of the two air quality standards covered by CAIR as well as the 2006 $PM_{2.5}$ NAAQS. The rule also contained provisions that would sunset CAIR-related obligations on a schedule coordinated with the implementation of CSAPR compliance requirements. CSAPR was to become effective January 1, 2012; however, the timing of CSAPR's implementation was impacted by a number of court actions.

Numerous parties filed petitions for review of CSAPR in the D.C. Circuit, and on December 30, 2011, the D.C. Circuit stayed CSAPR prior to its implementation and ordered EPA to continue administering CAIR on an interim basis.[5] On August 21, 2012, the court issued its ruling, vacating and remanding CSAPR to EPA and ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit's *vacatur* of CSAPR was reversed by the United States Supreme Court on April 29, 2014, and the case was remanded to the D.C. Circuit to resolve remaining issues in accordance with the Supreme Court's ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). On remand, the D.C. Circuit affirmed CSAPR in most respects.

Throughout the initial round of D.C. Circuit proceedings and the ensuing Supreme Court proceedings, the stay on CSAPR remained in place, and EPA continued to implement CAIR. Following the April 2014 Supreme Court decision, EPA filed a motion asking the D.C. Circuit to lift the stay in order to allow CSAPR to replace CAIR in an equitable and orderly manner while further D.C. Circuit proceedings were held to resolve remaining claims from petitioners. Additionally, EPA's motion requested delay, by three years, of all CSAPR compliance deadlines that had not passed as of the approval date of the stay. On October 23, 2014, the D.C. Circuit granted EPA's request,[6] and on December 3, 2014 (79 FR 71663), in an interim final rule, EPA set the updated effective date of CSAPR as January 1, 2015 and delayed the implementation of CSAPR Phase I to 2015 and CSAPR Phase 2 to 2017. In accordance with the interim final rule, the sunset date for CAIR was December 31, 2014, and EPA began implementing CSAPR on January 1, 2015.

Starting in January 2015, the CSAPR FIP trading programs for annual NO_X, ozone season NO_X and annual SO_2 were applicable in West Virginia. Thus, since January 1, 2015, the West Virginia regulations, 45CSR39 and 45CSR41, that implemented the CAIR trading programs became obsolete with none of these obsolete programs providing any emission reductions.[7]

II. Summary of SIP Revisions and EPA Analysis

WVDEP submitted two SIP revisions on July 13, 2016 that requested the removal from the West Virginia SIP of the State's regulations (45CSR39 and 45CSR41) which implemented respectively the CAIR annual NO_X and annual SO_2 trading programs. As noted previously, the annual NO_X and SO_2 reduction programs to address interstate transport of emissions from EGUs for the 1997 and 2006 $PM_{2.5}$ NAAQS have been replaced by the CSAPR FIP. Because the removal of 45CSR39 and 41 remove moot CAIR provisions which have been replaced by CSAPR which is at least as stringent as CAIR, the removal of 45CSR39 and 41 from the West Virginia SIP has no expected emissions impact on any pollutant and thus is not expected to interfere with reasonable further progress, any NAAQS or any other CAA requirement. The removal of 45CSR39 and 41 from the West Virginia SIP is in accordance with section 110(l) of the CAA. Therefore, EPA determines it is appropriate for these two regulations to be removed in their entirety from the West Virginia SIP as the regulations contain obsolete provisions which no longer provide any emission limitations on, or reductions of, any pollutant.

III. Final Action

EPA is approving the two July 13, 2016 West Virginia SIP revision submissions which seek removal from the West Virginia SIP of Regulation 45CSR39 that implemented the CAIR annual NO_X trading program and Regulation 45CSR41 that implemented the CAIR annual SO_2 trading program. Removal of these two regulations from the West Virginia SIP is in accordance with section 110 of the CAA. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of this issue of the **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on December 26, 2017 without further notice unless EPA receives adverse comment by October 25, 2017. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

[5] Order of Dec. 30, 2011, in *EME Homer City Generation, L.P.* v. *EPA,* D.C. Cir. No. 11–1302.

[6] Order, Document #1518738, *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. issued Oct. 23, 2014).

[7] EPA notes that 45CSR40—*Control of Ozone Season Nitrogen Oxides Emissions* is also obsolete and not affecting emission reductions. However, EPA will act on West Virginia's request to remove 45CSR40 from the SIP in a separate action.

• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule removing West Virginia regulations 45CSR39 and 45CSR41 from the West Virginia SIP does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 24, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this issue of the **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 action.

This action approving West Virginia SIP revision submittals to remove obsolete CAIR annual trading program provisions may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 11, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart XX—West Virginia

§ 52.2520 [Amended]

■ 2. In § 52.2520, the first table in paragraph (c) is amended by:

■ a. Removing the table heading and the entries for ''[45 CSR] Series 39''.

■ b. Removing the table heading and the entries for ''[45 CSR] Series 41''.

[FR Doc. 2017–20341 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R02–OAR–2017–0132; FRL–9968–13–Region 2]

Approval and Promulgation of Plans for Designated Facilities; New Jersey; Delegation of Authority

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a request from the New Jersey Department of Environmental Protection (NJDEP) for delegation of authority to implement and enforce the Federal plan for Sewage Sludge Incineration (SSI) units. On April 29, 2016, the EPA promulgated the Federal plan for SSI units to fulfill the requirements of the Clean Air Act. The Federal plan addresses the implementation and enforcement of the emission guidelines applicable to existing SSI units located in areas not covered by an approved and currently effective state plan. The Federal plan imposes emission limits and other control requirements for existing affected SSI facilities which will reduce designated pollutants.

On January 24, 2017, the NJDEP signed a Memorandum of Agreement which is intended to be the mechanism for the transfer of authority between the EPA and the NJDEP and defines the policies, responsibilities and procedures pursuant to the Federal plan for existing SSI units.

DATES: This rule will be effective October 25, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2017–0132. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Anthony (Ted) Gardella, Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866, at (212) 637–3892, or by email at *gardella.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is the EPA taking today?

The EPA is approving the NJDEP's request for delegation of authority to implement and enforce a Federal plan and to adhere to the terms and conditions prescribed in the Memorandum of Agreement (MOA) signed between the EPA and the NJDEP,

as further explained below. The NJDEP requested delegation of authority of the Federal plan for existing applicable Sewage Sludge Incineration (SSI) units constructed on or before October 14, 2010. See 40 CFR part 62, subpart LLL. The Federal plan was promulgated by the EPA to implement emission guidelines (see 40 CFR part 60, subpart MMMM) pursuant to sections 111(d) and 129 of the Clean Air Act (CAA). The purpose of this delegation is to acknowledge the NJDEP's ability to implement a program and to transfer primary implementation and enforcement responsibility from the EPA to the NJDEP for existing applicable sources of SSI units. While the NJDEP is delegated the authority to implement and enforce the SSI Federal plan, nothing in the delegation agreement shall prohibit the EPA from enforcing the SSI Federal plan.

II. What was submitted by the NJDEP and how did the EPA respond?

On October 12, 2016, the NJDEP submitted to the EPA a request for delegation of authority from the EPA to implement and enforce the Federal plan for existing SSI units. The EPA prepared the MOA that defines the policies, responsibilities, and procedures by which the Federal plan will be administered by both the NJDEP and the EPA, pursuant to 40 CFR part 62, subpart LLL for SSI units. The MOA is the mechanism for the transfer of responsibility from the EPA to the NJDEP.

Both the EPA and the NJDEP signed the MOA in which the State agrees to the terms and conditions of the MOA and accepts responsibility to implement and enforce the policies, responsibilities and procedures of the SSI Federal plan. The transfer of authority to the NJDEP became effective upon signature by the NJDEP on January 24, 2017.

III. What comments were received in response to the EPA's proposed action?

On July 13, 2017 (82 FR 32301), the EPA proposed to approve NJDEP's request for delegation of the SSI Federal plan. For a detailed discussion on the content and requirements of the NJDEP's delegation request, the reader is referred to the EPA's proposed rulemaking action. In response to the EPA's July 13, 2017 proposed rulemaking action, the EPA received no public comments.

IV. What is the EPA's conclusion?

For the reasons described in this action and in the EPA's proposal the EPA is approving NJDEP's request for delegation of the SSI Federal plan. For further details, the reader is referred to the EPA's proposal.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a State plan submission that complies with the provisions of the CAA sections 111(d) and 129(b)(2) and applicable Federal regulations. 42 U.S.C. 7411(d) and 7429(b)(2); 40 CFR 62.02(a). Thus, in reviewing State plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves a state delegation request as meeting Federal requirements and does not impose additional requirements beyond those already 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 Order 12866 (58 FR 51735, October 4, 1993);
- 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 Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule, pertaining to the NJDEP's section 111(d)/129 request for delegation of authority to implement and enforce the Federal plan for existing SSI units, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the NJDEP's request for delegation of the SSI Federal plan is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 24, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. 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 62

Environmental protection, Air pollution control, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

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

Dated: September 13, 2017.

Walter Mugdan,

Acting Regional Administrator, Region 2.

Part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart FF—New Jersey

■ 2. Add § 62.7607 and an undesignated heading to subpart FF to read as follows:

Air Emissions from Existing Sewage Sludge Incineration Units

§ 62.7607 Identification of plan—delegation of authority.

(a) Letter from the New Jersey Department of Environmental Protection (NJDEP), submitted October 12, 2016, requesting delegation of authority from the EPA to implement and enforce the Federal plan for existing Sewage Sludge Incineration (SSI) units. The Federal plan will be administered by both the NJDEP and the EPA, pursuant to ''Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010'' 40 CFR 62.15855–62.16050.

(b) *Identification of sources.* The Federal plan applies to owners or operators of existing facilities that meet all three of the following criteria:

(1) The SSI unit(s) commenced construction on or before October 14, 2010;

(2) The SSI unit(s) meets the definition of an SSI unit as defined in § 62.16045; and

(3) The SSI unit(s) is not exempt under § 62.15860.

(c) On December 27, 2016, the EPA prepared and signed a Memorandum of Agreement (MOA) between the EPA and NJDEP that define the policies, responsibilities and procedures pursuant to the SSI Federal plan identified in (a) above by which the Federal plan will be administered by both the NJDEP and the EPA. On January 24, 2017, Bob Martin, NJDEP Commissioner, signed the MOA, therefore agreeing to the terms and conditions of the MOA and accepting responsibility to enforce and implement the policies, responsibilities, and procedures for existing SSI units.

(d) The delegation became fully effective on January 24, 2017, the date the MOA was signed by the NJDEP Commissioner.

[FR Doc. 2017–20440 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2005–0011; FRL–9967–25–Region 5]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List: Deletion of the Nutting Truck & Caster Co. Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 5 is publishing a direct final Notice of Deletion of the Nutting Truck & Caster Co. Superfund Site (Site), located in Faribault, Rice County, Minnesota from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of Minnesota, through the Minnesota Pollution Control Agency (MPCA), because EPA has determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This direct final deletion is effective November 24, 2017 unless EPA receives adverse comments by October 25, 2017. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–2005–0011 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Comments may also be submitted by email or mail to Randolph Cano, NPL Deletion Coordinator, U.S. Environmental Protection Agency Region 5 (SR–6J), 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886–6036, email address: *cano.randolph@epa.gov* or *hand deliver:* Superfund Records Center, U.S. Environmental Protection Agency Region 5, 77 West Jackson Boulevard, 7th Floor South, Chicago, IL 60604, (312) 886–0900. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The normal business hours are Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays. 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.* Publicly available docket materials are available either electronically through *https://www.regulations.gov* or in hard copy at the site information repositories.

Locations, contacts, phone numbers and viewing hours are:

U.S. Environmental Protection Agency—Region 5, Superfund Records Center, 77 West Jackson Boulevard, 7th Floor South, Chicago, IL 60604, Phone: (312) 886–0900, Hours: Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

Buckham Memorial Library, 11 Division Street E, Faribault, MN 55021, Phone: (507) 334–2089, Hours: Monday and Wednesday, 9 a.m. to 6 p.m., Tuesday and Thursday 9 a.m. to 8 p.m., Friday and Saturday 9 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Randolph Cano, NPL Deletion Coordinator, U.S. Environmental Protection Agency Region 5 (SR–6J), 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886–6036, or via email at *cano.randolph@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

EPA Region 5 is publishing this direct final Notice of Deletion of the Nutting

Truck & Caster Co. Site (Site) from the NPL and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of CERCLA, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

Because EPA considers this action to be noncontroversial and routine, this action is effective November 24, 2017, unless EPA receives adverse comments by October 25, 2017.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Nutting Truck & Caster Co. Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) EPA consulted with the State of Minnesota prior to developing this direct final Notice of Deletion and the Notice of Intent to Delete co-published today in the ''Proposed Rules'' section of the **Federal Register**.

(2) EPA has provided the State thirty (30) working days for review of this action and the parallel Notice of Intent to Delete prior to their publication today, and the State, through the MPCA, has concurred on the deletion of the Site from the NPL.

(3) Concurrent with the publication of this direct final Notice of Deletion, a notice of the availability of the parallel Notice of Intent to Delete is being published in a major local newspaper, the ''Faribault Daily News''. The newspaper document announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(4) EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely notice of withdrawal of this direct final Notice of Deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL.

Site Background and History

The Nutting Truck & Caster Co. Superfund Site (CERCLIS ID: MND006154017) is located at 85 Prairie Avenue (formerly reported as 1201 or 1221 W. Division Street) in Faribault, Minnesota. The Site covers approximately 8.6 acres of the former 11 acre Nutting Truck & Caster Co. (Nutting) property that was used for manufacturing and waste disposal activities. The Site is bound on the west by Prairie Avenue and the southeast by railroad tracks. The majority of the north Site boundary is approximately 250 feet south of Division Street. The Site is accessed via Prairie Avenue. The property is currently owned by Prairie Avenue Leasing, Ltd., and is utilized for commercial and light industrial uses. The property includes an industrial/commercial building with loading docks. Most of the remainder of the property is paved. A cell tower is located on the property.

Single-family homes and an Islamic Center are located to the west and north of the Site. The residences and other water-users on and near the Site are connected to the municipal water supply. Nutting manufactured casters, wheels and hand trucks at the Site from 1891 to 1984. Prior to 1979, Nutting disposed wastes in an unlined seepage pit in a former gravel pit on the Site. The wastes were primarily solvents and sludges containing cadmium, lead, cyanide, methylene chloride, trichloroethylene (TCE) and xylene.

The MPCA issued a Notice of Noncompliance to Nutting for their past TCE disposal practice at the Site in 1979. Nutting excavated the sludge and contaminated soil from the former seepage pit under MPCA oversight in 1980. Nutting land spread the excavated material on Rice County property adjacent to the Rice County Landfill in accordance with MPCA Permit MNL051748. Nutting backfilled the pit with clean fill and paved the area over with concrete. MPCA determined that the source materials were effectively removed, but that groundwater contamination remained at the Site above drinking water standards.

EPA proposed the Site to the NPL on September 8, 1983 (48 FR 40658) and finalized the Site on the NPL on September 21, 1984 (49 FR 37055). MPCA added Nutting to its State Superfund Priority List, known as the Permanent List of Priorities (PLP), in 1984. MPCA took the lead in addressing the Site through its State environmental response authority under the Minnesota Environmental Response and Liability Act (MERLA) of 1983.

MPCA issued a Request for Response Action (RFRA) to Nutting in September 1983 and a Response Order by Consent to Nutting in April 1984 (1984 Order). The 1984 Order required Nutting to conduct a remedial investigation (RI) and to make recommendations concerning further response actions that may be necessary at the Site. EPA was not a party to the 1984 Order because the Site was a State enforcement lead site.

Remedial Investigation and Feasibility Study (RI/FS)

Nutting completed the RI and recommended response actions for groundwater in 1986. MPCA issued a second Response Order by Consent to Nutting on September 22, 1987 (1987 Order). EPA was not a party to the 1987 Order. The 1987 Order required Nutting to develop and implement a Response Action Plan (RAP) for groundwater remediation. MPCA required this action based on the possibility that the groundwater contamination immediately downgradient of the Nutting Site could pose a potential future threat to the Faribault well field. Nutting submitted a RAP to MPCA in response to the 1987 Order. MPCA approved the RAP and Nutting implemented the RAP in 1987. The RAP called for the extraction and treatment of contaminated groundwater and continued groundwater monitoring.

Selected Remedy

Soil: MPCA's selected remedy for soil was the soil excavation Nutting conducted pursuant to MPCA's 1979 Notice of Noncompliance. Nutting excavated the contaminated soil and material from the seepage pit located in the west central area of the property. Nutting disposed of these materials, which were the Site's major source of TCE contamination, off-site. This removal action achieved MPCA's residential soil clean-up goals. Nutting backfilled the excavated pit with clean fill and paved the area with concrete. The area is currently used as a loading dock and parking area. The soil removal action objectives for the Site are: (1) To eliminate the possibility of precipitation facilitating the migration of contaminants through the soil; and (2) to eliminate access to the former seepage pit area by potential receptors.

Groundwater: The remedial action objectives (RAOs) for Site groundwater are documented in the 1987 RAP. The groundwater RAOs are to prevent the migration of contaminated groundwater away from the Site and to ensure the protection of downgradient aquifers for future use as a potable water supply. Nutting installed a groundwater pump-and-treat (P&T) system at the Site to prevent the contaminated groundwater from migrating away from the Site in 1987. Nutting also installed a system of downgradient compliance wells to assess the effectiveness of the groundwater remedy.

MPCA set the cleanup level for groundwater in the RAP at 50 parts per billion (ppb) for TCE in the upper aquifer units. MPCA's objective was to ensure that the downgradient drinking water aquifers would be protected. TCE levels in groundwater could not exceed 50 parts per billion (ppb) in the compliance wells. The compliance wells were the wells that were the closest to the Site, 350–400 feet downgradient of the Nutting property boundary. Several of the sentinel wells located on private properties were subsequently sealed due to requests from property owners.

The Minnesota Department of Health (MDH) recommended that the Minnesota Health Risk Limit (HRL) for TCE be changed from 30 ppb to 5 ppb in 2002. This lower value coincides with EPA's Maximum Contaminant Level (MCL) for TCE under the Safe Drinking Water Act. MPCA prepared an amended RAP to modify the groundwater clean-up goals for the Site from 50 ppb of TCE to the present MCL/HRL action level of 5 ppb in 2003.

Response Actions

Nutting constructed and began operating the groundwater extraction system at the Site in 1987. The extraction system consisted of two wells. One extraction well was installed in the shallower, glacial outwash unit of the upper aquifer and one extraction well was installed in the deeper, St. Peter Sandstone unit of the upper aquifer. The St. Peter Sandstone unit of the upper aquifer is above the lower, Prairie du Chien aquifer, which is the source of drinking water. Groundwater flow in both aquifers is to the north. Both extraction wells were located just north of the Site on Division Street West. Nutting treated the extracted groundwater on-Site using a gravity cascade to remove the TCE and other volatile organic compounds. Nutting discharged the treated groundwater to a municipal storm water sewer.

Cleanup Levels

MPCA lowered the cleanup level for TCE to 5 ppb in an amended RAP in 2003. Groundwater sampling demonstrated that the extraction system achieved the 5 ppb cleanup standard for TCE in the off-site compliance wells in 2004. Nutting shut down the extraction wells in 2004 with the approval of the MPCA.

Nutting prepared a Long-term Monitoring Plan in June 2004 that contained a two-tier monitoring plan for removing the groundwater treatment system. This document also contained criteria and contingency plans for restarting the groundwater treatment system.

Nutting continued to monitor the groundwater until 2007. In 2007, MPCA determined that the cleanup standard for groundwater was met and maintained at the compliance wells and that no additional groundwater monitoring was required. Nutting sealed all extraction and monitoring wells with MPCA approval in 2008. MPCA terminated the 1987 Order and deleted the Site from its PLP in 2009.

EPA reviewed the Site in 2010. EPA determined that no further action was necessary to protect public health or welfare or the environment at the Site. EPA issued a Record of Decision (ROD) in 2010 stating that all appropriate MERLA response actions, which parallel CERCLA response actions, were completed at the Site, and that long-term monitoring indicates that the soil and the groundwater at the Site do not pose a threat to public health or welfare or the environment. EPA's ROD determined that because the actions taken at the Site removed the potential for risks to human health and the environment, these actions meet EPA clean-up standards, and no further action is required. EPA's ROD also determined that Site conditions allow for unlimited use and unrestricted exposure.

EPA reviewed the historical groundwater data from the Site in 2013 when preparing to delete the Site from the NPL. During this review, EPA determined that the drinking water standard for TCE was, in fact, not being met throughout the plume. This standard would have to be achieved throughout the plume before the Site could be deleted from the NPL. EPA raised this issue with MPCA.

MPCA contracted the Antea Group (Antea) to re-install two groundwater monitoring wells at the Site to address this issue. Antea re-installed nested groundwater monitoring well B4R in the glacial outwash/St. Peter Sandstone upper aquifer and W13R in the Prairie du Chien lower aquifer in 2014 to confirm that the MCL was attained in the on-Site plume. Antea sampled the groundwater during 15 sampling events from August 2014 to November 2016. Antea sampled lower aquifer well W13R during all 15 sampling events and upper aquifer well B4R during the first 11 events under EPA direction.

The analytical results from all 11 sampling events from B4R showed TCE concentrations below the cleanup level of 5 ppb. The analytical results from the first seven W13R sampling events showed TCE levels below 10 ppb, with the final eight sampling events under the cleanup level of 5 ppb. Because the last eight consecutive groundwater sampling events at the Site show that the TCE cleanup level of 5 ppb is being

met throughout the plume, EPA's requirements for Site closeout are achieved. No additional groundwater monitoring is required.

MPCA tasked Antea to conduct additional sampling to assess whether there was any potential risk from soil vapor intrusion in 2015. Antea advanced five soil gas probes to depths of six to eight feet below ground surface around the northwest corner of the Site downgradient of the former disposal pit. The analytical results were below the screening values for all constituents on the Minnesota Soil Gas List and total hydrocarbons. These results indicate that the risk for vapor intrusion is minimal and that additional vapor intrusion actions are not necessary.

Operation and Maintenance

This Site does not require any operation and maintenance (O&M) activities. Site soil and groundwater meet all cleanup objectives and no further remedial action or O&M is required. The MPCA will permanently abandon the re-installed monitoring wells, which are no longer needed for the collection of groundwater data.

Nutting executed an Environmental Covenant and Easement at the Site on October 28, 2008. The MPCA required this institutional control as part of the State delisting requirement from the State PLP. The covenant provides additional and enforceable protection of public health and the environment, as it provides that: (1) No wells can be installed on the property without the approval of the MPCA; (2) all monitoring and extraction wells have been properly abandoned as a condition of the Environmental Covenant; (3) the property owner is required to report to the MPCA on an annual basis that conditions at the Site remain consistent with land use prescribed in the zoning requirements; and (4) any proposed changes in land use require that MPCA be notified to determine if the changes will adversely affect the protectiveness of the completed remedy. It should be noted that this covenant is not required by EPA.

Five Year Reviews

MPCA conducted five-year reviews (FYRs) of the Site in 1994, 1998, 2003 and 2008. MPCA conducted the last FYR of the Site in 2008. MPCA's 2008 FYR concluded that the remedial actions at the Site were protective of human health and the environment in the short-term, and that long-term protectiveness would be achieved when the groundwater cleanup standards were attained and the State-required institutional controls were in place. The Site-wide remedy protects human health and the environment because exposure pathways that could result in unacceptable risks have been controlled through the completed remedial activities.

MPCA deleted the Site from the State PLP in 2009. EPA's 2010 ROD determined that all appropriate MERLA response actions, which parallel CERCLA response actions, have been completed. Long-term monitoring indicates that the soil and groundwater at the Site do not pose a threat to public health or welfare or the environment. EPA's 2010 ROD does not require subsequent FYRs since Site conditions allow for unlimited use and unrestricted exposure. EPA, MPCA, Antea and the Site property owner conducted a final inspection at the Site on November 15, 2016. EPA completed a Final Close Out Report for the Site on April 11, 2017.

Community Involvement

EPA and MPCA satisfied public participation activities as required in CERCLA Section 113(k), 42 U.S.C. 9613(k), and CERCLA Section 117, 42 U.S.C. 9617. MPCA published notifications announcing the FYR and inviting the public to comment and express their concerns about the Site in the Faribault Daily News at the start of the 1994, 1998, 2003 and 2008 FYRs. EPA published a document about its proposed no further action plan for the Site, the 30-day public comment period, and the availability of a public meeting, if requested, in the Faribault Daily News in 2010. EPA mailed a proposed plan fact sheet with information about the Site and announcing a 30-day public comment period to the addresses on the Site mailing list prior to issuing its final decision in the 2010 ROD. EPA did not receive any comments during the public comment period or any requests for a public meeting.

EPA published a document announcing this proposed Direct Final Deletion in the Faribault Daily News prior to publishing this deletion in the **Federal Register**. Documents in the deletion docket which EPA relied on for recommending the deletion of this Site from the NPL are available to the public in the information repositories and at *https://www.regulations.gov.*

Determination That the Site Meets the Criteria for Deletion in the NCP

This Site meets all of the site completion requirements as specified in Office of Solid Waste and Emergency Response (OSWER) Directive 9320.2–22, *Close Out Procedures for National Priorities List Sites.* All cleanup actions specified in the RAP have been implemented, and the Site has achieved the RAP cleanup objectives or has been cleaned up to acceptable risk levels for all media and exposure pathways as noted in the 2010 EPA ROD. The RAOs and associated clean-up goals are consistent with Agency policy and guidance. Confirmation groundwater sampling and soil vapor results provide further assurance that the Site no longer poses a threat to human health or the environment. Therefore, the EPA has determined that no further Superfund response is necessary at the Site to protect human health and the environment.

The NCP (40 CFR 300.425(e)) states that a site may be deleted from the NPL when no further response action is appropriate. EPA, in consultation with the State of Minnesota, has determined that all required response actions have been implemented and no further response action by the responsible parties is appropriate.

V. Deletion Action

EPA, with concurrence from the State of Minnesota through the MPCA, has determined that all appropriate response actions under CERCLA have been completed. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This direct final deletion is effective November 24, 2017 unless EPA receives adverse comments by October 25, 2017. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final Notice of Deletion before the effective date of the deletion, and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, and Water supply.

Dated: August 21, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B to Part 300 [Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry ''MN'', ''Nutting Truck & Caster Co'', ''Faribault''.

[FR Doc. 2017–20348 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 770

[EPA–HQ–OPPT–2017–0244; FRL–9966–56]

RIN 2070–AK35

Compliance Date Extension; Formaldehyde Emission Standards for Composite Wood Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; compliance date extension.

SUMMARY: EPA is extending the compliance dates for the formaldehyde emission standards for composite wood products final rule issued pursuant to the Toxic Substances Control Act (TSCA) Title VI, and published in the **Federal Register** on December 12, 2016. EPA is extending the December 12, 2017, manufactured-by date for emission standards, recordkeeping, and labeling provisions until December 12, 2018; extending the December 12, 2018 compliance date for import certification provisions until March 22, 2019; and extending the December 12, 2023, compliance date for provisions applicable to producers of laminated products until March 22, 2024. Additionally, this final rule will extend the transitional period during which the California Air Resources Board (CARB) Third Party Certifiers (TPC) may certify composite wood products under TSCA Title VI without an accreditation issued by an EPA TSCA Title VI Accreditation Body, so long as the TPC remains approved by CARB, is recognized by EPA, and complies with all aspects of the December 12, 2016 final rule until March 22, 2019. EPA believes that extension of these compliance dates and the transitional period for CARB TPCs adds needed regulatory flexibility for regulated entities, reduces compliance burdens, and helps to prevent disruptions to supply chains while still ensuring that compliant composite wood products enter the supply chain in a timely manner.

DATES: This final rule is effective on October 25, 2017.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0244, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Erik Winchester, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–6450; email address: *winchester.erik@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

You may be affected by this final rule if you manufacture (including import), sell, supply, offer for sale, test, or work with the certification of hardwood plywood, medium-density fiberboard, particleboard, and/or products containing these composite wood materials in the United States. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Veneer, plywood, and engineered wood product manufacturing (NAICS code 3212).
- Manufactured home (mobile home) manufacturing (NAICS code 321991).
- Prefabricated wood building manufacturing (NAICS code 321992).
- Furniture and related product manufacturing (NAICS code 337).
- Furniture merchant wholesalers (NAICS code 42321).
- Lumber, plywood, millwork, and wood panel merchant wholesalers (NAICS code 42331).
- Other construction material merchant wholesalers (NAICS code 423390), *e.g.,* merchant wholesale distributors of manufactured homes (*i.e.,* mobile homes) and/or prefabricated buildings.
- Furniture stores (NAICS code 4421).
- Building material and supplies dealers (NAICS code 4441).
- Manufactured (mobile) home dealers (NAICS code 45393).
- Motor home manufacturing (NAICS code 336213).
- Travel trailer and camper manufacturing (NAICS code 336214).
- Recreational vehicle (RV) dealers (NAICS code 441210).
- Recreational vehicle merchant wholesalers (NAICS code 423110).
- Engineering services (NAICS code 541330).
- Testing laboratories (NAICS code 541380).
- Administrative management and general management consulting services (NAICS code 541611).
- All other professional, scientific, and technical services (NAICS code 541990).
- All other support services (NAICS code 561990).
- Business associations (NAICS code 813910).
- Professional organizations (NAICS code 813920).

If you have any questions regarding the applicability of this action, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

II. Background

A. What action is the agency taking?

EPA shares the concerns raised by industry stakeholders regarding the time needed to comply with provisions of the formaldehyde emission standards for composite wood products final rule (81 FR 89674, December 12, 2016) (FRL–9949–90), and, therefore, is extending several rule compliance dates. EPA also believes that CARB TPCs should be allotted the full two years granted by the December 12, 2016 final rule to operate under the transitional period as promulgated in § 770.7(d).

1. Direct Final Rule and Notice of Proposed Rulemaking. Given that EPA extended the effective date of the TSCA

Title VI final rule from February 10, 2017 until May 22, 2017, the Agency issued a proposed (82 FR 23735) (FRL–9962–85) and direct final rule (82 FR 23769) (FRL–9962–86) on May 24, 2017 that regulated entities should have at least the same amount of time to comply with the various regulatory timeframes as initially allotted in the final rule. The two extensions to the final rule effective date (82 FR 8499, January 26, 2017 (FRL–9958–87) and 82 FR 14324, May 24, 2017 (FRL–9960–28–OP) resulted in delaying the ability of regulated entities to begin implementation activities to establish certification programs, certify composite wood products and distribute those products into supply chains, such that compliance would be achieved by the required dates. The Agency solicited public comment on this action by issuing a companion Notice of Proposed Rulemaking (82 FR 23769) (FRL–9962–85) with the direct final rule in the event EPA received adverse public comment. EPA did receive nine (9) comments from the public on this action, at least one of which the Agency considered to be adverse in nature with respect to the proposed extension of compliance dates. The direct final action was withdrawn on July 6, 2017, as published in the **Federal Register** (82 FR 31267) (FRL–9963–74).

EPA considered all of the public comments submitted in response to the provisions outlined in the direct final rule and companion proposal. Due to the adverse comments, EPA was compelled to withdraw the direct final rule (82 FR 31267) (FRL–9963–74). The Agency then proceeded with the notice of proposed rulemaking (82 FR 23769) (FRL–9962–85) and is now issuing this final rule and a Response to Comments document which addresses the comments received.

2. Stakeholder Feedback Since the December 12, 2016 Final Rule. Since publication of the December 12, 2016 final rule, the Agency has engaged the composite wood product industry stakeholders, other related regulated entities, and the larger public through webinar presentations, trade group meetings, conference presentations, and teleconferences to discuss and support implementation of the December 12, 2016 final rule. Through this stakeholder outreach, the Agency received both formal and informal feedback regarding compliance challenges faced by regulated entities, including the final rule's compliance dates. In addition, the Agency received several unsolicited letters and general correspondence from composite wood product industry stakeholders requesting that the Agency amend specific provisions of the December 12, 2016 final rule. Written inquiries and correspondence from Hooker Furniture, Composite Panel Association, American Home Furnishings Alliance (AHFA), and a consortium of trade associations including AHFA, Kitchen Cabinet Manufacturers, International Wood Products Association, Recreation Vehicle Industry Association, National Retail Foundation, and Retail Industry Leaders Association are included in the supporting documents section of the public docket for this action. Industry concerns included challenges in meeting the compliance dates due to the complexities of the domestic and imported composite wood product supply chains, import certification requirements, non-complying lot notification requirements, prohibition on early labeling, and laminated product provisions of the final rule.

Since publication of the direct final action, the Agency has been contacted by multiple stakeholders, national trade associations, and other regulated entities who overwhelmingly confirm that regulated entities will require additional time to comply with the TSCA Title VI emission standards compliance date due to supply chain, global business, and factory supply logistics. National groups representing importers and importers themselves have noted that there will be significant logistical hurdles with sourcing compliant composite wood panels for fabrication of finished goods and component parts before the manufactured-by date that the Agency had not considered in choosing the proposed March 22, 2018 compliance date in the direct final rule. Several commenters suggested extending the compliance date for the emission standards, recordkeeping, and labeling requirements in order to allow adequate time for the production and integration of TSCA Title VI certified composite wood products into the domestic and import supply chains. The supply chain begins with the production of panels, then fabrication of component parts and finished goods to ultimately having compliant products available for sale to consumers. Commenters suggested extensions ranging from a compliance date of December 12, 2018 to July 22, 2019. Commenters also noted that EPA had not fully understood or considered the logistical hurdles that regulated entities face to comply with the rule requirements. Commenters noted that extending the compliance date further than what was proposed on May 24, 2017 (82 FR 23769), will help ensure that an adequate supply of certified composite wood products enter the supply chain. The earliest some regulated entities communicated being able to import TSCA Title VI compliant component parts and finished goods is approximately May 2018. One commenter also noted that achieving full compliance with all of their imported products as TSCA Title VI compliant could take until July 2019, given the anticipated inventory of non-TSCA Title VI certified panels and finished goods currently in their inventory and the time needed to obtain compliant panels to fabricate and sell compliant component parts and finished goods.

Other commenters did not support any further extension of the compliance dates as they noted that further delay would be a hindrance to the health benefits from reduced formaldehyde emissions in the home environment, and stated that extending the compliance date defeated the purpose of establishing a compliance date in the final rule. Some commenters supported the compliance date extension as proposed stating that it would restore the December 12, 2016, final rule's regulatory timeframe. A full response to comments received during the public comment period is included in the Response to Comments document in the supporting documents section of the public docket for this action.

After considering the public comments both supportive and non-supportive of extending the compliance dates, the agency believes that the December 12, 2018 compliance date for the emission standards provides a balanced and reasoned timeline for importers, distributors, and regulated entities to establish compliant supply chains and comply with the TSCA Title VI final rule. Additionally, the agency believes extending this compliance date reflects the Congressional intent under TSCA Title VI that the agency implement provisions to ensure compliance with the formaldehyde emission standards as soon as possible while enabling regulated entities to achieve compliance. The Agency does not believe that the extension provided for the emissions compliance date would result in any significant increases in health risk, in part because on July 11, 2017, EPA published a direct final rule that allows voluntary early labeling of compliant composite wood products after August 25, 2017, which facilitates TSCA Title VI compliant products entering commerce sooner than under the original December 12, 2017, compliance date for the emission standards, recordkeeping, and labeling requirements. Moreover, CARB

compliant composite wood panels, component parts, and finished goods, which are subject to identical formaldehyde emission standards as TSCA Title VI, make up the majority of composite wood products already in the domestic supply chains and that will continue during the additional time provided to comply with TSCA. The Agency also believes that the extended compliance dates proposed for import certification, laminated products, and the CARB TPC transitional period are adequate. EPA received no adverse comments on these dates, which are being finalized as proposed. As such, this final rule will extend the December 12, 2018, compliance date for import certification provisions until March 22, 2019; and extend the December 12, 2023, compliance date for provisions applicable to producers of laminated products until March 22, 2024. Additionally, this final action will extend the transitional period during which the CARB TPCs may certify composite wood products under TSCA Title VI without an accreditation issued by an EPA TSCA Title VI Accreditation Body so long as the TPC remains approved by CARB, is recognized by EPA, and complies with all aspects of the December 12, 2016, final rule until March 22, 2019.

3. Final Rule. EPA is publishing this final rule to provide regulated entities with the time needed to ensure certified composite wood products enter the supply chains. EPA is extending the compliance dates for the December 12, 2016, final rule by: Extending the December 12, 2017, date for emission standards, recordkeeping, and labeling provisions, until December 12, 2018; extending the December 12, 2018 date for import certification provisions until March 22, 2019; and extending the December 12, 2023 compliance date for provisions applicable to producers of laminated products until March 22, 2024. Additionally, this final rule will extend the CARB TPC transitional period under § 770.7(d), which is currently set to end December 12, 2018, until March 22, 2019 to be consistent with the regulatory timeframe of the December 12, 2016 final rule.

The Agency believes that this final rule balances the further extended compliance dates commenters noted would be needed, and the proposed compliance dates in the May 24, 2017 (82 FR 23735), direct final rule that several trade groups concurred with in their public comments. EPA has begun recognizing TPCs and Accreditation Bodies to the TSCA Title VI program since the May 22, 2017, effective date of the December 12, 2016, final rule and anticipates that panel producers and TPCs will work together to provide compliant products for further downstream distribution and fabrication into component parts and finished goods so that those composite wood products will be compliant by or before December 12, 2018.

As previously noted, this final rule establishes a compliance date of December 12, 2018, for the emission standards, recordkeeping, and labeling provisions. Beginning this date, all imported panels and component parts or finished goods subject to the rule must comply with 40 CFR part 770. Existing stock of non-certified panels manufactured in the United States or imported into the United States before the manufactured-by date may continue to be distributed in commerce and integrated further into component parts and finished goods until that stock is depleted, providing documentation is kept regarding the date of manufacture or import. Further, existing stock of component parts and finished goods that contain non-certified panels manufactured internationally and subsequently imported into the United States before the manufactured-by date may continue to be distributed into commerce and integrated into finished goods until that stock is depleted, providing documentation is kept regarding the date of manufacture or import.

EPA notes that it has previously referred to the compliance date for the emission standards, recordkeeping, and labeling provisions as the ''manufactured-by date'' for composite wood products. To clarify, the ''manufactured-by date'' in this context refers to the compliance date for the emission standards, recordkeeping, and labeling provisions. Additionally, EPA has also described the compliance date for the provisions applicable specifically to producers of laminated products, finalized in this rule to be March 22, 2024, as the ''manufactured-by date'' for laminated products. To clarify, the ''manufactured-by date'' in this context refers to the compliance date for the provisions applicable specifically to producers of laminated products.

In addition, to clarify EPA's original intent regarding the compliance dates referenced in the December 12, 2016, final rule, and to better align with the final rule's preamble discussion the Agency has amended the text preceding the compliance dates from ''after'' to ''beginning,'' as proposed. EPA intends regulated entities to begin complying with the referenced rule requirements as of the dates listed in the final rule. EPA did not receive adverse comment on this aspect of the proposal.

EPA is also proceeding with amending subparagraph § 770.15(e) to clarify that TPCs receive recognition after they apply to EPA, not after the conclusion of the transitional period as the codified text currently reads. EPA did not receive adverse comment on this aspect of the proposal. As such, the Agency is finalizing this amendment as proposed.

Additionally, EPA is clarifying § 770.2(d) to note that existing CARB-approved TPCs that enter the TSCA Title VI program under the reciprocity provisions of the final rule must be EPA-recognized before they may begin certifying products as TSCA Title VI compliant. EPA notes that this requirement is already explicitly stated in § 770.7(d), and that this editorial clarification is solely intended to resolve any ambiguity to be interpreted between the two aforementioned codified sections of the regulatory text. EPA did not receive adverse comment on this aspect of the proposal.

B. What is the agency's authority for taking this action?

These regulations are established under authority of Section 601 of TSCA, 15 U.S.C. 2697.

III. Statutory and Executive Order Reviews

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

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

This action has been determined to be a significant regulatory action under Executive Order 12866 (58 FR 51735, October 4, 1993) and was submitted to the Office of Management and Budget (OMB) for review under Executive Orders and 13563 (76 FR 3821, January 21, 2011) and any changes made in response to OMB review have been reflected in the docket for this action.

B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This action is considered an Executive Order 13771 (82 FR 9339, February 3, 2017) deregulatory action. This action provides regulatory relief by extending the compliance date for certain provisions of the formaldehyde emission standards for composite wood products final rule.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA because it does not create any new reporting or recordkeeping obligations. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2070–0185 (EPA ICR Number 2446.02).

D. Regulatory Flexibility Act (RFA)

The Agency certifies that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This rule extends, in response to two delays of the rule effective date and public comment, the compliance dates and transitional period for CARB TPCs to provide the time needed to achieve compliance post-effective date. This will reduce the burden on TPCs, panel producers, fabricators, importers, distributors, and retailers, because shortening of the compliance period by even a few months makes it more difficult for some of them to establish business relationships, certify product, and distribute certified product into commerce to downstream entities before the original compliance date. EPA therefore concludes that this action will relieve or have no net regulatory burden for directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). 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.

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

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This final rule will not impose substantial direct compliance costs on Indian tribal governments.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of Executive Order 13045 has the potential to influence the regulation. As addressed in Unit II.A., this action would not materially alter the final rule as published, and will allow regulated entities additional time to establish their supply-chain and certification programs under the final rule, post effective date.

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

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This final rule does not involve technical standards. As such, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

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

EPA has determined that the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). As addressed in Unit II.A., this action would not materially alter the final rule as published, and will allow regulated entities additional time to establish their supply-chain and certification programs under the final rule, post effective date.

IV. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 770

Environmental protection, Formaldehyde, Incorporation by reference, Reporting and recordkeeping requirements, Third-party certification, Toxic substances, Wood.

Dated: August 31, 2017.

Wendy Cleland-Hamnett,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, 40 CFR chapter I, subchapter R, is amended as follows:

PART 770—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

■ 1. The authority citation for part 770 continues to read as follows:

Authority: 15 U.S.C. 2697.

■ 2. Revise § 770.2 to read as follows:

§ 770.2 Applicability and compliance dates.

(a) [Reserved].

(b) Laboratory and Product ABs that wish to accredit TPCs for TSCA Title VI purposes may apply to EPA beginning May 22, 2017, to become recognized. Laboratory and Product ABs must be recognized by EPA before they begin to provide and at all times while providing TSCA Title VI accreditation services.

(c) TPCs that are not approved by the California Air Resources Board (CARB) that wish to provide TSCA Title VI certification services may apply to EPA beginning May 22, 2017, to become recognized. TPCs must be recognized by EPA and comply with all of the applicable requirements of this part before they begin to provide and at all times while providing TSCA Title VI certification services.

(d) Notwithstanding any other provision of this part, TPCs that are approved by CARB to certify composite wood products have until March 22, 2019, to become accredited by an EPA TSCA Title VI AB(s) pursuant to the requirements of this part. During this two-year transition period, existing CARB-approved TPCs that are recognized by EPA and CARB TPCs approved during this transition period may carry out certification activities under TSCA Title VI, provided that they remain approved by CARB and comply with all aspects of this part other than the requirements of § 770.7(c)(1)(i) and (ii) and (c)(2)(iii) and (iv). After the two-

year transition period, CARB-approved TPCs may continue to certify composite wood products under TSCA Title VI provided the TPC maintains its CARB approval, follows the requirements under this part, submits to EPA documentation from CARB supporting their eligibility for reciprocity and has received EPA recognition as an EPA TSCA Title VI TPC. All TPCs that are certifying products as compliant with TSCA Title VI, both during and after the transition period, are subject to enforcement actions for any violations of TSCA Title VI or these regulations.

(e) Beginning December 12, 2018, all manufacturers (including importers), fabricators, suppliers, distributors, and retailers of composite wood products, and component parts or finished goods containing these materials, must comply with this part, subject to the following:

(1) Beginning December 12, 2018, laminated product producers must comply with the requirements of this part that are applicable to fabricators.

(2) Beginning March 22, 2024, producers of laminated products must comply with the requirements of this part that are applicable to hardwood plywood panel producers (in addition to the requirements of this part that are applicable to fabricators) except as provided at § 770.4.

(3) Beginning March 22, 2024, producers of laminated products that, as provided at § 770.4, are exempt from the definition of ''hardwood plywood'' must comply with the recordkeeping requirements in § 770.40(c) and (d) (in addition to the requirements of this part that are applicable to fabricators).

(4) Composite wood products manufactured (including imported) before December 12, 2018 may be sold, supplied, offered for sale, or used to fabricate component parts or finished goods at any time.

■ 3. In § 770.3 the term ''laminated product producer'' is revised to read as follows:

§ 770.3 Definitions.

* * * * *

Laminated product producer means a manufacturing plant or other facility that manufactures (excluding facilities that solely import products) laminated products on the premises. Laminated product producers are fabricators and, beginning March 22, 2024, laminated product producers are also hardwood plywood panel producers except as provided at § 770.4.

* * * * *

■ 4. In § 770.7, paragraph (d)(1) introductory text is revised to read as follows:

§ 770.7 Third-party certification.

* * * * *

(d) * * *

(1) During transitional period. The transitional period is defined as the period beginning on December 12, 2016 and ending on March 22, 2019. TPCs already approved by CARB and TPCs subsequently approved by CARB during the transitional period must apply for EPA recognition in accordance with § 770.8 before they can certify any products under this part. Once recognized by EPA, CARB-approved TPCs become EPA TSCA Title VI TPCs and may certify composite wood products under TSCA Title VI until March 22, 2019, as long as they:

* * * * *

■ 5. In § 770.10, paragraph (a) is revised to read as follows:

§ 770.10 Formaldehyde emission standards.

(a) Except as otherwise provided in this part, the emission standards in this section apply to composite wood products sold, supplied, offered for sale, or manufactured (including imported) on or after December 12, 2018 in the United States. These emission standards apply regardless of whether the composite wood product is in the form of a panel, a component part, or incorporated into a finished good.

* * * * *

■ 6. In § 770.12, paragraph (a) is revised to read as follows:

§ 770.12 Stockpiling.

(a) The sale of stockpiled inventory of composite wood products, whether in the form of panels or incorporated into component parts or finished goods, is prohibited after December 12, 2018.

* * * * *

■ 7. In § 770.15, paragraph (a) and (e) are revised to read as follows:

§ 770.15 Composite wood product certification.

(a) Beginning December 12, 2018, only certified composite wood products, whether in the form of panels or incorporated into component parts or finished goods, are permitted to be sold, supplied, offered for sale, or manufactured (including imported) in the United States, unless the product is specifically exempted by this part.

* * * * *

(e) If a product is certified by a CARB-approved TPC that is also recognized by EPA, the product will also be considered certified under TSCA Title VI until March 22, 2019 after which the TPC needs to comply with all the requirements of this part as an EPA TSCA Title VI TPC under Section 770.7(d) in order for the product to remain certified.

* * * * *

■ 8. In § 770.30, paragraphs (b) introductory text, (c), and (d) are revised to read as follows:

§ 770.30 Importers, fabricators, distributors, and retailers.

* * * * *

(b) Importers must demonstrate that they have taken reasonable precautions by maintaining, for three years, bills of lading, invoices, or comparable documents that include a written statement from the supplier that the composite wood products, component parts, or finished goods are TSCA Title VI compliant or were produced before December 12, 2018 and by ensuring the following records are made available to EPA within 30 calendar days of request:

* * * * *

(c) Fabricators, distributors, and retailers must demonstrate that they have taken reasonable precautions by obtaining bills of lading, invoices, or comparable documents that include a written statement from the supplier that the composite wood products, component parts, or finished goods are TSCA Title VI compliant or that the composite wood products were produced before December 12, 2018.

(d) Beginning March 22, 2019, importers of articles that are regulated composite wood products, or articles that contain regulated composite wood products, must comply with the import certification regulations for ''Chemical Substances in Bulk and As Part of Mixtures and Articles,'' as found at 19 CFR 12.118 through 12.127.

* * * * *

[FR Doc. 2017–19455 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF707

Fisheries of the Exclusive Economic Zone Off Alaska; Longnose Skate in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of longnose skate in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary because the 2017 total allowable catch of longnose skate in the Western Regulatory Area of the GOA will be reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 20, 2017, through 2400 hours, A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2017 total allowable catch (TAC) of longnose skate in the Western Regulatory Area of the GOA is 61 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032, February 27, 2017).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2017 TAC of longnose skate in the Western Regulatory Area of the GOA will be reached. Therefore, NMFS is requiring that longnose skate in the Western Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting the retention of longnose skate in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 15, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: September 20, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–20428 Filed 9–20–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 184
Monday, September 25, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0505; Product Identifier 2017–NE–15–AD]

RIN 2120–AA64

Airworthiness Directives; Zodiac Aerotechnics, Oxygen Mask Regulators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Zodiac Aerotechnics oxygen mask regulators. This proposed AD was prompted by reports that certain silicon harness inflation hoses, installed on certain flight crew quick donning mask harnesses, have shown an unusually high premature rupture rate. This proposed AD would require inspection and replacement of oxygen mask regulator harness inflation hoses. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this NPRM by November 9, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this proposed AD, contact Zodiac Aerotechnics, 61 rue Pierre Curie BP 1, 78373 Plaisir, CEDEX, France; phone: +33 1 6486 6964; email: *Christophe.besset@zodiacaerospace.com* or *Yann.laine@zodiacaerospace.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0505; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Erin Hulverson, Aerospace Engineer, FAA, Boston ACO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7655; fax: 781–238–7199; email: *erin.hulverson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0505; Product Identifier 2017–NE–15–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2014–0142, Revision 1, dated June 11, 2014 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Recent reported occurrences have shown that for harness hoses P/N 445952, installed on certain flight crew quick donning mask harnesses (also known as 'comfort' harness) having P/N MXH21–1, suspected silicon batches may have been used during manufacture, which have shown an unusually high premature rupture rate. The affected P/N MXH21–1 inflatable harness assembly consists of two main parts that can be disassembled; the harness itself and the harness inflation hose, P/N 445952.
>
> This condition, if not detected and corrected, could lead, in case of a sudden depressurization event, to a harness rupture, thereby providing inadequate protection against hypoxia of the affected flight crew member, possibly resulting in unconsciousness and consequent reduced control of the aeroplane.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0505.

Related Service Information Under 1 CFR Part 51

Zodiac Aerotechnics has issued Service Bulletin (SB) No. MC10–35–274, Revision 2, dated June 25, 2014. The SB describes procedures for inspecting and replacing, if necessary, oxygen mask regulator inflatable harnesses. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by EASA, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists

and is likely to exist or develop on other products of the same type design. This proposed AD would require inspection and preventive replacement, if necessary, of potentially defective oxygen mask regulator inflatable harnesses.

Costs of Compliance

We estimate that this proposed AD affects an unknown number of oxygen mask regulators installed on, but not limited to, various aircraft of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Date of manufacturing code review	0.1 work-hours × $85 per hour = $8.50	$0	$8.50
Hose replacement	0.3 work-hours × $85 per hour = $25.50	1,465.00	1,490.50

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Zodiac Aerotechnics (formerly Intertechnique): Docket No. FAA–2017–0505; Product Identifier 2017–NE–15–AD.

(a) Comments Due Date

We must receive comments by November 9, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Zodiac Aerotechnics MC10 series crew oxygen mask regulators fitted with an inflatable harness assembly, part number (P/N) MXH20–1 or MXH21–1, fitted with harness inflation hose, P/N 445186 or P/N 445952.

(d) Subject

Joint Aircraft System Component (JASC) Code 3510, Crew Oxygen System.

(e) Reason

This AD was prompted by reports that certain silicon harness inflation hoses, installed on certain flight crew quick donning mask harnesses (also known as 'comfort' harness), have shown an unusually high premature rupture rate. We are issuing this AD to prevent a harness rupture during a sudden depressurization event that could result in hypoxia and subsequent unconsciousness of the affected flight crew member, and consequent reduced control of the aircraft.

(f) Compliance

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

(g) Required Actions

(1) Within 24 months after the effective date of this AD, determine the date of manufacturing (DMF) code of each inflatable harness assembly, P/N MXH20–1 and MXH21–1, fitted to a flight crew oxygen mask regulator, having a P/N listed in Section 1.A.(1) of Zodiac Aerotechnics Service Bulletin (SB) MC10–35–274, Revision 2, dated June 25, 2014. A review of airplane delivery or maintenance records is acceptable to make the determination as specified in this paragraph, provided those records can be relied upon for that purpose, and the DMF of the inflatable harness assembly, P/N MXH20–1 or P/N MXH21–1, as applicable, can be conclusively identified from that review.

(2) If during the review required by paragraph (g)(1) of this AD, the DMF code of the inflatable harness assembly, P/N MXH20–1 or P/N MXH21–1, is found to be between 0850–S and 1051–S (inclusive): Within 24 months after the effective date of this AD, replace the harness inflation hose, P/N 445186 or P/N 445952, as applicable, with a part eligible for installation, or remove the inflatable harness assembly from the mask regulator and replace it with an inflatable harness assembly eligible for installation.

(3) An oxygen mask regulator equipped with an inflatable harness assembly, P/N MXH20–1 or P/N MXH21–1, having a DMF code of November 2008 (0845–S or 08/45–S) or earlier, and those with a DMF code of

January 2011 (1101–S or 11/01–S) or later, is excluded from the review and replacement requirements of this AD, provided it can be demonstrated that neither the inflatable harness assembly, nor the harness inflation hose, P/N 445186 or P/N 445952, as applicable, was replaced on that mask. A review of airplane delivery or maintenance records is acceptable to make the determination, provided those records can be relied upon for that purpose.

(h) Installation Prohibition

(1) After the effective date of this AD, do not install on any airplane a flight crew oxygen mask regulator with a P/N listed in Planning Information, Section 1.A.(1) of Zodiac Aerotechnics SB MC10–35–274, Revision 2, dated June 25, 2014.

(2) After the effective date of this AD, an inflatable harness assembly, with a P/N identified in Section 1.A.(1) of Zodiac Aerotechnics SB MC10–35–274, is eligible for installation, provided it has been determined that a P/N MXH20–1 or P/N MXH21–1 inflatable harness installed on that flight crew oxygen mask regulator has been inspected, and re-marked with an ''I'' as required by Material Information, Section 2.E. of Zodiac Aerotechnics SB MC10–35–274, Revision 2, dated June 25, 2014.

(3) After the effective date of this AD, an inflatable harness assembly, with a P/N identified in Section 1.A.(1) of Zodiac Aerotechnics SB MC10–35–274, is eligible for installation, provided it has been determined that an inflatable harness, P/N MXH21–31, is installed, or that the inflatable harness, P/N MXH20–1 or P/N MXH21–1, installed on that flight crew oxygen mask regulator has been corrected, and re-marked with a ''W'' as required by Accomplishment Instructions, Section 3.C. of Zodiac Aerotechnics SB MC10–35–274, Revision 2, dated June 25, 2014.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, FAA, Boston ACO Branch, Compliance and Airworthiness Division, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov.*

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

(j) Related Information

(1) For more information about this AD, contact Erin Hulverson, Aerospace Engineer, FAA, Boston ACO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7655; fax: 781–238–7199; email: *erin.hulverson@faa.gov.*

(2) Refer to MCAI EASA AD 2014–0142, Revision 1, dated June 11, 2014, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0505.

(3) Zodiac Aerotechnics SB MC10–35–274, Revision 2, dated June 25, 2014, can be obtained from Zodiac Aerotechnics, using the contact information in paragraph (j)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact Zodiac Aerotechnics, 61 rue Pierre Curie BP 1, 78373 Plaisir, CEDEX, France; phone: +33 1 6486 6964; email: *Christophe.besset@zodiacaerospace.com* or *Yann.laine@zodiacaerospace.com.*

(5) You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on September 11, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–20267 Filed 9–22–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0721; Airspace Docket No. 17–AGL–15]

Proposed Amendment of Class E Airspace; Charlotte, MI

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 Fitch H. Beach Airport, Charlotte, MI. The FAA is proposing this action due to the decommissioning of the Lansing VHF omnidirectional range (VOR) and collocated tactical air navigation (TACAN), which provided navigation guidance for the instrument procedures to this airport. The VOR/TACAN is being decommissioned as part of the VOR Minimum Operational Network (MON) Program. This action would enhance safety and management of instrument flight rules (IFR) operations at this airport. Additionally, the geographic coordinates of the airport would be adjusted to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before November 9, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2017–0721; Airspace Docket No. 17–AGL–15, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B 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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

to support IFR operations for instrument approach procedures at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0721/Airspace Docket No. 17–AGL–15.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace area extending upward from 700 feet above the surface within a 6.4-mile radius (increased from a 6.3-mile radius) at Fitch H. Beach, Charlotte, MI, and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database. The exclusionary language contained in the airspace description is being removed to comply with FAA Order 7400.2L, Procedures for Handling Airspace Matters.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace 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 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

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

* * * * *

AGL MI E5 Charlotte, MI [Amended]

Charlotte, Fitch H. Beach Airport, MI
(Lat. 42°34′27″ N., long. 84°48′44″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Fitch H. Beach Airport.

Issued in Fort Worth, Texas, on September 13, 2017.

Walter Tweedy,

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

[FR Doc. 2017–20329 Filed 9–22–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2017–F–5528]

Idemitsu Kosan, Cp. Ltd.; Filing of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; petition for rulemaking.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that Idemitsu Kosan, Cp. Ltd. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of silicon dioxide as a carrier for flavors for use in animal feed.

DATES: The food additive petition was filed on August 7, 2017.

ADDRESSES: For access to the docket, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts; and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Chelsea Trull, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–6729, *chelsea.trull@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 2304) has been filed by Idemitsu Kosan, Cp. Ltd., Agri-Bio Business Dept., 1–1 Marunouchi 3-Chome, Chiyoda-Ku, Tokyo 1000–8321, Japan. The petition proposes to amend Title 21 of the Code of Federal Regulations (CFR) in part 573 (21 CFR part 573) *Food Additives Permitted in Feed and Drinking Water of Animals* to provide for the safe use of silicon dioxide (21 CFR 573.940) as a carrier for flavors for use in animal feed.

The petitioner has claimed that this action is categorically excluded under 21 CFR 25.32(r) because it is of a type that does not individually or cumulatively have a significant effect on the human environment. In addition, the petitioner has stated that, to their knowledge, no extraordinary circumstances exist. If FDA determines a categorical exclusion applies, neither an environmental assessment nor an environmental impact statement is required. If FDA determines a categorical exclusion does not apply, we will request an environmental assessment and make it available for public inspection.

Dated: September 19, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20385 Filed 9–22–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 5f, and 46

[REG–125374–16]

RIN 1545–BN60

Guidance on the Definition of Registered Form

Correction

In proposed rule document 2017–19753, appearing on pages 43720 through 43730, in the issue of Tuesday, September 19, 2017, make the following correction:

On page 43725, in the second column, at the bottom of the column, under the heading ''Partial Withdrawal of Notice of Proposed Rulemaking,'' on the second line of the paragraph, ''5f.163–1(b)(2)'' should read ''§ 5f.163–1(b)(2)''.

[FR Doc. C1–2017–19753 Filed 9–22–17; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2009–0226; FRL–9968–16–Region 4]

Air Plan Approval; GA: Emission Reduction Credits

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve changes to the Georgia State Implementation Plan (SIP) to update the emission reduction credits regulation. EPA is proposing to approve portions of the SIP revision submitted by the State of Georgia, through the Georgia Department of Natural Resources' Environmental Protection Division on September 15, 2008. This action is being taken pursuant to the Clean Air Act.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2009–0226 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: Sean Lakeman, 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. Lakeman can be reached via telephone at (404) 562–9043 or via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's implementation plan revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: September 13, 2017.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2017–20337 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0574; FRL–9968–14–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of Clean Air Interstate Rule Trading Programs Replaced by Cross-State Air Pollution Rule Trading Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve two state implementation plan (SIP) revisions submitted by the State of West Virginia. These submittals seek to remove from the West Virginia SIP two West Virginia regulations that established trading programs under the Clean Air Interstate Rule (CAIR). The EPA-administered trading programs under CAIR were discontinued on December 31, 2014 upon the implementation of the Cross-State Air Pollution Rule (CSAPR), which was promulgated by EPA to replace CAIR. CSAPR established federal implementation plans (FIPs) for 23 states, including West Virginia. The submitted SIP revisions request removal of two regulations that implemented the CAIR annual NO_X and annual sulfur dioxide (SO_2) trading programs from the West Virginia SIP. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittals as a direct final rule without prior proposal because the Agency views these as noncontroversial submittals and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by October 25, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2016–0574 at *http://www.regulations.gov,* or via email to *Stahl.Cynthia@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by email at *powers.marilyn@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: September 11, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2017–20339 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0149; FRL–9967–89–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Maryland Portion of the Philadelphia-Wilmington-Atlantic City Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve, as a state implementation plan (SIP) revision, the 2011 base year inventory for the 2008 8-hour ozone national ambient air quality standard (NAAQS) for the Maryland portion of the Philadelphia-Wilmington-Atlantic City marginal nonattainment area submitted by the State of Maryland through the Maryland Department of the Environment (MDE). In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of the state submittal and EPA's evaluation is included in a technical support document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document or is also available electronically within the Docket for this rulemaking action. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by October 25, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0149 at *https://www.regulations.gov,* or via email to *stahl.cynthia@epa.gov*. For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments

cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Sara Calcinore, (215) 814–2043, or by email at *calcinore.sara@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: September 8, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2017–20323 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R10–RCRA–2017–0285; FRL–9966–74–Region 10]

Washington: Proposed Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: The Environmental Protection Agency (EPA) is reopening the comment period for a proposed rulemaking to authorize a revision to the State of Washington's federally authorized hazardous waste management program pursuant to the Resource Conservation and Recovery Act (RCRA), as amended. The EPA has reviewed Washington's application, and we have determined that these changes satisfy all requirements needed to qualify for final authorization and are proposing to authorize the State's changes. EPA is reopening the public comment period until October 25, 2017.

DATES: This comment period is for the proposed rule published on July 13, 2017 (82 FR 32305). All comments received on or before October 25, 2017 will be entered into the public record and considered by the EPA before final action is taken on this proposed rule.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–RCRA–2017–0285, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Barbara McCullough, U.S. Environmental Protection Agency, Region 10, Office of Air and Waste (OAW–150), 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101, phone number: (206) 553–2416, email: *mccullough.barbara@epa.gov* or from the Washington State Department of Ecology, 300 Desmond Drive, Lacey, Washington 98503, contact: Robert Rieck, phone number: (360) 407–6751, email: *rori461@ecy.wa.gov.*

Dated: August 21, 2017.

Michelle Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2017–20314 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1992–0007; FRL–9967–36–Region 10]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Vancouver Water Station #4 Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notification of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 is issuing a Notice of Intent to Delete the Vancouver Water Station #4 Contamination Superfund Site (Site) located in Vancouver, Washington, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Washington, through the Department of Ecology have determined that all appropriate response actions under CERCLA, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by October 25, 2017.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1992–0007 by one of the following methods:

(1) *http://www.regulations.gov.* Follow on-line instructions for submitting comments.

(2) *Email:* Laura Knudsen, Community Involvement Coordinator, at *knudsen.laura@epa.gov.*

(3) *Mail:* Laura Knudsen, U.S. EPA Region 10, 1200 Sixth Avenue, Suite 900, RAD–202–3, Seattle, Washington 98101.

(4) *Hand delivery:* USEPA Region 10 Records Center, 1200 Sixth Avenue, Suite 900, Seattle, Washington. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1992–0007. EPA's policy is that all comments received will be included in the public

docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (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. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means 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 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, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: 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, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at:

USEPA Region 10 Records Center, 1200 Sixth Avenue, Suite 900, Seattle, Washington, Monday through Friday, except Federal holidays, between 8:00 a.m. and 5:00 p.m.

City of Vancouver Water Resources Education Center, 4600 SE Columbia Way, Vancouver, Washington, Monday through Friday, except holidays, between 9:00 a.m. and 5:00 p.m. and Saturday between noon and 5:00 p.m., Phone: 360–487–7111.

FOR FURTHER INFORMATION CONTACT:

Jeremy Jennings, Remedial Project Manager, U.S. Environmental Protection Agency, Region 10, ECL–122, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101, 206–553–2724, email *jennings.jeremy@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

EPA Region 10 announces its intent to delete the Vancouver Water Station #4 Contamination Superfund Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

EPA will accept comments on the proposal to delete this Site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Vancouver Water Station #4 Contamination Superfund Site and demonstrates how it meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(1) Responsible parties or other persons have implemented all appropriate response action required;

(2) all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(3) the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) EPA consulted with the State before developing this Notice of Intent to Delete.

(2) EPA has provided the State 30 working days for review of this notice prior to publication of it today.

(3) In accordance with the criteria discussed above, EPA has determined that no further response is appropriate.

(4) The State of Washington, through the Department of Ecology, has concurred with deletion of the Site from the NPL.

(5) Concurrently with the publication of this Notice of Intent to Delete in the **Federal Register**, a notice is being published in a major local newspaper, *The Columbian.* The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(6) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified previously.

If comments are received within the 30-day public comment period on this document, EPA will evaluate and respond appropriately to the comments before making a final decision to delete. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if EPA determines it is still appropriate to delete the Site, the Regional Administrator will publish a final Notice of Deletion in the **Federal**

Register. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and in the Site information repositories listed previously.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Intended Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Background and History

The Vancouver Water Station #4 Contamination Superfund Site (EPA ID: WAD988475158) is a public water supply wellfield located approximately ½ mile north of the Columbia River in the City of Vancouver, Clark County, Washington. Water Station #4 (WS4) has been owned by the City of Vancouver (City) and managed as part of their drinking water supply system for over 50 years. WS4 is approximately ½ acre in size and includes six production wells, two air stripping towers and several support buildings. Groundwater is pumped from approximately 200 feet below ground surface and blended with water from several other wellfields to provide drinking water to approximately 230,000 people in the Vancouver region.

In 1988, pursuant to the Safe Drinking Water Act (SDWA), the City began monitoring volatile organic compounds (VOCs) in water supplied from all of its water stations. These tests showed tetrachloroethylene (PCE) at several WS4 wells at levels above the maximum contaminant level (MCL) established under the SDWA. The City notified the public and modified the pumping rates at individual wells so that PCE levels in the drinking water delivered to customers were consistently below the MCL. In January 1992, the City began operating an air stripping treatment system to further reduce PCE levels.

On July 29, 1991, EPA proposed WS4 for listing on the NPL (56 FR 35840). The NPL listing for the Site was finalized on October 14, 1992 (59 FR 47180).

The City continues to use the water from the WS4 production wells as part of their drinking water supply system.

Remedial Investigation and Feasibility Study (RI/FS)

A baseline risk assessment completed by EPA quantified potential carcinogenic risks to future residents consuming untreated water ranged from 5E–6 to 2E–5 cancer risk (5 to 20 excess cancers in 1,000,000 people) and non-cancer risk from a hazard index of 0.02 to 0.2. EPA found it was necessary to take action at WS4 because the groundwater had been shown to have persistent concentrations of PCE above the MCL.

Starting in 1989, the City and EPA conducted several investigations into the source or sources of PCE at WS4 including sampling of private wells, nearby surface waters and industrial sumps; conducting soil gas surveys; and inspecting local dry cleaners and other places of business where PCE may have been used. In 1992, PCE concentrations suddenly increased, peaked at 520 μg/L in 1993 and then decreased over the next several years. Although multiple potential sources of PCE (*e.g.,* dry cleaners) were located, no source was identified as primarily responsible for the sustained high concentrations and for which any additional source control actions could be taken. EPA concluded that there was not an on-going source of PCE and there was a strong likelihood that an unidentified source was responsible for the elevated PCE levels.

Selected Remedy

On September 1, 1999, the EPA issued a Record of Decision (ROD) for the Site. PCE was identified as the only Contaminant of Concern. Remedial Action Objectives were established to protect human health by reducing concentrations of PCE in the groundwater and drinking water to below the MCL (5.0 μg/L).

The selected remedy for the Site included pumping the production wells at a rate consistent with customer demand until such time as the PCE level in the groundwater at all production wells was below the MCL. The extracted water was to be treated using the air stripping towers and distributed to customers as drinking water. Monitoring of the quality of the groundwater at the production wells and the water following treatment was also required. Since no sources were identified and no other drinking water wells were located in the area, no source control actions or institutional controls were included.

Response Actions

The City's production wells were used to pump contaminated groundwater, which was then treated in air stripping towers. This treatment system reduced PCE to nondetectable levels, so the water could then be delivered to customers for use as drinking water. This pump, treat, and delivery system began in 1992 and has operated continuously for 25 years. Throughout this period, the City monitored PCE concentrations in the aquifer, which declined gradually over time.

The PCE levels in the groundwater at all wells are currently below the MCL. Thus, the remedial action objectives have been attained and the human health exposure pathways have been eliminated.

A Preliminary Close Out Report documenting the completion of construction activities was signed by EPA on September 8, 1999. The Site was identified as ''Sitewide Ready for Anticipated Use'' on March 11, 2014. A Final Close Out Report documenting completion of all remedial activities was signed by EPA on June 12, 2017.

Cleanup Levels

The 1999 ROD requires treatment and monitoring until the PCE concentrations in groundwater at all production wells are below the MCL. As there have been no changes to the federal or state drinking water standards for PCE or changes in the toxicity factors for PCE since the ROD was issued, this cleanup level remains protective of human health and the environment.

In June 2017 the EPA reviewed the monitoring data and found that PCE concentrations have been below the MCL since October 2011. Based on this evaluation, EPA determined that all remedial activities at the Site were complete and remedial action objectives have been achieved. All drinking water delivered from the wellfield must continue to meet the requirements of the SDWA.

Five-Year Review

Three policy five-year reviews have been completed at the Site, the last one in September 2013.

No issues or follow-up actions were identified as part of the 2013 Five Year Review. The protectiveness statement stated that the remedy at Vancouver WS4 was ''protective of human health and the environment because the treatment system is functioning as intended and human and ecological risks are under control. Long-term protectiveness of the remedial action

will be verified by regular monitoring by the City of Vancouver.''

The analysis conducted since the last FYR indicates that the remedy has been fully implemented and the remedial action objectives and related cleanup levels have been attained. No hazardous substances, pollutants or contaminants remain above levels that could prevent unlimited use and unrestricted exposure. Therefore, no further five-year reviews are required.

Community Involvement

Public participation activities have been satisfied as required in CERCLA Section 113(k), 42 U.S.C. 9613(k) and CERCLA Section 117, 42 U.S.C. 9617. Throughout the remedial process, the EPA has kept the public informed of activities being conducted at the Site by way of informational meetings, fact sheets and public meetings.

Documents in the deletion docket which the EPA relied on for the recommendation for deletion from the NPL are available to the public in the information repositories identified previously. A notice of availability of the Notice of Intent for Deletion has been published in *The Columbian.*

Determination That the Site Meets the Criteria for Deletion in the NCP

The EPA, with concurrence of the State of Washington through the Department of Ecology, has determined that the implemented remedy achieves the degree of cleanup or protection specified in the ROD for all pathways of exposure. All selected remedial and removal action objectives and associated cleanup levels are consistent with agency policy and guidance. No further Superfund response is needed to protect human health and the environment.

In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where all appropriate response actions have been implemented and where no further response is appropriate. Consistent with this, the EPA is proposing deletion of this Site from the NPL.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: August 25, 2017.

Sheryl Bilbrey,

Director—Region 10 Office of Environmental Cleanup.

[FR Doc. 2017–20448 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2005–0011; FRL–9967–24–Region 5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Nutting Truck & Caster Co. Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notification of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete the Nutting Truck & Caster Co. Superfund Site (Site) located in Faribault, Minnesota, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Minnesota, through the Minnesota Pollution Control Agency, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by October 25, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–2005–0011, by mail to Randolph Cano, NPL Deletion Coordinator, U.S. Environmental Protection Agency Region 5 (SR–6J), 77 West Jackson Boulevard, Chicago, IL 60604. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Randolph Cano, NPL Deletion Coordinator, U.S. Environmental Protection Agency Region 5 (SR–6J), 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886–6036, email: *cano.randolph@epa.gov.*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' Section of today's **Federal Register**, we are publishing a direct final Notice of Deletion of the Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. We will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Deletion which is located in the *Rules* section of this **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: August 21, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–20346 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1994–0009; FRL–9967–38–Region 10]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Vancouver Water Station #1 Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notification of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 is issuing a Notice of Intent to Delete the Vancouver Water Station #1 Contamination Superfund Site (Site) located in Vancouver, Washington, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Washington, through the Department of Ecology have determined that all appropriate response actions under CERCLA, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by October 25, 2017.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1994–0009, by one of the following methods:

(1) *http://www.regulations.gov.* Follow on-line instructions for submitting comments.

(2) *Email:* Laura Knudsen, Community Involvement Coordinator, at *knudsen.laura@epa.gov.*

(3) *Mail:* Laura Knudsen, U.S. EPA Region 10, 1200 Sixth Avenue, Suite 900, RAD–202–3, Seattle, Washington 98101.

(4) *Hand delivery:* USEPA Region 10 Records Center, 1200 Sixth Avenue, Suite 900, Seattle, Washington. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1994–0009. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (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. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means 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 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, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: 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, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at:

USEPA Region 10 Records Center, 1200 Sixth Avenue, Suite 900, Seattle, Washington, Monday through Friday, except Federal holidays, between 8:00 a.m. and 5:00 p.m.

City of Vancouver Water Resources Education Center, 4600 SE Columbia Way, Vancouver, Washington, Monday through Friday, except holidays, between 9:00 a.m. and 5:00 p.m. and Saturday between noon and 5:00 p.m., Phone: 360–487–7111.

FOR FURTHER INFORMATION CONTACT: Jeremy Jennings, Remedial Project Manager, U.S. Environmental Protection Agency, Region 10, ECL–122, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101, 206–553–2724, email *jennings.jeremy@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

EPA Region 10 announces its intent to delete the Vancouver Water Station #1 Contamination Superfund Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

EPA will accept comments on the proposal to delete this Site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Vancouver Water Station #1 Contamination Superfund Site and demonstrates how it meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(1) Responsible parties or other persons have implemented all appropriate response actions required;

(2) all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(3) the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new

information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) EPA consulted with the State before developing this Notice of Intent to Delete.

(2) EPA has provided the State 30 working days for review of this notice prior to publication of it today.

(3) In accordance with the criteria discussed above, EPA has determined that no further response is appropriate.

(4) The State of Washington, through the Department of Ecology, has concurred with deletion of the Site from the NPL.

(5) Concurrently with the publication of this Notice of Intent to Delete in the **Federal Register**, a notice is being published in a major local newspaper, *The Columbian*. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the site from the NPL.

(6) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified previously.

If comments are received within the 30-day public comment period on this document, EPA will evaluate and respond appropriately to the comments before making a final decision to delete. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if EPA determines it is still appropriate to delete the Site, the Director of EPA's Region 10 Office of Environmental Cleanup will publish a final Notice of Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and in the site information repositories listed previously.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Intended Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Background and History

The Vancouver Water Station #1 Contamination Superfund Site (EPA ID: WAD988519708) is located within Waterworks Park near the center of the City of Vancouver, Clark County, Washington. Water Station #1 (WS1) is a public water supply wellfield made up of ten groundwater production wells, five air-stripping towers and a holding reservoir. Water from WS1 is blended with water from several other wellfields to provide drinking water to approximately 230,000 people in the Vancouver region.

The Water Station has been owned by the City of Vancouver (City) and managed as part of their drinking water supply system for over 60 years. In 1988, pursuant to the Safe Drinking Water Act (SDWA), the City began monitoring volatile organic compounds (VOCs) in water supplied from all of its water stations. These tests found tetrachloroethylene (PCE) to be present in several of the WS1 wells at levels above the maximum contaminant level (MCL) established under the SDWA. The City notified the public and modified the pumping rates at individual wells so that PCE levels in the drinking water delivered to customers was consistently below the MCL.

Groundwater samples collected between 1988 and 1992 indicated levels of PCE in the groundwater as high as 30 µg/L. While the City managed the drinking water system such that the drinking water distributed to customers remained below the MCL of 5 µg/L, elevated concentrations of PCE continued to be present in the groundwater. In 1993, the City installed five air stripping towers at the Site and began routing all the water extracted from the WS1 wellfield through the air strippers prior to distribution to customers. This treatment reduced PCE levels to below analytical detection limits.

On June 23, 1993, EPA proposed WS1 for listing on the NPL (58 FR 34018). The NPL listing for the Site was finalized on May 31, 1994 (59 FR 27989).

The City continues to use the water from the WS1production wells as part of their drinking water supply system. A park has been developed on the land surrounding the wellfield.

Remedial Investigation and Feasibility Study (RI/FS)

A baseline risk assessment quantified the potential risks to future residents consuming untreated water ranged to be from 1E–06 to 6E–06 (1 to 6 excess cancers in 1,000,000 people). EPA found it was necessary to take action at WS1 because the groundwater at several production wells had been shown to have persistent concentrations of PCE above the MCL.

In 1989 and 1990, several investigations were conducted by the City and EPA. No pattern was found in the soil or groundwater data that might indicate the location of the potential source of PCE. Based on these results, EPA concluded that the likelihood of identifying a significant source was low and that further investigation into source identification was not warranted.

Selected Remedy

On September 11, 1998, the EPA issued a Record of Decision (ROD) for the Site. PCE was identified as the only Contaminant of Concern. Remedial Action Objectives were established to protect human health by reducing concentrations of PCE in the groundwater drinking water to below the MCL (5.0 µg/L).

The selected remedy for the Site included pumping the production wells at a rate consistent with customer demand until such time as the PCE level in the groundwater at all production wells was below the MCL. The extracted water was to be treated using the air stripping towers and distributed to customers as drinking water. Monitoring of the quality of the groundwater at the production wells and the water following treatment was also required. Since no sources were identified and no other drinking water wells were located in the area, no source control actions or institutional controls were included.

Response Actions

The City's production wells were used to pump contaminated groundwater, which was then treated in air stripping towers. This treatment system reduced PCE to nondetectable levels, so the water could then be delivered to customers for use as drinking water. This pump, treat, and delivery system began in 1993 and has operated continuously for 24 years. Throughout this period, the City monitored PCE concentrations in the aquifer, which declined gradually over time.

The PCE levels in the groundwater at all wells are currently below the MCL. Thus, the remedial action objectives have been attained and the human health exposure pathways have been eliminated.

A Preliminary Close Out Report documenting the completion of construction activities was signed by EPA on September 25, 1998. The Site was identified as ''Sitewide Ready for Anticipated Use'' on September 28, 2012. A Final Close Out Report documenting completion of all remedial activities was signed by EPA on April 27, 2017.

Cleanup Levels

The 1998 ROD requires treatment and monitoring until the PCE concentrations in groundwater at all production wells are below the MCL. As there have been no changes to the federal or state drinking water standards for PCE or changes in the toxicity factors for PCE since the ROD was issued, this cleanup level remains protective of human health and the environment.

In April 2017 the EPA reviewed the monitoring data and found that PCE concentrations at 11 of the 12 production wells had been below the cleanup level of 5 μg/L since 2013. A further statistical analysis of data collected from the other well indicated a downward trend and a 95% Upper Confidence Level of 4.41 μg/L, below the cleanup level of 5 μg/L. Based on this evaluation, EPA determined that all remedial activities at the Site were complete, remedial action objectives had been achieved and the use of the treatment system was no longer required for the CERCLA remedy. All drinking water delivered from the wellfield must continue to meet the requirements of the SDWA.

Five-Year Review

Three policy five-year reviews have been completed at the Site, the last one in September 2013.

No issues or follow-up actions were identified as part of the 2013 Five Year Review. The protectiveness statement stated ''The remedy at Vancouver WS1 is protective of human health and the environment because the treatment system is functioning as intended and human and ecological risks are under control. Long-term protectiveness of the remedial action will be verified by regular monitoring by the City of Vancouver.''

The analysis conducted since the last FYR indicates that the remedy has been fully implemented and the remedial action objectives and related cleanup levels have been attained. No hazardous substances, pollutants or contaminants remain above levels that could prevent unlimited use and unrestricted exposure. Therefore, no further five-year reviews are required.

Community Involvement

Public participation activities have been satisfied as required in CERCLA Section 113(k), 42 U.S.C. 9613(k) and CERCLA Section 117, 42 U.S.C. 9617. Throughout the remedial process, the EPA has kept the public informed of activities being conducted at the Site by way of informational meetings, fact sheets and public meetings.

Documents in the deletion docket which the EPA relied on for the recommendation for deletion from the NPL are available to the public at the information repositories identified previously. A notice of availability of the Notice of Intent for Deletion has been published in *The Columbian.*

Determination That the Site Meets the Criteria for Deletion in the NCP

The EPA, with concurrence of the State of Washington through the Department of Ecology, has determined that the implemented remedy achieves the degree of cleanup or protection specified in the ROD for all pathways of exposure. All selected remedial and removal action objectives and associated cleanup levels are consistent with agency policy and guidance. No further Superfund response is needed to protect human health and the environment.

In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where all appropriate response actions have been implemented and where no further response is appropriate. Consistent with this, the EPA is proposing deletion of this Site from the NPL.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: August 25, 2017.

Sheryl Bilbrey,

Director—Region 10 Office of Environmental Cleanup.

[FR Doc. 2017–20449 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 170505465–7465–01]

RIN 0648–BG87

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gray Triggerfish Management Measures; Amendment 46

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in Amendment 46 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico Fishery Management Council (Council) (Amendment 46). For gray triggerfish, this proposed rule would revise the recreational fixed closed season, recreational bag limit, recreational minimum size limit, and commercial trip limit. Additionally, Amendment 46 would establish a new rebuilding time period for the Gulf of Mexico (Gulf) gray triggerfish stock. The purpose of this proposed rule is to implement management measures to assist in rebuilding the Gulf gray triggerfish stock and achieve optimum yield (OY).

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

ADDRESSES: You may submit comments on the amendment identified by ''NOAA–NMFS–2017–0080'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0080,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Lauren Waters, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov*

without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 46, which includes an environmental assessment, a fishery impact statement, a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2017/am46_gray_trigger/documents/pdfs/gulf_reef_am46_gray_trigg_final.pdf.*

FOR FURTHER INFORMATION CONTACT: Lauren Waters, Southeast Regional Office, NMFS, telephone: 727–824–5305; email: *Lauren.Waters@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery, which includes gray triggerfish, under the FMP. The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C 1801 *et seq.*).

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the OY from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act requires fishery managers to rebuild overfished stocks.

Status of the Gray Triggerfish Stock

The first Southeast Data, Assessment, and Review (SEDAR) benchmark stock assessment for gray triggerfish was completed in 2006 (SEDAR 9). SEDAR 9 indicated that the gray triggerfish stock was both overfished and possibly undergoing overfishing. Subsequently, Amendment 30A to the FMP established a gray triggerfish rebuilding plan beginning in the 2008 fishing year (73 FR 38139, July 3, 2008). In 2011, a SEDAR 9 update stock assessment for gray triggerfish determined that the gray triggerfish stock was still overfished and was undergoing overfishing, and had not made adequate progress toward rebuilding. As a result of the SEDAR 9 update and to end overfishing, the final rule for Amendment 37 to the FMP revised the gray triggerfish commercial and recreational sector annual catch limits (ACLs) and annual catch targets (ACTs), revised the gray triggerfish recreational sector accountability measures (AMs), revised the gray triggerfish recreational bag limit, established a commercial trip limit for gray triggerfish, and established a fixed closed season for the gray triggerfish commercial and recreational sectors (78 FR 27084, May 5, 2013). Additionally, Amendment 37 revised the rebuilding plan and projected that the stock would be rebuilt in 5 years, or by the end of 2017 fishing year.

Since implementation of Amendment 37 in 2013, commercial harvest has not exceeded the commercial ACL, while the recreational sector has exceeded the recreational ACL or adjusted recreational ACL (that resulted from a ACL overage adjustment) in the 2013, 2014, 2015, and 2016 fishing years. The most recent stock assessment for gray triggerfish was completed and reviewed by the Council's Scientific and Statistical Committee (SSC) in October 2015 (SEDAR 43). SEDAR 43 indicated that the gray triggerfish stock was not experiencing overfishing but remained overfished and would not be rebuilt by the end of 2017 as previously projected. On November 2, 2015, NMFS notified the Council that the gray triggerfish stock was not making adequate progress toward rebuilding, and the Council subsequently began development of Amendment 46 to establish a new rebuilding time period and other management measures to achieve OY and rebuild the stock.

Management Measures Contained in This Proposed Rule

For gray triggerfish, this proposed rule would revise the recreational fixed closed season, recreational bag limit, recreational minimum size limit, and commercial trip limit. NMFS and the Council are proposing the changes to the recreational management measures to help constrain recreational landings to the recreational ACT to avoid triggering accountability measures (AMs) resulting in an in-season closure or post-season payback that would occur if landings exceed the recreational ACL. NMFS and the Council are proposing the increase in the commercial trip limit to allow those commercial fishermen who encounter gray triggerfish to harvest more fish per trip while continuing to constrain commercial landings to the commercial ACT.

Recreational Seasonal Closure

The current recreational seasonal closure for gray triggerfish in the Gulf is from June 1 through July 31, and was established in Amendment 37 to protect gray triggerfish during the peak spawning season and help constrain landings to the recreational ACT (78 FR 27084, May 5, 2013). However, as explained above, recreational landings have exceed the recreational ACL or adjusted ACL the last 4 years. This proposed rule would establish an additional recreational fixed closed season for gray triggerfish from January 1 through the end of February, which is expected to reduce recreational landings and help rebuild the stock within the rebuilding time period established in Amendment 46.

Recreational Bag Limit

The current recreational bag limit was set in Amendment 37 and is a 2-fish per person per day limit within the overall 20-fish aggregate reef fish bag limit. This proposed rule would reduce the recreational gray triggerfish bag limit to 1 fish per person per day within the 20-fish aggregate reef fish bag limit.

As described in Amendment 46, from 2013 through 2015, approximately 10 percent of recreational trips with reef fish landings harvested 2 gray triggerfish within the 20-fish aggregate bag limit. NMFS expects the proposed change to the bag limit to reduce recreational landings by 15 percent, which will help constrain harvest to the recreational ACT to allow the sector to remain open through the end of the fishing year.

Recreational Size Limit

The current recreational minimum size limit for gray triggerfish is 14 inches (35.6 cm), fork length (FL), and was established in Amendment 30A to the FMP (73 FR 38139, July 3, 2008). The proposed rule would increase the minimum size limit to 15 inches (38.1 cm), FL. Increasing the recreational minimum size limit would increase the gray triggerfish spawning potential by maintaining larger-sized fish, which are more fecund, in the stock, and is expected to help slow recreational harvest.

Commercial Trip Limit

The current commercial trip limit is 12 fish per trip, and was established in Amendment 37 to help constrain commercial harvest to the commercial ACT and avoid an in-season closure as a result of the AMs being triggered (78 FR 27084, May 5, 2013). This proposed rule would increase the trip limit to 16 fish per trip.

As described in Amendment 46, since implementation of the 12 fish commercial trip limit in 2013, commercial landings have been consistently below the commercial ACT. Analysis of commercial trips demonstrated that 80 percent of trips caught 10 gray triggerfish or less. This indicates that gray triggerfish is primarily a non-target species by the commercial sector and that increasing the commercial trip limit would likely result in only a small change in the weight projected to be landed during a fishing year. However, increasing the commercial trip limit would allow those fishermen who encounter the species the opportunity to harvest more fish. This would help achieve OY for the stock while continuing to constrain commercial landings to the commercial ACT.

Measures in Amendment 46 Not in This Proposed Rule

In addition to the measures proposed to be implemented through this proposed rule, Amendment 46 contains actions to set a rebuilding timeframe and to consider alternatives for the commercial and recreational ACTs and ACLs.

Rebuilding Time Period and Commercial and Recreational ACTs and ACLs

Amendment 37 established a 5-year rebuilding time period, expiring in 2017, and the current gray triggerfish commercial and recreational ACTs and ACLs. The current commercial ACT is 60,900 lb (27,624 kg), round weight, and the commercial ACL is 64,100 lb (29,075 kg), round weight. The current recreational ACT is 217,000 lb (98,475 kg), round weight, and the recreational ACL is 242,200 lb (109,406 kg), round weight. Amendment 46 would establish a new rebuilding time period for the Gulf gray triggerfish stock as a result of the stock status determined through SEDAR 43, and maintain the current commercial and recreational ACLs and ACTs.

The Council's SSC reviewed SEDAR 43 and recommended alternative rebuilding time periods of 8, 9, or 10 years and the acceptable biological catch (ABC) yield streams for each period. There is a 60 percent probability of rebuilding the stock within these time periods if landings are appropriately constrained to the recommended catch levels. In Amendment 46, the Council considered these rebuilding time periods and their associated catch levels, as well as a 6-year period, which would be the time needed to rebuild the stock in the absence of fishing mortality. The Council determined that the 9-year rebuilding time period was as short as possible, taking into account the status and biology of the stock and the needs of the associated fishing communities. Although the ABC recommendation associated with the 9-year time period allowed for an increase in harvest, the Council chose to adopt a more conservative approach and maintain the current commercial and recreational ACLs and ACTs for gray triggerfish that were set through the final rule for Amendment 37 (78 FR 27084, May 9, 2013).

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification follows.

A description of this proposed rule, why it is being considered, and the objectives of, and legal basis for this proposed rule are contained in the preamble. The Magnuson-Stevens Act provides the statutory basis for this proposed rule.

This proposed rule would directly affect commercial and recreational fishing for gray triggerfish in Gulf Federal waters. Anglers are not considered small entities as that term is defined in the RFA (5 U.S.C. 601(6)). Consequently, estimates of the number of anglers directly affected by the rule and the impacts on them are not provided here.

NMFS estimates an average of 223 commercial fishing vessels harvest gray triggerfish in Gulf Federal waters annually, and the number of businesses that own these vessels ranges from 166 to 223. The average vessel harvested 164 lb (74.4 kg), gutted weight, of gray triggerfish annually with a dockside value of $331 (2015 dollars), and that average vessel's annual dockside revenue from all landings is $158,804 (2015 dollars).

For RFA purposes, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (50 CFR 200.2). A business primarily involved in commercial fishing (NAICS 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts are not in excess of $11 million for all of its affiliated operations worldwide. Based on the average annual revenue for a vessel that lands gray triggerfish, it is concluded that most to all of the businesses that harvest gray triggerfish from the Gulf are small businesses.

Amendment 46 would establish a rebuilding time period of 9 years or by the end of 2025, and this revised time period would have no direct impact on any small business.

The proposed rule would retain the current commercial ACL and commercial ACT for gray triggerfish, which have been in effect since 2013 (78 FR 27084, May 9, 2013). These *status quo* measures would have no additional impact on any small business.

The proposed rule would increase the commercial trip limit for gray triggerfish. A 12-fish trip limit has been in effect since 2013, and this proposed rule would allow for up to four more gray triggerfish to be landed per trip. The average weight of a commercially sized gray triggerfish is estimated to be 4.113 lb (1.866 kg), gutted weight. In 2015, the average dockside price of gray triggerfish was $2.12 per pound, gutted weight. At that price, the proposed rule could increase dockside revenue to as much as $34.88 per trip. It is estimated that the average annual beneficial impact would range from $0 to $135 per vessel, which represents from 0.00 percent to 0.08 percent of the average vessel's annual dockside revenue from all landings.

Therefore, this proposed rule would not have a significant economic impact on a substantial number of small entities, and an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gray triggerfish, Gulf, Recreational.

Dated: September 18, 2017.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.34, revise paragraph (f) to read as follows:

§ 622.34 Seasonal and area closures designed to protect Gulf reef fish.

* * * * *

(f) *Seasonal closures for gray triggerfish.* The recreational sector for gray triggerfish in or from the Gulf EEZ is closed from January 1 through the end of February, and from June 1 through July 31, each year. During a recreational closure, the bag and possession limits for gray triggerfish in or from the Gulf EEZ are zero. The commercial sector for gray triggerfish in or from the Gulf EEZ is closed from June 1 through July 31, each year. During the period of both the commercial and recreational closure, all harvest or possession in or from the Gulf EEZ of gray triggerfish is prohibited and the sale and purchase of gray triggerfish taken from the Gulf EEZ is prohibited.

■ 3. In § 622.37, revise paragraph (c)(1) to read as follows:

§ 622.37 Size limits.

* * * * *

(c) * * *

(1) *Gray triggerfish.* (i) For a person not subject to the bag limit specified in § 622.38(b)(5)–14 inches (35.6 cm), fork length.

(ii) For a person subject to the bag limit specified in § 622.38(b)(5)–15 inches (38.1 cm), fork length.

* * * * *

■ 4. In § 622.38, revise paragraph (b)(5) to read as follows:

§ 622.38 Bag and possession limits.

* * * * *

(b) * * *

(5) Gulf reef fish, combined, excluding those specified in paragraphs (b)(1) through (b)(4) and paragraphs (b)(6) through (b)(7) of this section—20. In addition, within the 20-fish aggregate reef fish bag limit, no more than 1 fish may be gray triggerfish and no more than 10 fish may be vermilion snapper.

* * * * *

■ 5. In § 622.43, revise paragraph (b) to read as follows:

§ 622.43 Commercial trip limits.

* * * * *

(b) *Gray triggerfish.* Until the commercial ACT (commercial quota) specified in § 622.39(a)(1)(vi) is reached—16 fish. See § 622.39(b) for the limitations regarding gray triggerfish after the commercial ACT (commercial quota) is reached.

[FR Doc. 2017–20351 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 82, No. 184

Monday, September 25, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for the Delta Health Care Services Grant Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice of extension of application deadline to clarify the requirement that Consortium members be located in the Delta Region.

SUMMARY: The Rural Business-Cooperative Service (RBS) extends the original deadline (July 24, 2017) for submitting applications for grant funds to help provide financial assistance to address the continued unmet health needs in the Delta Region announced in a Notice published May 22, 2017 in the **Federal Register**. This action is taken to clarify the requirement in the Notice that Consortium members be located in the Delta Region.

DATES: The deadline for submitting applications under the Notice published May 22, 2017, is extended to October 10, 2017.

ADDRESSES: Applications may be submitted via mail, courier, or hand delivery to the relevant RD State Office or electronically via *http://www.grants.gov,* in accordance with instructions published in the **Federal Register** Notice on May 22, 2017. Contact information for RD State Offices can be found at *http://www.rd.usda.gov/contact-us/state-offices.*

FOR FURTHER INFORMATION CONTACT: Grants Division, Cooperative Programs, Rural Business-Cooperative Service, 1400 Independence Avenue SW., Stop 3253, Washington, DC 20250–3253; or call (202) 690–1374.

SUPPLEMENTARY INFORMATION:

Background and Discussion of Extension of Application Deadline

RBS published a Notice on May 22, 2017 in Vol. 82, No. 97 (82 FR 23176) of the **Federal Register** with an application deadline of July 24, 2017. Subsequently, the Agency received multiple inquiries in regard to the definition of Consortium included in the Notice. RBS is extending the deadline to clarify the requirement in the Notice that Consortium members be located in the Delta Region.

The term 'Consortium' is defined on page 23177 of the Notice published on May 22, 2017 in Vol. 82, No. 97 (82 FR 23176) as ''a group of three or more entities that are regional Institutions of Higher Education, Academic Health and Research Institutes, and/or Economic Development Entities located in the Delta Region that have at least 1 year of prior experience in addressing the health care issues in the region. At least one of the consortium members must be legally organized as an incorporated organization or other legal entity and have legal authority to contract with the Federal Government.''

However, there were a number of potential applicants that requested further clarification on the requirement that Consortium members be located in the Delta Region. Specifically, if an organization has contractors working in the Delta Region, but the organization does not have a physical address and/or headquarters located in the Delta Region, would the organization be considered an eligible Consortium member.

Consortium members must have a physical address and/or headquarters located in the Delta Region to be eligible to apply for the Delta Health Care Services grant program. Delta Region means the 252 counties and parishes within the states of Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee that are served by the Delta Regional Authority

To ensure that all applicants are treated fairly, applicants who submitted an application in accordance with the original deadline may revise and resubmit their applications as necessary. Applicants who wish to revise their applications must resubmit their application by October 10, 2017.

Chad Parker,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2017–20345 Filed 9–22–17; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture's Rural Utilities Service (RUS), invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by November 24, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Avenue SW., STOP 1522, Room 5164–S, Washington, DC 20250–1522. Telephone: (202) 690–4492, Fax: (202) 720–3485. Email: *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an existing information collection that the Agency is submitting to OMB for extension.

Comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) The accuracy of the Agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on those who respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques, or other forms of information technology. Comments may

be sent to Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Avenue SW., Stop 1522, Washington, DC 20250–1522. Telephone: (202) 690–4492, Fax: (202) 720–3485, Email: *Thomas.Dickson@wdc.usda.gov.*

Title: 7 CFR part 1724, Electric Engineering, Architectural Services and Design Policies and Procedures.

OMB Control Number: 0572–0118.

Type of Request: Extension of a currently approved collection.

Abstract: The Agency requires borrowers to use standard contract forms under certain circumstances. The use of standard forms helps assure the Agency that appropriate standards and specifications are maintained, that the Agency's loan security is not adversely affected, and that loan and loan guarantee funds are used effectively and for the intended purpose. Standardization of forms by the Agency results in substantial savings to Borrowers. If standard forms were not used, borrowers would be required to prepare documents and the government would require extensively and costly review by both the Agency and the Office of General Counsel. The contract forms included in this collection of information are RUS Form 211, ''Engineering Service Contract for the Design and Construction of a Generating Plant,'' RUS Form 220, ''Architectural Services Contract,'' and RUS Form 236, Engineering Service Contract, ''Electric System Design and Construction.''

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.07 hours per response.

Respondents: Businesses, not-for-profit institutions and others.

Estimated Number of Respondents: 59.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 63 hours.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis, at (202) 205–3660. Fax: (202) 720–3485.

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.

Dated: September 8, 2017.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2017–20340 Filed 9–22–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[9/9/2017 through 9/19/2017]

Firm name	Firm address	Date accepted for investigation	Product(s)
Poyant Signs, Inc.	125 Samuel Barnett Boulevard, New Bedford, MA 02745.	9/12/2017	The firm manufactures custom, lighted signs for both interior and exterior applications.
SES America, Inc.	21 Quinton Street, Warwick, RI 02888.	9/15/2017	The firm manufactures high-quality, energy-efficient, illuminated signs and Dynamic Message Signs which are illuminated, digital signs mainly used by Departments of Transportation.
MSI Mold Builders Southeast, Inc.	12300 6th Street Southwest, Cedar Rapids, IA 52404.	9/19/2017	The firm manufactures industrial molds.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2017–20390 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

First Responder Network Authority

[Docket Number 170912896–7896–01]

RIN 0660–XC037

National Telecommunications and Information Administration; Notice of Intent To Prepare a Supplemental Programmatic Environmental Impact Statement and Conduct Scoping for the Nationwide Public Safety Broadband Network

AGENCY: First Responder Network Authority, National

Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of intent.

SUMMARY: The First Responder Network Authority (''FirstNet'') announces its intent to prepare a Supplemental Programmatic Environmental Impact Statement (''PEIS'') and conduct scoping for the Nationwide Public Safety Broadband Network. The Supplemental PEIS will address the processes FirstNet will follow for National Environmental Policy Act (''NEPA'') compliance and assessing potential impacts at the site-specific scale.

DATES: The scoping period for this notice will begin on September 25, 2017 and will end on October 24, 2017. Submit comments on or before October 24, 2017.

ADDRESSES: The public is invited to submit written comments to this Notice. Written comments may be submitted electronically via email to *PEIScomments@firstnet.gov* or by mail (to the address listed in **FOR FURTHER INFORMATION CONTACT**). Comments received will be made part of the public record and may be posted to FirstNet's Web site (*www.firstnet.gov*) without change. Comments should be machine readable and should not be copy-protected. All personally identifiable information (*e.g.,* name, address) 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: Amanda Goebel Pereira, NEPA Coordinator, First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce, 12201 Sunrise Valley Drive, M/S 243, Reston, VA 20192.

SUPPLEMENTARY INFORMATION: The Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*)) (the ''Act'') created and authorized FirstNet to take all actions necessary to ensure the building, deployment, and operation of an interoperable, nationwide public safety broadband network (''NPSBN'') based on a single, national network architecture. The Act meets a longstanding and critical national infrastructure need, to create a single, nationwide network that will, for the first time, allow police officers, fire fighters, emergency medical service professionals, and other public safety entities to effectively communicate with each other across agencies and jurisdictions. The NPSBN is intended to enhance the ability of the public safety community to perform more reliably, effectively, and safely; increase situational awareness during an emergency; and improve the ability of the public safety community to effectively engage in those critical activities.

The National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) (''NEPA'') requires federal agencies to undertake an assessment of environmental effects of their proposed actions prior to making a final decision and implementing the action. NEPA requirements apply to any federal project, decision, or action that may have a significant impact on the quality of the human environment. NEPA also establishes the Council on Environmental Quality (''CEQ''), which issued regulations implementing the procedural provisions of NEPA (40 CFR parts 1500–1508).

Due to the geographic scope of FirstNet (all 50 states, the District of Columbia, and five territories) and the diversity of ecosystems potentially traversed by the project, FirstNet has prepared, and is in the process of publishing, five regional Final PEISs. The five Final PEISs are divided into the East, Central, West, South, and Non-Contiguous Regions, and each analyzes potential impacts of the deployment and operation of the NPSBN on the natural and human environment based on impact significance criteria developed at the programmatic level. FirstNet has also recently prepared and published for public and agency comment a draft document outlining its revised Procedures for Implementing the National Environmental Policy Act, the public comment period for which ended July 24, 2017.

Now that FirstNet has selected a network partner for building out the NPSBN and the draft revised implementing procedures have been published, a Supplemental PEIS will be prepared that will (1) incorporate the final version of FirstNet's revised implementing procedures and will assess any changes to potential impacts to the human or natural environment at the programmatic level as a result of those revised procedures and (2) will describe the processes FirstNet will follow in accordance with NEPA to assess potential impacts at the site-specific scale using impact significance criteria to be developed using a resource-appropriate framework.

Dated: September 20, 2017.

Amanda Goebel Pereira,

NEPA Coordinator, First Responder Network Authority.

[FR Doc. 2017–20408 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–TL–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–58–2017]

Foreign-Trade Zone (FTZ) 23—Erie County, New York; Notification of Proposed Production Activity; Cummins, Inc.; (Diesel and Gas Engines); Lakewood and Jamestown, New York

The Erie County Industrial Development Agency, grantee of FTZ 23, submitted a notification of proposed production activity to the FTZ Board on behalf of Cummins, Inc. (Cummins), located within Subzone 23D in Lakewood and Jamestown, New York. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on August 28, 2017.

The Cummins facility is used for the production of diesel and gas engines. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Cummins from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Cummins would be able to choose the duty rates during customs entry procedures that apply to: Automotive diesel and natural gas engines; industrial diesel engines; stationary generator diesel engines; and, recreational marine diesel engines (duty free to 2.5%). Cummins would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Accumulators; adapters (air inlet/filter head/hydraulic pump/spline); cylinder blocks; steel and iron braces (bracket/fuel pump/gear housing/tube); brackets (belt tensioner/breather/electronic control module/lifting/shipping/transfer pump); main bearing caps; steel injector clamps; ignition coils; exhaust collars;

connections (air intake/exhaust transfer/fuel block/turbo oil drain/water inlet/water outlet/water transfer/injector fuel supply); electronic control coolers; oil coolers; covers (access hole/hand hole/rocker lever/starter flange); valve crossheads; viscous vibration dampers; steel and rubber gaskets (accessory drive support//carrier/cover plate/cylinder head/gear housing/oil pan/oil transfer connection/thermostat housing); gears (camshaft/flywheel ring/hydraulic pump/idler); electronic control module wiring harnesses; wiring harnesses; corrosion resistor heads; fuel filter heads; lubricating oil filter heads; intake air heaters; silicone rubber hump hoses; silicone rubber hoses; housings (flywheel/gear/oil cooler/rocker lever/thermostat/thermostat top level assembly); levers (cam follower/rocker/rocker top level assembly); adjusting links; air manifolds; exhaust manifolds; fuel drain manifolds; ignition control modules; oil pans; steel air inlet pipes; exhaust outlet pipes; plates (clamping/cooler/cover); flanged o-ring plugs; threaded plugs; pulleys (accessory drive/alternator/crankshaft/idler); pumps (fuel transfer/lubricating oil/water); injector fuel support connector retainers; engine connecting rods; push rods; valve rotators; rubber corrosion resistor seals; rubber seals (flywheel housing/front cover/gear housing/oil cooler housing/oil filter head/rocker level housing); sensors (engine speed/humidity/position); shafts (gar accessory drive/cam follower/idler/rocker lever); steel injector sleeves; aluminum/steel/nylon spacers; cylinder block stiffeners; steel/aluminum/cast iron supports (accessory/air compressor/alternator/breather/camshaft/exhaust/recirculation cooler/front engine/fuel pump/rocker lever/thermostat housing); temperature switches; steel tubes (compressor air inlet/injector fuel supply/lubricating oil suction/oil gauge/vent); turbocharger; solenoid valves; and, aluminum exhaust gas recirculation venturi (duty rates range from free to 4.7%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is November 6, 2017.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: September 20, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–20403 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–147–2017]

Foreign-Trade Zone 61—San Juan, Puerto Rico; Application for Subzone; Plaza Warehousing & Realty Corporation; Caguas, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Puerto Rico Trade and Export Company, grantee of FTZ 61, requesting subzone status for the facility of Plaza Warehousing & Realty Corporation located in Caguas, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on September 20, 2017.

The proposed subzone (15.5 acres) is located at Road #1, Km. 27.9, Barrio Río Cañas, Caguas, Puerto Rico. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 61.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is November 6, 2017. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to November 20, 2017.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: September 20, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–20402 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–874]

Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Preliminary Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from India. The period of investigation is April 1, 2016, through March 31, 2017.

DATES: Applied September 25, 2017.

FOR FURTHER INFORMATION CONTACT: Ryan Mullen or Carrie Bethea, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5260 or (202) 482–1491, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on May 16, 2017.[1] On June 19, 2017, the Department postponed the preliminary determination of this investigation and the revised deadline is now September 18, 2017.[2] For a complete description of the events that followed the initiation of this investigation, see the Preliminary

[1] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India and the People's Republic of China: Initiation of Countervailing Duty Investigations,* 82 FR 22486 (May 16, 2017) *(Initiation Notice).*

[2] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India and the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigations,* 82 FR 28641 (June 23, 2017).

Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov*, and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is cold-drawn mechanical tubing from India. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.*, scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the Initiation Notice. The Department intends to issue its preliminary decision regarding comments concerning the scope of the AD and CVD investigations in the preliminary determination of the companion AD investigation.

Methodology

The Department is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, the Department preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6]

Facts Otherwise Available

The Department relied, in part, on facts otherwise available on the record in making its determinations, pursuant to section 776(a)(1) and 776(a)(2)(A)(B) & (C) of the Act, because the Government of India withheld necessary information which had been requested by the Department, thereby significantly impeding the proceeding. Furthermore, because the Government of India failed to act to the best of its ability in providing information requested for 11 subsidy programs, the Department drew an adverse inference where appropriate in selecting from among the facts otherwise available.[7] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, the Department shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, the Department calculated individual estimated countervailable subsidy rates for Goodluck India Limited (Goodluck) and Tube Investments of India Limited (Tube Investments) that are not zero, *de minimis*, or based entirely on facts otherwise available. The Department calculated the all-others rate using a weighted average of the individual estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration.[8]

Preliminary Determination

The Department preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (%)
Goodluck India Limited	8.09
Tube Investments of India Limited	3.04
All-Others	5.99

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

The Department intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, the Department intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See* section 776(b) of the Act.

[8] With two respondents under examination, the Department normally calculates (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. The Department then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010). As complete publicly ranged sales data were available, the Department based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, please see the All-Others Rate Calculation Memorandum.

[9] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, the Department will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: September 18, 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 I

Scope of the Investigation

The scope of this investigation covers cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) of circular cross-section, in actual outside diameters less than 331 mm, and regardless of wall thickness, surface finish, end finish or industry specification. The subject cold-drawn mechanical tubing is a tubular product with a circular cross-sectional shape that has been cold-drawn or otherwise cold-finished after the initial tube formation in a manner that involves a change in the diameter or wall thickness of the tubing, or both. The subject cold-drawn mechanical tubing may be produced from either welded (*e.g.*, electric resistance welded, continuous welded, etc.) or seamless (*e.g.*, pierced, pilgered or extruded, etc.) carbon or alloy steel tubular products. It may also be heat treated after cold working. Such heat treatments may include, but are not limited to, annealing, normalizing, quenching and tempering, stress relieving or finish annealing. Typical cold-drawing methods for subject merchandise include, but are not limited to, drawing over mandrel, rod drawing, plug drawing, sink drawing and similar processes that involve reducing the outside diameter of the tubing with a die or similar device, whether or not controlling the inside diameter of the tubing with an internal support device such as a mandrel, rod, plug or similar device.

Subject cold-drawn mechanical tubing is typically certified to meet industry specifications for cold-drawn tubing including but not limited to:

(1) American Society for Testing and Materials (ASTM) or American Society of Mechanical Engineers (ASME) specifications ASTM A–512, ASTM A–513 Type 3 (ASME SA513 Type 3), ASTM A–513 Type 4 (ASME SA513 Type 4), ASTM A–513 Type 5 (ASME SA513 Type 5), ASTM A–513 Type 6 (ASME SA513 Type 6), ASTM A–519 (cold-finished);

(2) SAE International (Society of Automotive Engineers) specifications SAE J524, SAE J525, SAE J2833, SAE J2614, SAE J2467, SAE J2435, SAE J2613;

(3) Aerospace Material Specification (AMS) AMS T–6736 (AMS 6736), AMS 6371, AMS 5050, AMS 5075, AMS 5062, AMS 6360, AMS 6361, AMS 6362, AMS 6371, AMS 6372, AMS 6374, AMS 6381, AMS 6415;

(4) United States Military Standards (MIL) MIL–T–5066 and MIL–T–6736;

(5) foreign standards equivalent to one of the previously listed ASTM, ASME, SAE, AMS or MIL specifications including but not limited to:

(a) German Institute for Standardization (DIN) specifications DIN 2391–2, DIN 2393–2, DIN 2394–2);

(b) European Standards (EN) EN 10305–1, EN 10305–2, EN 10305–4, EN 10305–6 and European national variations on those standards (*e.g.* British Standard (BS EN), Irish Standard (IS EN) and German Standard (DIN EN) variations, etc.);

(c) Japanese Industrial Standard (JIS) JIS G 3441 and JIS G 3445; and

(6) proprietary standards that are based on one of the above-listed standards.

The subject cold-drawn mechanical tubing may also be dual or multiple certified to more than one standard. Pipe that is multiple certified as cold-drawn mechanical tubing and to other specifications not covered by this scope, is also covered by the scope of this investigation when it meets the physical description set forth above.

Steel products included in the scope of this investigation are products in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

For purposes of this scope, the place of cold-drawing determines the country of origin of the subject merchandise. Subject merchandise that is subject to minor working in a third country that occurs after drawing in one of the subject countries including, but not limited to, heat treatment, cutting to length, straightening, nondestruction testing, deburring or chamfering, remains within the scope of the investigation.

All products that meet the written physical description are within the scope of this investigation unless specifically excluded or covered by the scope of an existing order. Merchandise that meets the physical description of cold-drawn mechanical tubing above is within the scope of the investigation even if it is also dual or multiple certified to an otherwise excluded specification listed below. The following products are outside of, and/or specifically excluded from, the scope of the investigation:

(1) cold-drawn stainless steel tubing, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(2) products certified to one or more of the ASTM, ASME or American Petroleum Institute (API) specifications listed below:

- ASTM A–53;
- ASTM A–106;
- ASTM A–179 (ASME SA 179);
- ASTM A–192 (ASME SA 192);
- ASTM A–209 (ASME SA 209);
- ASTM A–210 (ASME SA 210);
- ASTM A–213 (ASME SA 213);
- ASTM A–334 (ASME SA 334);
- ASTM A–423 (ASME SA 423);
- ASTM A–498;
- ASTM A–496 (ASME SA 496);
- ASTM A–199;
- ASTM A–500;
- ASTM A–556;
- ASTM A–565;
- API 5L; and
- API 5CT

except that any cold-drawn tubing product certified to one of the above excluded specifications will not be excluded from the scope if it is also dual- or multiple-certified to any other specification that otherwise would fall within the scope of the investigation.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.31.3000, 7304.31.6050, 7304.51.1000, 7304.51.5005, 7304.51.5060, 7306.30.5015, 7306.30.5020, 7306.50.5030. Subject merchandise may also enter under numbers 7306.30.1000 and 7306.50.1000. The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope Comments
IV. Scope of the Investigation
V. Injury Test
VI. Subsidies Valuation
VII. Benchmarks and Interest Rates
VIII. Use of Facts Otherwise Available
IX. Analysis of Programs
X. Calculation of the All-Others Rate
XI. ITC Notification
XII. Disclosure and Public Comment
XIII. Verification
XIV. Conclusion

[FR Doc. 2017–20412 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–485–805]

Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Romania: Final Results of Antidumping Duty Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On June 7, 2017, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania. The review covers one producer/exporter of the subject merchandise, S.C. Silcotub S.A. (Silcotub). The period of review (POR) is August 1, 2015, through July 31, 2016.

No interested party submitted comments on the preliminary results. We made no changes to the margin calculations for the final results of this review. Therefore, the final results do not differ from the preliminary results. The final weighted-average dumping margin for Silcotub is listed below in the ''Final Results of Review'' section of this notice.

DATES: Applied September 25, 2017.

FOR FURTHER INFORMATION CONTACT: Katherine Johnson or Denisa Ursu, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4929 or (202) 482–2285, respectively.

SUPPLEMENTARY INFORMATION:

Background

This review covers one producer/exporter of the subject merchandise, Silcotub. On June 7, 2017, the Department published the *Preliminary Results* in the **Federal Register**.[1] We invited parties to comment on the *Preliminary Results*.[2] No interested party submitted comments. Further, no party submitted a request for a hearing in the instant review. The Department conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the *Order*[3] is small diameter seamless pipe. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7304.10.10.20, 7304.10.50.20, 7304.19.10.20, 7304.19.50.20, 7304.31.30.00, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the *Order* is dispositive.[4]

Changes Since the Preliminary Results

As no parties submitted comments on the margin calculation methodology used in the *Preliminary Results,* the Department made no adjustments to that methodology in the final results of this review.

Final Results of the Review

As a result of this review, the Department determines that the following weighted-average dumping margin exists for entries of subject merchandise that were produced and/or exported by the following company during the POR:

Manufacturer/exporter	Weighted-average margin (percent)
S.C. Silcotub S.A.	0.00

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review, pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). Because we calculated a zero margin for Silcotub in the final results of this review, we intend to instruct CBP to liquidate without regard to antidumping duties all shipments of subject merchandise manufactured and exported by Silcotub, entered or withdrawn from warehouse during the POR.

The Department intends to issue the appropriate assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of these final results for all shipments of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for entries of subject merchandise manufactured and/or exported by Silcotub will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a completed prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recentlycompleted segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently-completed segment for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 13.06 percent, the all-others rate established in the *Order.* These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

In accordance with 19 CFR 351.305(a)(3), this notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary

[1] *See Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 26452 (June 7, 2017) (*Preliminary Results*), and accompanying Memorandum ''Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,'' dated June 1, 2017 (Preliminary Decision Memorandum).

[2] *Preliminary Results,* 82 FR at 26453.

[3] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Romania,* 65 FR 48963 (August 10, 2000) (the *Order*).

[4] *See* Preliminary Decision Memorandum for a complete description of the scope of the *Order.*

information disclosed under the APO, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We intend to issue and publish these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: September 19, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–20401 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–059]

Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from the People's Republic of China (PRC). The period of investigation is January 1, 2016, through December 31, 2016.

DATES: Applied September 25, 2017.

FOR FURTHER INFORMATION CONTACT: Shanah Lee at (202) 482–6386 or Laurel LaCivita at (202) 482–4243, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on May 16, 2017.[1] On June 23, 2017, the Department postponed the preliminary determination of this investigation and the revised deadline is now September 18, 2017.[2] For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is cold-drawn mechanical tubing from the PRC. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.*, scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice,* as well as additional language proposed by the Department. The Department intends to issue its preliminary decision regarding comments concerning the scope of the antidumping duty (AD) and countervailing duty (CVD) investigations in the preliminary determination of the companion AD investigation.

Methodology

The Department is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, the Department preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6]

The Department notes that in making these findings, it relied, in part, on facts available and, because it finds that one or more respondents did not act to the best of their ability to respond to the Department's requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.[7] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, the Department shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act. In this investigation, the Department calculated individual estimated countervailable subsidy rates for Jiangsu Hongyi Steel Pipe Co., Ltd. (Hongyi) and Zhangjiagang Huacheng Import & Export Co., Ltd. (Huacheng I&E) that are not zero, *de minimis*, or based entirely on facts otherwise available. The Department calculated the all-others'' rate using a simple average of the individual estimated subsidy rates calculated for the examined respondents.[8]

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[1] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India and the People's Republic of China: Initiation of Countervailing Duty Investigations,* 82 FR 22486 (May 16, 2017) (*Initiation Notice*).

[2] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India and the People's Republic of China: Postponement of Preliminary Determinations of Countervailing Duty Investigations,* 82 FR 28641 (June 23, 2017).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination: Countervailing Duty Investigation of Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice,* 82 FR at 22486, 22487.

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See* sections 776(a) and (b) of the Act.

[8] With two respondents under examination, the Department normally calculates (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration. The Department then compares (B) and (C) to (A) and selects the rate closest to (A) as

Preliminary Determination

The Department preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (%)
Jiangsu Hongyi Steel Pipe Co., Ltd [9]	35.69
Zhangjiagang Huacheng Import & Export Co., Ltd [10]	33.31
All-Others	34.5

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

The Department intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, the Department intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[11] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, the Department will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: September 18, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation covers cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) of circular cross-section, in actual outside diameters less than 331 mm, and regardless of wall thickness, surface finish, end finish or industry specification. The subject cold-drawn mechanical tubing is a tubular product with a circular cross-sectional shape that has been cold-drawn or otherwise cold-finished after the initial tube formation in a manner that involves a change in the diameter or wall thickness of the tubing, or both. The subject cold-drawn mechanical tubing may be produced from either welded (*e.g.,* electric resistance welded, continuous welded, etc.) or seamless (*e.g.* , pierced, pilgered or extruded, etc.) carbon or alloy steel tubular products. It may also be heat treated after cold working. Such heat treatments may include, but are not limited to, annealing, normalizing, quenching and tempering, stress relieving or finish annealing. Typical cold-drawing methods for subject merchandise include, but are not limited to, drawing over mandrel, rod drawing, plug drawing, sink drawing and similar processes that involve reducing the outside diameter of the tubing with a die or similar device, whether or not controlling the inside diameter of the tubing with an internal support device such as a mandrel, rod, plug or similar device.

Subject cold-drawn mechanical tubing is typically certified to meet industry specifications for cold-drawn tubing including but not limited to:

(1) American Society for Testing and Materials (ASTM) or American Society of Mechanical Engineers (ASME) specifications ASTM A–512, ASTM A–513 Type 3 (ASME SA513 Type 3), ASTM A–513 Type 4 (ASME SA513 Type 4), ASTM A–513 Type 5 (ASME SA513 Type 5), ASTM A–513 Type 6 (ASME SA513 Type 6), ASTM A–519 (cold-finished);

(2) SAE International (Society of Automotive Engineers) specifications SAE J524, SAE J525, SAE J2833, SAE J2614, SAE J2467, SAE J2435, SAE J2613;

(3) Aerospace Material Specification (AMS) AMS T–6736 (AMS 6736), AMS 6371, AMS 5050, AMS 5075, AMS 5062, AMS 6360, AMS 6361, AMS 6362, AMS 6371, AMS 6372, AMS 6374, AMS 6381, AMS 6415;

(4) United States Military Standards (MIL) MIL–T–5066 and MIL–T–6736;

(5) foreign standards equivalent to one of the previously listed ASTM, ASME, SAE, AMS or MIL specifications including but not limited to:

(a) German Institute for Standardization (DIN) specifications DIN 2391–2, DIN 2393–2, DIN 2394–2);

(b) European Standards (EN) EN 10305–1, EN 10305–2, EN 10305–4, EN 10305–6 and

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the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010). As complete publicly ranged sales data was available, the Department based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, please see the All-Others'' Rate Calculation Memorandum.

[9] As discussed in the Preliminary Decision Memorandum, the Department finds the following companies to be cross-owned with Hongyi: Jiangsu Hongren Precision Pipe Manufacturing Co., Ltd. and Changzhou Kemeng Mechanical Equipment Co., Ltd.

[10] As discussed in the Preliminary Decision Memorandum, the Department finds the following companies to be cross-owned with Huacheng I&E: Zhangjiagang Huacheng Industry Pipe Making Corporation, Zhangjiagang Salem Fine Tubing Co., Ltd., Zhangjiagang Huacheng Investment Holding Co., Ltd., Zhangjiagang HZB Special Material Technology Co., Ltd. and Zhangjiagang Huacheng Special Materials Corporation.

[11] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

European national variations on those standards (*e.g.,* British Standard (BS EN), Irish Standard (IS EN) and German Standard (DIN EN) variations, etc.);

(c) Japanese Industrial Standard (JIS) JIS G 3441 and JIS G 3445; and

(6) proprietary standards that are based on one of the above-listed standards.

The subject cold-drawn mechanical tubing may also be dual or multiple certified to more than one standard. Pipe that is multiple certified as cold-drawn mechanical tubing and to other specifications not covered by this scope, is also covered by the scope of this investigation when it meets the physical description set forth above.

Steel products included in the scope of this investigation are products in which:

(1) Iron predominates, by weight, over each of the other contained elements; and

(2) the carbon content is 2 percent or less by weight.

For purposes of this scope, the place of cold-drawing determines the country of origin of the subject merchandise. Subject merchandise that is subject to minor working in a third country that occurs after drawing in one of the subject countries including, but not limited to, heat treatment, cutting to length, straightening, nondestruction testing, deburring or chamfering, remains within the scope of the investigation.

All products that meet the written physical description are within the scope of this investigation unless specifically excluded or covered by the scope of an existing order. Merchandise that meets the physical description of cold-drawn mechanical tubing above is within the scope of the investigation even if it is also dual or multiple certified to an otherwise excluded specification listed below. The following products are outside of, and/or specifically excluded from, the scope of this investigation:

(1) Cold-drawn stainless steel tubing, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(2) products certified to one or more of the ASTM, ASME or American Petroleum Institute (API) specifications listed below:

- ASTM A–53;
- ASTM A–106;
- ASTM A–179 (ASME SA 179);
- ASTM A–192 (ASME SA 192);
- ASTM A–209 (ASME SA 209);
- ASTM A–210 (ASME SA 210);
- ASTM A–213 (ASME SA 213);
- ASTM A–334 (ASME SA 334);
- ASTM A–423 (ASME SA 423);
- ASTM A–498;
- ASTM A–496 (ASME SA 496);
- ASTM A–199;
- ASTM A–500;
- ASTM A–556;
- ASTM A–565;
- API 5L; and
- API 5CT

except that any cold-drawn tubing product certified to one of the above excluded specifications will not be excluded from the scope if it is also dual-or multiple-certified to any other specification that otherwise would fall within the scope of this investigation.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.31.3000, 7304.31.6050, 7304.51.1000, 7304.51.5005, 7304.51.5060, 7306.30.5015, 7306.30.5020, 7306.50.5030. Subject merchandise may also enter under numbers 7306.30.1000 and 7306.50.1000. The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope Comments
IV. Scope of the Investigation
V. Injury Test
VI. Application of the CVD Law to Imports from the PRC
VII. Subsidies Valuation
VIII. Benchmarks and Interest Rates
IX. Use of Facts Otherwise Available and Adverse Inferences
X. Analysis of Programs
XI. ITC Notification
XII. Disclosure and Public Comment
XIII. Verification
XIV. Conclusion

[FR Doc. 2017–20413 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Advisory Committee on Supply Chain Competitiveness; Notice of Public Meetings

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of open meetings.

SUMMARY: This notice sets forth the schedule and proposed topics of discussion for public meetings of the Advisory Committee on Supply Chain Competitiveness (Committee).

DATES: The meetings will be held on October 18, 2017, from 12:00 p.m. to 3:00 p.m., and October 19, 2017, from 9:00 a.m. to 4:00 p.m., Eastern Standard Time (EST).

ADDRESSES: The meetings on October 18 and 19 will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Research Library (Room 1894), Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Richard Boll, Office of Supply Chain, Professional & Business Services (OSCPBS), International Trade Administration. (Phone: (202) 482–1135 or Email: *richard.boll@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Committee was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.). It provides advice to the Secretary of Commerce on the necessary elements of a comprehensive policy approach to supply chain competitiveness designed to support U.S. export growth and national economic competitiveness, encourage innovation, facilitate the movement of goods, and improve the competitiveness of U.S. supply chains for goods and services in the domestic and global economy; and provides advice to the Secretary on regulatory policies and programs and investment priorities that affect the competitiveness of U.S. supply chains. For more information about the Committee visit: *http://trade.gov/td/services/oscpb/supplychain/acscc/.*

Matters to Be Considered: Committee members are expected to continue to discuss the major competitiveness-related topics raised at the previous Committee meetings, including trade and competitiveness; freight movement and policy; trade innovation; regulatory issues; finance and infrastructure; and workforce development. The Committee's subcommittees will report on the status of their work regarding these topics. The agenda may change to accommodate other Committee business. The Office of Supply Chain, Professional & Business Services will post the final detailed agendas on its Web site, *http://trade.gov/td/services/oscpb/supplychain/acscc/,* at least one week prior to the meeting.

The meetings will be open to the public and press on a first-come, first-served basis. Space is limited. The public meetings are physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Richard Boll, at (202) 482–1135 or *richard.boll@trade.gov* five (5) business days before the meeting.

Interested parties are invited to submit written comments to the Committee at any time before and after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of this meeting must send them to the Office of Supply Chain, Professional & Business Services, 1401 Constitution Ave. NW., Room 11014, Washington, DC 20230, or email to *richard.boll@trade.gov.*

For consideration during the meetings, and to ensure transmission to the Committee prior to the meetings, comments must be received no later

than 5:00 p.m. EST on October 10, 2017. Comments received after October 10, 2017, will be distributed to the Committee, but may not be considered at the meetings. The minutes of the meetings will be posted on the Committee Web site within 60 days of the meeting.

Dated: September 19, 2017.

Maureen Smith,

Director, Office of Supply Chain.

[FR Doc. 2017–20386 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: The Visiting Committee on Advanced Technology (VCAT or Committee), National Institute of Standards and Technology (NIST), will meet Monday, October 23, 2017 from 8:30 a.m. to 3:30 p.m. Eastern Time and Tuesday, October 24, 2017 from 8:30 a.m. to 12:30 p.m. Eastern Time. The VCAT is composed of not fewer than 9 members appointed by the NIST Director, a majority of whom are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations.

DATES: The VCAT will meet on Monday, October 23, 2017 from 8:30 a.m. to 3:30 p.m. Eastern Time and Tuesday, October 24, 2017 from 8:30 a.m. to 12:30 p.m. Eastern Time. The portion of the meeting that is closed to the public will take place on Tuesday, October 24, 2017 from 8:30 a.m. to 10:30 a.m.

ADDRESSES: The meeting will be held in the Portrait Room, Administration Building, at NIST, 100 Bureau Drive, Gaithersburg, Maryland, 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Serena Martinez, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, Maryland 20899–1060, telephone number 301–975–2661. Mrs. Martinez's email address is *serena.martinez@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 278, as amended, and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

The purpose of this meeting is for the VCAT to review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include an update on major programs at NIST. In addition, the meeting will include presentations and discussions on priorities for the NIST Laboratory Programs over the next decade. The Committee will also be briefed on plans to improve research services and support. During a closed session on October 24, 2017 from 8:30 a.m. until 10:30 a.m., the VCAT will discuss NIST's security posture, including recent incidents and planned improvements. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at *http://www.nist.gov/director/vcat/agenda.cfm.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On Monday, October 23, approximately one-half hour in the afternoon will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the NIST Web site at *http://www.nist.gov/director/vcat/agenda.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to VCAT, NIST, 100 Bureau Drive, MS 1060, Gaithersburg, Maryland 20899, via fax at 301–216–0529 or electronically by email to *stephanie.shaw@nist.gov.*

All visitors to the NIST site are required to pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Serena Martinez by 5:00 p.m. Eastern Time, Friday, October 13, 2017. Non-U.S. citizens must submit additional information; please contact Mrs. Martinez. Mrs. Martinez's email address is *serena.martinez@nist.gov* and her phone number is 301–975–2661. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please contact Mrs. Martinez at 301–975–2661 or visit: *http://nist.gov/public_affairs/visitor/.*

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2017–20374 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF330

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Geophysical Survey in the Central Pacific Ocean

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

ACTION: Notice; Issuance of an Incidental Harassment Authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the University of Hawaii (UH) to incidentally take, by Level A and Level B harassment only, marine mammals during a marine geophysical survey in the Central Pacific Ocean.

DATES: This Authorization is valid from September 14, 2017 through September 13, 2018.

FOR FURTHER INFORMATION CONTACT: Jordan Carduner, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *www.nmfs.noaa.gov/pr/permits/incidental/research.htm.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region 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 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 takings 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 MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment. Accordingly, NMFS prepared an Environmental Assessment (EA) to consider the environmental impacts associated with the issuance of the IHA to UH. We reviewed all comments submitted in response to the **Federal Register** notice for the proposed IHA (82 FR 34352; July 24, 2017) prior to concluding our NEPA process and deciding whether or not to issue a Finding of No Significant Impact (FONSI). NMFS concluded that issuance of an IHA to UH would not significantly affect the quality of the human environment and prepared and issued a FONSI in accordance with NEPA and NAO 216–6A. NMFS' EA and FONSI for this activity are available on our Web site at: *http://www.nmfs.noaa.gov/pr/permits/incidental.*

Summary of Request

On March 15, 2016, NMFS received a request from the UH for an IHA to take marine mammals incidental to conducting a marine geophysical survey in the central Pacific Ocean. On May 16, 2017, we deemed UH's application for authorization to be adequate and complete. UH's request is for take of a small number of 24 species of marine mammals by Level B harassment and Level A harassment. Neither UH nor NMFS expects mortality to result from this activity, and, therefore, an IHA is appropriate. The planned activity is not expected to exceed one year, hence, we do not expect subsequent MMPA incidental harassment authorizations would be issued for this particular activity.

Description of Activity

Overview

UH, in collaboration with the Japan Agency for Marine-Earth Science and Technology (JAMSTEC), proposes to conduct a marine seismic survey north of Hawaii in the central Pacific Ocean over the course of five and a half days in September 2017. The survey would occur north of the Hawaiian Islands, in the approximate area 22.6–25.0° N and 153.5–157.4° W (See Figure 1 in IHA application). The project area is partly within the exclusive economic zone (EEZ) of the United States and partly in adjacent international waters. Water depths in the area range from 4,000 to 5,000 meters (m). The survey would involve one source vessel, the Japan-flagged R/V (research vessel) *Kairei.* The *Kairei* would deploy a 32-airgun array with a total volume of ~7800 cubic inches (in^3) as an energy source. A detailed description of UH's planned activity is provided in the **Federal Register** notice for the proposed IHA (82 FR 34352; July 24, 2017). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

NMFS published a notice of proposed IHA in the **Federal Register** on July 24, 2017 (82 FR 34352; July 24, 2017). During the 30-day public comment period, NMFS received a comment letter from the Marine Mammal Commission (Commission) as well as one comment from a member of the general public. NMFS has posted the comments online at: *http://www.nmfs.noaa.gov/pr/permits/incidental.* NMFS addresses any comments specific to UH's application related to the statutory and regulatory requirements or findings that NMFS must make under the MMPA in order to issue an Authorization. The following is a summary of the public comments and NMFS' responses.

Comment 1: The Commission expressed concerns regarding UH's method to estimate the extent of the Level A and B harassment zones and the numbers of marine mammal takes. The Commission stated that the model is not the best available science because it assumes spherical spreading, a constant sound speed, and no bottom interactions for surveys in deep water. In light of their concerns, the Commission recommended that NMFS require UH, in collaboration with Lamont-Doherty Earth Observatory of Columbia University (LDEO) (which performed the modeling of Level A and Level B harassment zones and estimated takes) to re-estimate the Level A and Level B harassment zones and associated takes of marine mammals using both operational (including number/type/spacing of airguns, tow depth, source level/operating pressure, operational volume) and site-specific environmental (including sound speed profiles, bathymetry, and sediment characteristics at a minimum) parameters. The Commission also expressed concern that LDEO used a high-pass filter for modeling the unweighted peak sound pressure level (SPL_{peak}) thresholds, and stated that use of the full bandwidth is appropriate given that the thresholds themselves were based on responses of the animals to the full frequency spectrum of the airgun pulses, not a filtered bandwidth.

Response: NMFS acknowledges the Commission's concerns about LDEO's current modeling approach for estimating Level A and Level B harassment zones and takes. UH's application (LGL, 2017) and the **Federal Register** notice for the proposed IHA (82 FR 34352; July 24, 2017) describe the applicant's approach to modeling Level A and Level B harassment zones. The model LDEO currently uses does not allow for the consideration of

environmental and site-specific parameters as requested by the Commission. NMFS continues to work with LDEO to address the issue of incorporating site-specific information to further inform the analysis and development of mitigation measures in oceanic and coastal areas for future seismic surveys. The use of models for estimating the size of ensonified areas and for developing take estimates is not a requirement of the MMPA incidental take authorization process, and NMFS does not provide specific guidance on model parameters nor prescribe a specific model for applicants at this time. We recognize that there is no model or approach that is always the most appropriate and that there may be multiple approaches that may be considered acceptable and, in this case, LDEO's current modeling approach represents the best available information to inform authorized take levels and also NMFS' determinations under the MMPA. NMFS finds that the Level A and Level B harassment zone calculations conducted by LDEO are reasonable for use in this particular IHA. Further, the results of modeling (*e.g.,* take estimates) is just one component of the analysis during the MMPA authorization process as NMFS also takes into consideration other factors associated with the activity (*e.g.,* geographic location, duration of activities, context, sound source intensity, etc.).

With regard to the Commission's concern regarding LDEO's use of a high-pass filter for modeling the unweighted SPL_{peak} thresholds, NMFS has reviewed the best available information and we agree that the Commission's concern is valid. Since the thresholds were based on responses of the animals to the full frequency spectrum of the airgun pulses, not a filtered bandwidth, we agree that use of the full bandwidth is appropriate. Therefore, we have revised the modeled distances to the Level A harassment threshold (SPL_{peak}) that we rely on for estimating Level A takes, from those described in the **Federal Register** notice for the proposed IHA (82 FR 34352; July 24, 2017) to those shown in Table 6 in this document, which have no band pass filtering applied.

Comment 2: The Commission expressed concern that the method used to estimate the numbers of takes, which summed fractions of takes for each species across project days, does not account for and negates the intent of NMFS' 24-hour reset policy.

NMFS Response: We appreciate the Commission's ongoing concern in this matter. Calculating predicted takes is not an exact science and there are arguments for taking different mathematical approaches in different situations, and for making qualitative adjustments in other situations. We believe, however, that the methodology used for take calculation in this IHA remains appropriate and is not at odds with the 24-hour reset policy the Commission references.

Comment 3: The Commission questioned why NMFS did not propose to prohibit the use of power downs and recommended that NMFS use a consistent approach for requiring all geophysical survey operators to abide by the same general mitigation measures, including prohibiting UH from using power downs during its survey.

NMFS Response: NMFS agrees with the Commission that consistency in mitigation measures across ITAs for similar activities is a worthwhile goal, to the extent practicable. NMFS also agrees with the Commission that limiting the use of power downs can be beneficial in reducing the overall sound input in the marine environment from geophysical surveys; as such, NMFS is requiring that power downs in this IHA occur for no more than a maximum of 30 minutes at any time. The requirement for a 30 minute maximum for power downs represents a change to the mitigation measures from those proposed in the **Federal Register** notice of the proposed IHA (82 FR 34352, July 24, 2017) and is reflected in the mitigation measures in the issued IHA. NMFS is still in the process of determining best practice, via solicitation of public comment, for the use of power downs as a mitigation measure in ITAs for geophysical surveys. We will take into consideration the Commission's recommendation that power downs be eliminated as a mitigation measure as we work toward a determination on best practices for the use of power downs in IHAs for marine geophysical surveys. We will also review the comments received in response to the **Federal Register** notice for proposed IHAs for marine geophysical surveys in the Atlantic Ocean (82 FR 26244, June 6, 2017) to help inform that determination; we are still reviewing those comments at this time. Ultimately our determination will be based on the best available science and will be communicated clearly to ITA applicants.

Comment 4: The Commission expressed concern that reporting of the manner of taking and the numbers of animals incidentally taken should account for all animals in the various survey areas, including those animals directly on the trackline that are not detected and how well animals are detected based on the distance from the observer (accounted for by g(0) and f(0) values). The Commission has recommended a method for estimating the number of cetaceans in the vicinity of geophysical surveys based on the number of groups detected and recommended that NMFS require UH to use this method for estimating g(0) and f(0) values to better estimate the numbers of marine mammals taken by Level A and Level B harassment.

NMFS response: NMFS agrees that reporting of the manner of taking and the numbers of animals incidentally taken should account for all animals taken, including those animals directly on the trackline that are not detected and how well animals are detected based on the distance from the observer, to the extent practicable. NMFS has provided the Commission's recommended method for estimating g(0) and f(0) values to previous applicants for similar activities (*i.e.,* research-based geophysical surveys). We have received feedback in response that those applicants are concerned with some aspects of the Commission's method, including that the probability values recommended by the Commission's recommended method involve assumptions that are not met by the surveys conducted aboard research geophysical vessels and that, as such, derived *f*(0) values for research geophysical surveys would not be suitable for refining the number of cetaceans potentially taken incidentally during these surveys. NMFS requires in this IHA that takes reported in UH's monitoring report include an estimate that accounts for all animals incidentally taken, including those on the trackline but not detected, but at this time we do not prescribe a particular method for accomplishing this task.

Description of Marine Mammals in the Area of Specified Activities

Section 4 of the application summarizes available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SAR; *www.nmfs.noaa.gov/pr/sars/*), and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' Web site (*www.nmfs.noaa.gov/pr/species/mammals/*).

Table 1 lists all species with expected potential for occurrence in the central Pacific Ocean and summarizes information related to the population or

stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2016). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Pacific SARs (*e.g.,* Carretta *et al.,* 2017). All values presented in Table 1 are the most recent available at the time of publication and are available in the 2016 SARs (Carretta *et al.,* 2017), available online at: *www.nmfs.noaa.gov/pr/sars,* except where noted otherwise.

TABLE 1—MARINE MAMMALS THAT COULD OCCUR IN THE PROJECT AREA

Species	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance [2] (CV, Nmin, most recent abundance survey) [3]	PBR [4]	Relative occurrence in project area
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)					
Family: Balaenopteridae					
Humpback whale (*Megaptera novaeangliae*) [5].	Central North Pacific	-/-; N	10,103 (0.300; 7,890; 2006).	83	Seasonal; throughout known breeding grounds during winter and spring (most common November through April).
Blue Whale (*Balaenoptera musculus).*	Central North Pacific	E/D; Y	81 (1.14; 38; 2010)	0.1	Seasonal; infrequent winter migrant; few sightings, mainly fall and winter; considered rare.
Fin whale (*Balaenoptera physalus*.	Hawaii	E/D; Y	58 (1.12; 27; 2010)	0.1	Seasonal, mainly fall and winter; considered rare.
Sei whale (*Balaenoptera borealis).*	Hawaii	E/D; Y	178 (0.90; 93; 2010)	0.2	Rare; limited sightings of seasonal migrants that feed at higher latitudes.
Bryde's whale (*Balaenoptera brydei/edeni).*	Hawaii	-/-; N	798 (0.28; 633; 2010)	6.3	Uncommon; distributed throughout the Hawaiian Exclusive Economic Zone.
Minke whale (*Balaenoptera acutorostrata).*	Hawaii	-/-; N	n/a (n/a; n/a; 2010)	Undet.	Seasonal, mainly fall and winter; considered rare.
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)					
Family: Physeteridae					
Sperm whale (*Physeter macrocephalus*).	Hawaii	E/D; Y	3,354 (0.34; 2,539; 2010)	10.2	Widely distributed year round.
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)					
Family: Kogiidae					
Pygmy sperm whale [6] (*Kogia breviceps*).	Hawaii	-/-; N	7,139 (2.91; n/a; 2006)	Undet.	Widely distributed year round.
Dwarf sperm whale [6] (*Kogia sima*).	Hawaii	-/-; N	17,519 (7.14; n/a; 2006)	Undet.	Widely distributed year round.
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)					
Family delphinidae					
Killer whale (*Orcinus orca*)	Hawaii	-/-; N	101 (1.00; 50; 2010)	1	Uncommon; infrequent sightings.
False killer whale (*Pseudorca crassidens*).	Hawaii Pelagic	-/-; N	1,540 (0.66; 928; 2010)	9.3	Regular.
Pygmy killer whale (*Feresa attenuata*).	Hawaii	-/-; N	3,433 (0.52; 2,274; 2010)	23	Year-round resident.

TABLE 1—MARINE MAMMALS THAT COULD OCCUR IN THE PROJECT AREA—Continued

Species	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance [2] (CV, Nmin, most recent abundance survey) [3]	PBR [4]	Relative occurrence in project area
Short-finned pilot whale (*Globicephala macrorhynchus*).	Hawaii	-/-; N	12,422 (0.43; 8,872; 2010)	70	Commonly observed around Main Hawaiian Islands and Northwestern Hawaiian Islands.
Melon headed whale (*Peponocephala electra*).	Hawaiian Islands	-/-; N	5,794 (0.20; 4,904; 2010)	4	Regular.
Bottlenose dolphin (*Tursiops truncatus*).	Hawaii pelagic	-/-; N	5,950 (0.59; 3,755; 2010)	38	Common in deep offshore waters.
Pantropical spotted dolphin (*Stenella attenuata*).	Hawaii pelagic	-/-; N	15,917 (0.40; 11,508; 2010).	115	Common; primary occurrence between 100 and 4,000 m depth.
Striped dolphin (*Stenella coeruleoala*).	Hawaii	-/-; N	20,650 (0.36; 15,391; 2010).	154	Occurs regularly year round but infrequent sighting during survey.
Spinner dolphin [6] (*Stenella longirostris*).	Hawaii pelagic	-/-; N	3,351 (0.74; n/a; 2006)	Undet.	Common year-round in offshore waters.
Rough-toothed dolphin (*Steno bredanensis*).	Hawaii	-/-; N	6,288 (0.39; 4,581; 2010)	46	Common throughout the Main Hawaiian Islands and Hawaiian Islands EEZ.
Fraser's dolphin (*Lagenodelphis hosei*).	Hawaii	-/-; N	16,992 (0.66; 10,241; 2010).	102	Tropical species only recently documented within Hawaiian Islands EEZ (2002 survey).
Risso's dolphin (*Grampus griseus*).	Hawaii	-/-; N	7,256 (0.41; 5,207; 2010)	42	Previously considered rare but multiple sightings in Hawaiian Islands EEZ during various surveys conducted from 2002–2012.
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)					
Family: Ziphiidae					
Cuvier's beaked whale (*Ziphius cavirostris*).	Hawaii	-/-; N	1,941 (n/a; 1,142; 2010)	11.4	Year-round occurrence but difficult to detect due to diving behavior.
Blainville's beaked whale (*Mesoplodon densirostris*).	Hawaii	-/-; N	2,338 (1.13; 1,088; 2010)	11	Year-round occurrence but difficult to detect due to diving behavior.
Longman's beaked whale (*Indopacetus pacificus*).	Hawaii	-/-; N	4,571 (0.65; 2,773; 2010)	28	Considered rare; however, multiple sightings during 2010 survey.

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

[2] Abundance estimates from Carretta *et al.* (2017) unless otherwise noted.

[3] CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For certain stocks, abundance estimates are actual counts of animals and there is no associated CV. The most recent abundance survey that is reflected in the abundance estimate is presented; there may be more recent surveys that have not yet been incorporated into the estimate.

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

[5] Values for humpback whale are from the 2015 Alaska SAR (Muto *et al.,* 2015).

[6] Values for spinner dolphin, dwarf and pygmy sperm whale are from Barlow *et al.* (2006).

All species that could potentially occur in the survey area are included in Table 1. We have reviewed UH's species descriptions, including life history information, distribution, regional distribution, diving behavior, and acoustics and hearing, for accuracy and completeness. We refer the reader to Section 4 of UH's IHA application, rather than reprinting the information here. A detailed description of the species likely to be affected by UH's survey, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (82 FR 34352; July 24, 2017). Since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' Web site (*www.nmfs.noaa.gov/pr/*

species/mammals/) for generalized species accounts

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from marine geophysical survey activities have the potential to result in behavioral harassment and, in a limited number of instances, auditory injury (PTS) of marine mammals in the vicinity of the action area. The **Federal Register** notice for the proposed IHA (82 FR 34352; July 24, 2017) included a discussion of the effects of anthropogenic noise on marine mammals and their habitat, therefore that information is not repeated here; please refer to the **Federal Register** notice (82 FR 34352; July 24, 2017) for that information. No instances of serious injury or mortality are expected as a result of UH's survey activities.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through the IHA, which informs both NMFS' consideration of whether the number of takes is ''small'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the seismic airguns have the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for mysticetes and high frequency cetaceans (*i.e.,* kogiidae spp.), due to larger predicted auditory injury zones for those functional hearing groups. Auditory injury is unlikely to occur for mid-frequency species given very small modeled zones of injury for those species. The mitigation and monitoring measures are expected to minimize the severity of such taking to the extent practicable.

As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Described in the most basic way, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and (4) and the number of days of activities. Below, we describe these components in more detail and present the exposure estimate and associated numbers of take authorized.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur permanent threshold shift (PTS) of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2011). Based on the best available science and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider to fall under Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 decibels (dB) re 1 micropascal (μPa) root mean square (rms) for continuous (*e.g.* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. UH's activity includes the use of impulsive seismic sources. Therefore, the 160 dB re 1 μPa (rms) criteria is applicable for analysis of level B harassment.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (NMFS, 2016) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) (Table 2) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The Technical Guidance identifies the received levels, or thresholds, above which individual marine mammals are predicted to experience changes in their hearing sensitivity for all underwater anthropogenic sound sources, reflects the best available science, and better predicts the potential for auditory injury than does NMFS' historical criteria.

TABLE 2—MARINE FUNCTIONAL MAMMAL HEARING GROUPS AND THEIR GENERALIZED HEARING RANGES

Hearing group	Generalized hearing range *
Low frequency (LF) cetaceans (baleen whales)	7Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, Kogia, river dolphins, cephalorhynchid, Lagenorhynchus cruciger and L. australis).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

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

These thresholds were developed by compiling and synthesizing the best available science and soliciting input multiple times from both the public and peer reviewers to inform the final product, and are provided in Table 3 below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2016 Technical Guidance, which may be accessed at: *http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm.* As described above, UH's activity includes the use of intermittent and impulsive seismic sources.

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT IN MARINE MAMMALS

Hearing Group	PTS onset thresholds	
	Impulsive *	Non-impulsive
Low-Frequency (LF) Cetaceans	$L_{pk,flat}$: 219 dB, $L_{E,LF,24h}$: 183 dB	$L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	$L_{pk,flat}$: 230 dB, $L_{E,MF,24h}$: 185 dB	$L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	$L_{pk,flat}$: 202 dB, $L_{E,HF,24h}$: 155 dB	$L_{E,HF,24h}$: 173 dB.

Note: * Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (Lpk) has a reference value of 1 μPa, and cumulative sound exposure level (LE) has a reference value of 1μPa2s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into estimating the area ensonified above the acoustic thresholds.

The survey would entail use of a 32-airgun array with a total discharge of 7,800 in^3 at a tow depth of 10 m. The distance to the predicted isopleth corresponding to the threshold for Level B harassment (160 dB re 1 μPa) was calculated based on results of modeling performed by LDEO. Received sound levels were predicted by LDEO's model (Diebold *et al.* 2010) as a function of distance from the full 32-airgun array as well as for a single 100 in^3 airgun, which would be used during power-downs. The LDEO modeling approach uses ray tracing for the direct wave traveling from the array to the receiver and its associated source ghost (reflection at the air-water interface in the vicinity of the array), in a constant-velocity half-space (infinite homogeneous ocean layer unbounded by a seafloor). LDEO's modeling methodology is described in greater detail in the IHA application (LGL 2017) and we refer to the reader to that document rather than repeating it here. The estimated distances to the Level B harassment isopleth for the *Kairei's* full airgun array and for the single 100-in^3 airgun are shown in Table 4. The total area estimated to be ensonified to the Level B harassment threshold for the entire survey is 24,408 square kilometers (km^2).

TABLE 4—PREDICTED RADIAL DISTANCES FROM R/V KAIREI SEISMIC SOURCE TO ISOPLETH CORRESPONDING TO LEVEL B HARASSMENT THRESHOLD

Source and volume	Predicted distance to threshold (160 dB re 1 μPa)
1 airgun, 100 in^3	722 m.
4 strings, 32 airguns, 7800 in^3.	9,289 m.

Predicted distances to Level A harassment isopleths, which vary based on marine mammal hearing groups (Table 2), were calculated based on modeling performed by LDEO using the Nucleus software program and the NMFS User Spreadsheet, described below. The updated acoustic thresholds for impulsive sounds (such as airguns) contained in the Technical Guidance (NMFS 2016) were presented as dual metric acoustic thresholds using both cumulative sound exposure level (SEL_{cum}) and peak sound pressure metrics. As dual metrics, NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the two metrics is exceeded (*i.e.,* metric resulting in the largest isopleth). The SEL_{cum} metric considers both level and duration of exposure, as well as auditory weighting functions by marine mammal hearing group. In recognition of the fact that the requirement to calculate Level A harassment ensonified areas could be more technically challenging to predict due to the duration component and the use of weighting functions in the new SEL_{cum} thresholds, NMFS developed an optional User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to facilitate the estimation of take numbers.

The values for SEL_{cum} and peak SPL for the *Kairei* airgun array were derived from calculating the modified farfield signature (Table 5). The farfield signature is often used as a theoretical representation of the source level. To compute the farfield signature, the source level is estimated at a large distance below the array (*e.g.,* 9 km), and this level is back projected mathematically to a notional distance of 1 m from the array's geometrical center. However, when the source is an array of multiple airguns separated in space, the source level from the theoretical farfield signature is not necessarily the best measurement of the source level that is physically achieved at the source (Tolstoy *et al.* 2009). Near the source (at short ranges, distances <1 km), the pulses of sound pressure from each individual airgun in the source array do not stack constructively, as they do for the theoretical farfield signature. The pulses from the different airguns spread out in time such that the source levels observed or modeled are the result of the summation of pulses from a few airguns, not the full array (Tolstoy *et al.* 2009). At larger distances, away from the source array center, sound pressure of all the airguns in the array stack coherently, but not within one time

sample, resulting in smaller source levels (a few dB) than the source level derived from the farfield signature. Because the farfield signature does not take into account the large array effect near the source and is calculated as a point source, the modified farfield signature is a more appropriate measure of the sound source level for distributed sound sources, such as airgun arrays. UH used the acoustic modeling developed by LDEO (same as used for Level B takes) with a small grid step of 1 m in both the inline and depth directions (for example, see Figure 5 in the IHA application). The propagation modeling takes into account all airgun interactions at short distances from the source, including interactions between subarrays which are modeled using the NUCLEUS software to estimate the notional signature and MATLAB software to calculate the pressure signal at each mesh point of a grid.

TABLE 5—MODELED SOURCE LEVELS FOR R/V KAIREI 7,800 IN^3 AIRGUN ARRAY AND 100 IN^3 AIRGUN BASED ON MODIFIED FARFIELD SIGNATURE

Functional hearing group	7,800 in^3 airgun array (peak SPL_{flat})	7,800 in^3 airgun array (SEL_{cum})	100 in^3 airgun (peak SPL_{flat})	100 in^3 airgun (SEL_{cum})
Low frequency cetaceans ($L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB)	256.36 dB	235.01 dB	229.46 dB	208.41 dB.
Mid frequency cetaceans ($L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB)	245.59 dB	235.12 dB	229.47 dB	208.44 dB.
High frequency cetaceans ($L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB)	256.26 dB	235.16 dB	229.59 dB	209.01 dB.

In order to more realistically incorporate the Technical Guidance's weighting functions over the seismic array's full acoustic band, unweighted spectrum data for the Kairei's airgun array (modeled in 1 hertz (Hz) bands) was used to make adjustments (dB) to the unweighted spectrum levels, by frequency, according to the weighting functions for each relevant marine mammal hearing group. These adjusted/weighted spectrum levels were then converted to pressures (micropascals) in order to integrate them over the entire broadband spectrum, resulting in broadband weighted source levels by hearing group that could be directly incorporated within the User Spreadsheet (*i.e.,* to override the Spreadsheet's more simple weighting factor adjustment). Using the User Spreadsheet's ''safe distance'' methodology for mobile sources (described by Sivle *et al.,* 2014) with the hearing group-specific weighted source levels, and inputs assuming spherical spreading propagation, a source velocity of 2.315 meters/second, and shot interval of 21.59 seconds (LGL 2017), potential radial distances to auditory injury zones were then calculated for SEL_{cum} thresholds.

To estimate Peak SPL thresholds, LDEO performed modeling for a single shot and then a high pass filter was applied for each hearing group. A high pass filter is a type of band band-pass filter, which pass frequencies within a defined range without reducing amplitude and attenuate frequencies outside that defined range (Yost 2007). In their IHA application (LGL 2017) UH presented modeled distances to level A isopleths (Peak SPL) both with and without the high pass filter applied. In the **Federal Register** notice for the proposed IHA (82 FR 34352; July 24, 2017) NMFS presented distances to the Level A harassment thresholds for Peak SPL based on LDEO's modeling, including the application of the high pass filter. At the time that **Federal Register** notice was published, we agreed that application of the high pass filter was appropriate, and we accepted LDEO's modeling methodology and its application for take estimation. However, in response to feedback we received in the form of public comments submitted in response to that **Federal Register** notice (see Comments and Responses section) we have subsequently determined that the application of the high pass filter is, in fact, not appropriate (see Comments and Responses section for further discussion of this issue). As such, the estimated distances to Level A harassment isopleths (for Peak SPL) shown in Table 6 have revised from those shown in the **Federal Register** notice for the proposed IHA (82 FR 34352; July 24, 2017) to reflect no band pass filtering.

Inputs to the User Spreadsheet are shown in Table 5; outputs from the User Spreadsheet in the form of estimated distances to Level A harassment isopleths are shown in Table 6. The User Spreadsheet used by UH is shown in Table 3 of the IHA application.

TABLE 6—MODELED RADIAL DISTANCES FROM R/V KAIREI 7800 IN^3 AIRGUN ARRAY AND 100 IN^3 AIRGUN TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT THRESHOLDS

Functional hearing group	7,800 in^3 airgun array (peak SPL_{flat})	7,800 in^3 airgun array (SEL_{cum})	100 in^3 airgun (peak SPL_{flat})	100 in^3 airgun (SEL_{cum})
Low frequency cetaceans ($L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB)	73.8 m	752.8 m	3.3 m	4.48 m
Mid frequency cetaceans ($L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB)	6.0	0.0 m	0.9	n/a
High frequency cetaceans ($L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB)	516.5 m	1.7 m	24 m	n/a

Note that because of some of the assumptions included in the methods used, isopleths produced may be overestimates to some degree, which will ultimately result in some degree of overestimate of Level A take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools and will qualitatively address the output where appropriate. For mobile sources, such as UH's survey, the User Spreadsheet predicts the closest distance at which a stationary animal would not incur PTS if the sound source traveled by the animal in a straight line at a constant speed.

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

The best available scientific information was considered in conducting marine mammal exposure estimates (the basis for estimating take). For most cetacean species, densities calculated by Bradford *et al.* (2017) from summer–fall vessel-based surveys that are part of the Hawaiian Island Cetacean Ecosystem Assessment Survey (HICEAS) were used. The surveys were conducted by NMFS' Southwest Fisheries Science Center (SWFSC) and Pacific Islands Fisheries Science Center (PIFSC) in 2010 using two NOAA research vessels, one during August 13—December 1 and the other during September 2—October 29. The densities were estimated using a multiple-covariate line-transect approach (Buckland *et al.* 2001; Marques and Buckland 2004). Density estimates for pygmy and dwarf sperm whales and spinner dolphins, which were not calculated from the 2010 surveys, were derived from the ''Outer EEZ stratum'' of the vessel-based HICEAS survey conducted in summer–fall 2002 by SWFSC (Barlow 2006) using line-transect methodology (Buckland *et al.* 2001). The density estimate for the false killer whale was based on the pelagic stock density calculated by Bradford *et al.* (2015) using line-transect methodology (Buckland *et al.* 2001).

All densities were corrected for trackline detection probability bias ($f(0)$) and availability ($g(0)$) bias by the authors. Bradford *et al.* (2017) used $g(0)$ values estimated by Barlow (2015), whose analysis indicated that $g(0)$ had previously been overestimated, particularly for high sea states. Barlow (2006) used earlier estimates of $g(0)$, so densities used here for pygmy and dwarf sperm whales and spinner dolphins likely are underestimates. The density for the ''Sei or Bryde's whale'' category identified by Bradford *et al.* (2017) was allocated between sei and Bryde's whales according to their proportionate densities. Density estimates for humpback and minke whales were not available.

There is some uncertainty related to the estimated density data and the assumptions used in their calculations, as with all density data estimates. However, the approach used is based on the best available data.

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate. In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in Level B harassment or Level A harassment, radial distances to predicted isopleths corresponding to the Level A harassment and Level B harassment thresholds are calculated, as described above. We then use those distances to calculate the area(s) around the airgun array predicted to be ensonified to sound levels that exceed the Level A and Level B harassment thresholds. The total ensonified area for the survey is then calculated, based on the areas predicted to be ensonified around the array and the trackline distance. The marine mammals predicted to occur within these respective areas, based on estimated densities, are expected to be incidentally taken by UH's survey.

To summarize, the estimated density of each marine mammal species within an area (animals/km^2) is multiplied by the daily ensonified areas (km^2) that correspond to the Level A and Level B harassment thresholds for the species. The product (rounded) is the number of instances of take for each species within one day. The number of instances of take for each species within one day is then multiplied by the number of survey days (plus 25 percent contingency, as described below). The result is an estimate of the number of instances that marine mammals are predicted to be exposed to airgun sounds above the Level B harassment threshold and the Level A harassment threshold over the duration of the survey. Estimated takes for all marine mammal species are shown in Table 7.

The planned survey would occur both within the U.S. EEZ and outside the U.S. EEZ. We authorize incidental take that is expected to occur as a result of the survey both within and outside the U.S. EEZ.

TABLE 7—NUMBERS OF INCIDENTAL TAKE OF MARINE MAMMALS AUTHORIZED

Species	Estimated density (#/1,000 km2)	Estimated and authorized Level A takes	Estimated Level B takes	Authorized Level B takes	Total authorized Level A and Level B takes	Total authorized Level A and Level B takes as a percentage of population
Humpback whale [1]	0	0	0	2	2	<0.1
Minke whale [1]	0	0	0	1	1	n/a
Bryde's whale	0.97	2	25	25	27	3.4
Sei whale	0.22	0	6	6	6	3.4
Fin whale	0.06	0	2	2	2	3.4
Blue whale [1]	0.05	0	1	3	3	3.7
Sperm whale	1.86	0	51	51	51	1.5
Cuvier's beaked whale	0.30	0	8	8	8	<0.1
Longman's beaked whale	3.11	0	85	85	85	1.9
Blainville's beaked whale	1.89	0	76	76	76	3.3
Rough-toothed dolphin	29.6	0	812	812	812	12.9
Bottlenose dolphin	8.99	0	246	246	246	4.1
Pantropical spotted dolphin	23.3	0	639	639	639	4.0
Spinner dolphin [1]	0.83	0	23	32	32	0.9
Striped dolphin	25.0	0	685	685	685	3.3
Fraser's dolphin	21.0	0	577	577	577	3.4
Risso's dolphin	4.74	0	130	130	130	1.8
Melon-headed whale	3.54	0	97	97	97	1.7
Pygmy killer whale	4.35	0	119	119	119	3.5
False killer whale	0.60	0	16	16	16	1.0
Killer whale [1]	0.06	0	2	5	5	4.9
Short-finned pilot whale	7.97	0	218	218	218	1.8
Pygmy sperm whale	3.19	7	87	87	94	7.4

TABLE 7—NUMBERS OF INCIDENTAL TAKE OF MARINE MAMMALS AUTHORIZED—Continued

Species	Estimated density (#/1,000 km2)	Estimated and authorized Level A takes	Estimated Level B takes	Authorized Level B takes	Total authorized Level A and Level B takes	Total authorized Level A and Level B takes as a percentage of population
Dwarf sperm whale	7.82	18	214	214	232	7.8

[1] The number of authorized takes (Level B harassment only) for these species has been increased from the calculated take to mean group size. Sources for mean group sizes are as follows: blue whale (Bradford *et al.* 2017); minke whale (Jackson *et al.* 2008); humpback whale (Mobley *et al.* 2001); spinner dolphin (Barlow 2006); killer whale (Bradford *et al.* 2017).

Species with Take Estimates Less than Mean Group Size: Using the approach described above to estimate take, the take estimates for the blue whale, killer whale, and spinner dolphin (Table 7) were less than the average group sizes estimated for these species. However, information on the social structures and life histories of these species indicates it is common for them to be encountered in groups. As the results of take calculations support the likelihood that UH's survey would be expected to encounter and to incidentally take these species, and we believe it is likely that these species may be encountered in groups, it is reasonable to conservatively assume that one group of each of these species will be taken during the survey. We therefore propose to authorize the take of the average (mean) group size for the blue whale, killer whale, and spinner dolphin to account for the possibility that UH's survey encounters a group of any of these species (Table 7).

Species with No Available Density Data: No density data were available for humpback and minke whales. Both species would typically be found further north than the survey area during the time of year that the survey is planned to occur, based on sightings data around the Hawaiian Islands (Carretta *et al.* 2017). However, based on input from subject matter experts, we believe it is reasonable to assume that both species may be encountered by UH during the survey. Humpback whales have typically not been observed in the project area in the fall (Carretta *et al.* 2017). However, there are increasing anecdotal reports of confirmed sightings of humpback whales from early September through October in areas near the planned project area (pers. comm. E. Lyman, NOAA Office of National Marine Sanctuaries, to J. Carduner, NMFS, June 20, 2017). Like humpback whales, sightings data does not indicate that minke whales would typically be expected to be present in the project area in the fall (Carretta *et al.* 2017). However, detections of minke whales are common in passive acoustic recordings from various locations around the main Hawaiian Islands, including during the fall (pers. comm. E. Oleson, NOAA PIFSC, to J. Carduner, NMFS, June 20, 2017). Additionally, as minke whales in the North Pacific do not have a visible blow, they can be easily missed by visual observers, suggesting a lack of sightings is likely related to misidentification or low detection capability in poor sighting conditions (Rankin *et al.* 2007). Though no density data are available, we believe it is reasonable to conservatively assume that UH's survey may encounter and incidentally take minke and humpback whales. We therefore propose to authorize the take of the average (mean) group size (weighted by effort and rounded up) for the humpback and minke whale (Table 7).

It should be noted that the take numbers shown in Table 7 are believed to be conservative for several reasons. First, in the calculations of estimated take, 25 percent has been added in the form of operational survey days (equivalent to adding 25 percent to the line km to be surveyed) to account for the possibility of additional seismic operations associated with airgun testing, and repeat coverage of any areas where initial data quality is sub-standard. Additionally, marine mammals would be expected to move away from a sound source that represents an aversive stimulus. However, the extent to which marine mammals would move away from the sound source is difficult to quantify and is therefore not accounted for in take estimates shown in Table 7.

Level A take estimates (Table 7) have been revised from the take estimates provided in the **Federal Register** notice for the proposed IHA (82 FR 34352; July 24, 2017) based on our decision to rely on modeled distances to Level A harassment isopleths for Peak SPL (Table 6) without band pass filtering applied, as described above. The only species for which Level A take numbers were affected by this revision were the pygmy sperm whale and dwarf sperm whale (Level A takes changed from 0 to 7 and from 0 to 18, respectively).

Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

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

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

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case

of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

UH has reviewed mitigation measures employed during seismic research surveys authorized by NMFS under previous incidental harassment authorizations, as well as recommended best practices in Richardson *et al.* (1995), Pierson *et al.* (1998), Weir and Dolman (2007), Nowacek *et al.* (2013), Wright (2014), and Wright and Cosentino (2015), and has incorporated a suite of mitigation measures into their project description based on the above sources.

To reduce the potential for disturbance from acoustic stimuli associated with the activities, UH will implement the following mitigation measures for marine mammals:

(1) Vessel-based visual mitigation monitoring;

(2) Vessel-based passive acoustic monitoring;

(3) Establishment of an exclusion zone;

(4) Power down procedures;

(5) Shutdown procedures;

(6) Ramp-up procedures; and

(7) Ship strike avoidance measures.

Vessel-Based Visual Mitigation Monitoring

Protected Species Observer (PSO) observations will take place during all daytime airgun operations and nighttime start ups (if applicable) of the airguns. Airgun operations will be suspended when marine mammals are observed within, or about to enter, designated Exclusion Zones (as described below). PSOs will also watch for marine mammals near the vessel for at least 30 minutes prior to the planned start of airgun operations. PSOs will monitor the entire extent of the modeled Level B harassment zone (Table 4) (or, as far as they are able to see, if they cannot see to the extent of the estimated Level B harassment zone). Observations will also be made during daytime periods when the *Kairei* is underway without seismic operations, such as during transits, to allow for comparison of sighting rates and behavior with and without airgun operations and between acquisition periods.

During seismic operations, a minimum of four visual PSOs will be based aboard the *Kairei.* PSOs will be appointed by JAMSTEC with NMFS approval. During the majority of seismic operations, two PSOs will monitor for marine mammals around the seismic vessel. Use of two simultaneous observers will increase the effectiveness of detecting marine mammals around the source vessel. However, during meal times, only one PSO may be on duty. PSO(s) would be on duty in shifts of duration no longer than 4 hours. Other crew will also be instructed to assist in detecting marine mammals and in implementing mitigation requirements (if practical). Before the start of the seismic survey, the crew will be given additional instruction in detecting marine mammals and implementing mitigation requirements. The *Kairei* is a suitable platform for marine mammal observations. When stationed on the observation platform, PSOs will have a good view around the entire vessel. During daytime, the PSO(s) will scan the area around the vessel systematically with reticle binoculars (*e.g.,* 7×50 Fujinon), Big-eye binoculars (25×150), and with the naked eye.

The PSOs must have no tasks other than to conduct observational effort, record observational data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements. PSO resumes will be provided to NMFS for approval. At least two PSOs must have a minimum of 90 days at-sea experience working as PSOs during a high energy seismic survey, with no more than eighteen months elapsed since the conclusion of the at-sea experience. One ''experienced'' visual PSO will be designated as the lead for the entire protected species observation team. The lead will coordinate duty schedules and roles for the PSO team and serve as primary point of contact for the vessel operator. The lead PSO will devise the duty schedule such that ''experienced'' PSOs are on duty with those PSOs with appropriate training but who have not yet gained relevant experience, to the maximum extent practicable.

The PSOs must have successfully completed relevant training, including completion of all required coursework and passing a written and/or oral examination developed for the training program, and must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences and a minimum of 30 semester hours or equivalent in the biological sciences and at least one undergraduate course in math or statistics. The educational requirements may be waived if the PSO has acquired the relevant skills through alternate training, including (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored marine mammal surveys; or (3) previous work experience as a PSO; the PSO should demonstrate good standing and consistently good performance of PSO duties.

In summary, a typical daytime cruise will have scheduled two observers (visual) on duty from the observation platform, and an acoustic observer on the passive acoustic monitoring system.

Vessel-Based Passive Acoustic Mitigation Monitoring

Passive acoustic monitoring (PAM) will take place to complement the visual monitoring program. Visual monitoring typically is not effective during periods of poor visibility or at night, and even with good visibility, is unable to detect marine mammals when they are below the surface or beyond visual range. Acoustic monitoring can be used in addition to visual observations to improve detection, identification, and localization of cetaceans. The acoustic monitoring will serve to alert visual observers (if on duty) when vocalizing cetaceans are detected. It is only useful when marine mammals vocalize, but it can be effective either by day or by night and does not depend on good visibility. It will be monitored in real time so that visual observers can be alerted when marine mammals are detected acoustically.

The PAM system consists of hardware (*i.e.,* hydrophones) and software. The ''wet end'' of the system consists of a towed hydrophone array that is connected to the vessel by a tow cable. A deck cable will connect the tow cable to the electronics unit on board where the acoustic station, signal conditioning, and processing system would be located. The acoustic signals received by the hydrophones are amplified, digitized, and then processed by the software.

At least one acoustic PSO (in addition to the four visual PSOs) will be on board. The towed hydrophones would be monitored 24 hours per day (either by the acoustic PSO or by a visual PSO trained in the PAM system if the acoustic PSO is on break) while at the seismic survey area during airgun operations, and during most periods when the *Kairei* is underway while the airguns are not operating. However, PAM may not be possible if damage occurs to the array or back-up systems during operations. One PSO will monitor the acoustic detection system at any one time, in shifts no longer than six hours, by listening to the signals via headphones and/or speakers and watching the real-time spectrographic display for frequency ranges produced by cetaceans.

When a vocalization is detected, while visual observations are in progress, the acoustic PSO will contact the visual PSOs immediately, to alert them to the presence of marine mammals (if they have not already been detected visually), in order to facilitate a power down or shut down, if required. The information regarding the marine mammal acoustic detection will be entered into a database.

Exclusion Zone and Buffer Zone

An exclusion zone (EZ) is a defined area within which occurrence of a marine mammal triggers mitigation action intended to reduce the potential for certain outcomes, *e.g.,* auditory injury, disruption of critical behaviors. The PSOs will establish a minimum EZ with a 500 m radius for the full array. The 500 m EZ will be based on radial distance from any element of the airgun array (rather than being based on the center of the array or around the vessel itself). With certain exceptions (described below), if a marine mammal appears within, enters, or appears on a course to enter this zone, the acoustic source will be powered down (see Power Down Procedures below). In addition to the 500 m EZ for the full array, a 100 m exclusion zone will be established for the single 100 in^3 airgun. With certain exceptions (described below), if a marine mammal appears within, enters, or appears on a course to enter this zone the acoustic source will be shut down entirely (see Shutdown Procedures below). Additionally, power down of the full array will last no more than 30 minutes maximum at any given time; thus the array will be shut down entirely if, after 30 minutes of power down, a marine mammal remains inside the 500 m EZ.

Potential radial distances to auditory injury zones were calculated on the basis of maximum peak pressure using values provided by the applicant (Table 6). The 500 m radial distance of the standard EZ is intended to be precautionary in the sense that it would be expected to contain sound exceeding peak pressure injury criteria for all cetacean hearing groups, while also providing a consistent, reasonably observable zone within which PSOs would typically be able to conduct effective observational effort. Although significantly greater distances may be observed from an elevated platform under good conditions, we believe that 500 m is likely regularly attainable for PSOs using the naked eye during typical conditions.

An appropriate EZ based on cumulative sound exposure level (SEL_{cum}) criteria would be dependent on the animal's applied hearing range and how that overlaps with the frequencies produced by the sound source of interest (*i.e.,* via marine mammal auditory weighting functions) (NMFS, 2016), and may be larger in some cases than the zones calculated on the basis of the peak pressure thresholds (and larger than 500 m) depending on the species in question and the characteristics of the specific airgun array. In particular, the EZ radii would be larger for low-frequency cetaceans, because their most susceptible hearing range overlaps the low frequencies produced by airguns, but the zones would remain very small for mid-frequency cetaceans (*i.e.,* including the ''small delphinoids'' described below), whose range of best hearing largely does not overlap with frequencies produced by airguns.

Consideration of exclusion zone distances is inherently an essentially instantaneous proposition—a rule or set of rules that requires mitigation action upon detection of an animal. This indicates that consideration of peak pressure thresholds is most relevant, as compared with cumulative sound exposure level thresholds, as the latter requires that an animal accumulate some level of sound energy exposure over some period of time (*e.g.,* 24 hours). A PSO aboard a mobile source will typically have no ability to monitor an animal's position relative to the acoustic source over relevant time periods for purposes of understanding whether auditory injury is likely to occur on the basis of cumulative sound exposure and, therefore, whether action should be taken to avoid such potential. Therefore, definition of an exclusion zone based on SEL_{cum} thresholds is of questionable relevance given relative motion of the source and receiver (*i.e.,* the animal). Cumulative SEL thresholds are likely more relevant for purposes of modeling the potential for auditory injury than they are for informing real-time mitigation. We recognize the importance of the accumulation of sound energy to an understanding of the potential for auditory injury and that it is likely that, at least for low-frequency cetaceans, some potential auditory injury is likely impossible to mitigate and should be considered for authorization.

In summary, our intent in prescribing a standard exclusion zone distance is to (1) encompass zones for most species within which auditory injury could occur on the basis of instantaneous exposure; (2) provide additional protection from the potential for more severe behavioral reactions (*e.g.,* panic, antipredator response) for marine mammals at relatively close range to the acoustic source; (3) provide consistency for PSOs, who need to monitor and implement the exclusion zone; and (4) to define a distance within which detection probabilities are reasonably high for most species under typical conditions.

Our use of 500 m as the EZ is a reasonable combination of factors. This zone is expected to contain all potential auditory injury for all cetaceans (high-frequency, mid-frequency and low-frequency functional hearing groups) as assessed against peak pressure thresholds (NMFS, 2016) (Table 6), and to contain all potential auditory injury for high-frequency and mid-frequency cetaceans as assessed against SEL_{cum} thresholds (NMFS, 2016) (Table 6), It has also proven to be practicable through past implementation in seismic surveys conducted for the oil and gas industry in the Gulf of Mexico (as regulated by BOEM pursuant to the Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331–1356)). In summary, a practicable criterion such as this has the advantage of simplicity while still providing in most cases a zone larger than relevant auditory injury zones, given realistic movement of source and receiver.

The PSOs will also establish and monitor a 1,000 m buffer zone. During use of the acoustic source, occurrence of marine mammals within the buffer zone (but outside the exclusion zone) will be communicated to the vessel operator to prepare for potential power down or shutdown of the acoustic source. The buffer zone is discussed further under Ramp Up Procedures below. PSOs will monitor the entire extent of the modeled Level B harassment zone (Table 4) (or, as far as they are able to see, if they cannot see to the extent of the estimated Level B harassment zone).

Power Down Procedures

A power down involves decreasing the number of airguns in use such that the radius of the mitigation zone is decreased to the extent that marine mammals are no longer in, or about to enter, the 500 m EZ. During a power down, one 100-in^3 airgun would be operated. The continued operation of one 100-in^3 airgun is intended to alert marine mammals to the presence of the seismic vessel in the area, and to allow them to leave the area of the seismic vessel if they choose. In contrast, a shutdown occurs when all airgun activity is suspended (shutdown procedures are discussed below). If a marine mammal is detected outside the 500 m EZ but appears likely to enter the 500 m EZ, the airguns will be powered

down before the animal is within the 500 m EZ. Likewise, if a mammal is already within the 500 m EZ when first detected, the airguns will be powered down immediately. During a power down of the airgun array, the 100-in^3 airgun will be operated.

Following a power down, airgun activity will not resume until the marine mammal has cleared the 500 m EZ. The animal will be considered to have cleared the 500 m EZ if the following conditions have been met:

- It is visually observed to have departed the 500 m EZ, or
- it has not been seen within the 500 m EZ for 15 min in the case of small odontocetes, or
- it has not been seen within the 500 m EZ for 30 min in the case of mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, and beaked whales.

This power down requirement will be in place for all marine mammals, with the exception of small delphinoids under certain circumstances. As defined here, the small delphinoid group is intended to encompass those members of the Family Delphinidae most likely to voluntarily approach the source vessel for purposes of interacting with the vessel and/or airgun array (*e.g.,* bow riding). This exception to the power down requirement will apply solely to specific genera of small dolphins—*Steno, Tursiops, Stenella* and *Lagenodelphis*—and will only apply if the animals were traveling, including approaching the vessel. If, for example, an animal or group of animals is stationary for some reason (*e.g.,* feeding) and the source vessel approaches the animals, the power down requirement applies. An animal with sufficient incentive to remain in an area rather than avoid an otherwise aversive stimulus could either incur auditory injury or disruption of important behavior. If there is uncertainty regarding identification (*i.e.,* whether the observed animal(s) belongs to the group described above) or whether the animals are traveling, the power down will be implemented.

We include this small delphinoid exception because power-down/shutdown requirements for small delphinoids under all circumstances represent practicability concerns without likely commensurate benefits for the animals in question. Small delphinoids are generally the most commonly observed marine mammals in the specific geographic region and would typically be the only marine mammals likely to intentionally approach the vessel. As described below, auditory injury is extremely unlikely to occur for mid-frequency cetaceans (*e.g.,* delphinids), as this group is relatively insensitive to sound produced at the predominant frequencies in an airgun pulse while also having a relatively high threshold for the onset of auditory injury (*i.e.,* permanent threshold shift). Please see Potential Effects of the Specified Activity on Marine Mammals above for further discussion of sound metrics and thresholds and marine mammal hearing.

A large body of anecdotal evidence indicates that small delphinoids commonly approach vessels and/or towed arrays during active sound production for purposes of bow riding, with no apparent effect observed in those delphinoids (*e.g.,* Barkaszi *et al.,* 2012). The potential for increased shutdowns resulting from such a measure would require the *Kairei* to revisit the missed track line to reacquire data, resulting in an overall increase in the total sound energy input to the marine environment and an increase in the total duration over which the survey is active in a given area. Although other mid-frequency hearing specialists (*e.g.,* large delphinoids) are no more likely to incur auditory injury than are small delphinoids, they are much less likely to approach vessels. Therefore, retaining a power-down/shutdown requirement for large delphinoids would not have similar impacts in terms of either practicability for the applicant or corollary increase in sound energy output and time on the water. We do anticipate some benefit for a power-down/shutdown requirement for large delphinoids in that it simplifies somewhat the total range of decision-making for PSOs and may preclude any potential for physiological effects other than to the auditory system as well as some more severe behavioral reactions for any such animals in close proximity to the source vessel.

At any distance, power down of the acoustic source will also be required upon observation of a large whale (*i.e.,* sperm whale or any baleen whale) with a calf, or upon observation of an aggregation of large whales of any species (*i.e.,* sperm whale or any baleen whale) that does not appear to be traveling (*e.g.,* feeding, socializing, etc.). These are the only two potential situations that would require power down of the array for marine mammals observed beyond the 500 m EZ.

A power down could occur for no more than 30 minutes maximum at any given time. If, after 30 minutes of the array being powered down, marine mammals had not cleared the 500 m EZ (as described above), a shutdown of the array will be implemented (see Shut Down Procedures, below). Power down is only allowed in response to the presence of marine mammals within the designated EZ. Thus, the single 100 in^3 airgun, which will be operated during power downs, may not be operated continuously throughout the night or during transits from one line to another.

Shut Down Procedures

The single 100-in^3 operating airgun will be shut down if a marine mammal is seen within or approaching the 100 m EZ for the single 100-in^3 airgun. Shutdown will be implemented if (1) an animal enters the 100 m EZ of the single 100-in^3 airgun after a power down has been initiated, or (2) an animal is initially seen within the 100 m EZ of the single 100-in^3 airgun when more than one airgun (typically the full array) is operating. Airgun activity will not resume until the marine mammal has cleared the 500 m EZ. Criteria for judging that the animal has cleared the EZ will be as described above. A shutdown of the array will be implemented if, after 30 minutes of the array being powered down, marine mammals have not cleared the 500 m EZ (as described above).

The shutdown requirement, like the power down requirement, will be waived for dolphins of the following genera: *Steno, Tursiops, Stenella* and *Lagenodelphis.* The shutdown waiver only applies if the animals are traveling, including approaching the vessel. If animals are stationary and the source vessel approaches the animals, the shutdown requirement would apply. If there is uncertainty regarding identification (*i.e.,* whether the observed animal(s) belongs to the group described above) or whether the animals are traveling, the shutdown would be implemented. A shutdown will be implemented if a North Pacific right whale is sighted, regardless of the distance from the *Kairei.* Ramp-up procedures would not be initiated until the right whale has not been seen at any distance for 30 minutes.

Ramp-Up Procedures

Ramp-up of an acoustic source is intended to provide a gradual increase in sound levels following a power down or shutdown, enabling animals to move away from the source if the signal is sufficiently aversive prior to its reaching full intensity. The ramp-up procedure involves a step-wise increase in the number of airguns firing and total array volume until all operational airguns are activated and the full volume is achieved. Ramp-up will be required after the array is powered down or

shutdown due to mitigation. If the airgun array has been shut down for reasons other than mitigation (*e.g.,* mechanical difficulty) for a period of less than 30 minutes, it may be activated again without ramp-up if PSOs have maintained constant visual and acoustic observation and no visual detections of any marine mammal have occurred within the buffer zone and no acoustic detections have occurred.

Ramp-up will begin by activating a single airgun of the smallest volume in the array and would continue in stages by doubling the number of active elements at the commencement of each stage, with each stage of approximately the same duration.

If airguns have been powered down or shut down due to PSO detection of a marine mammal within or approaching the 500 m EZ, ramp-up will not be initiated until all marine mammals have cleared the EZ, during the day or night. Visual and acoustic PSOs are required to monitor during ramp-up. If a marine mammal were detected by visual PSOs within or approaching the 500 m EZ during ramp-up, a power down (or shut down if appropriate) would be implemented as though the full array were operational. Criteria for clearing the EZ would be as described above.

Thirty minutes of pre-clearance observation are required prior to ramp-up for any power down or shutdown of longer than 30 minutes (*i.e.,* if the array were shut down during transit from one line to another). This 30 minute pre-clearance period may occur during any vessel activity (*i.e.,* transit). If a marine mammal is observed within or approaching the 500 m EZ during this pre-clearance period, ramp-up will not be initiated until all marine mammals have cleared the EZ. Criteria for clearing the EZ will be as described above.

Ramp-up will be planned to occur during periods of good visibility when possible. However, ramp-up will be allowed at night and during poor visibility if the 500 m EZ and 1,000 m buffer zone have been monitored by visual PSOs for 30 minutes prior to ramp-up and if acoustic monitoring has occurred for 30 minutes prior to ramp-up with no acoustic detections during that period.

The operator will be required to notify a designated PSO of the planned start of ramp-up as agreed-upon with the lead PSO. A designated PSO must be notified again immediately prior to initiating ramp-up procedures and the operator must receive confirmation from the PSO to proceed. The operator must provide information to PSOs documenting that appropriate procedures were followed. Following deactivation of the array for reasons other than mitigation, the operator will be required to communicate the near-term operational plan to the lead PSO with justification for any planned nighttime ramp-up.

Based on our evaluation of the applicant's proposed measures, NMFS has determined that the mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

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

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

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

UH submitted a marine mammal monitoring and reporting plan in section XIII of their IHA application. Monitoring that is designed specifically to facilitate mitigation measures, such as monitoring of the EZ to inform potential power downs or shutdowns of the airgun array, are described above and are not repeated here.

UH's monitoring and reporting plan includes the following measures:

Vessel-Based Visual Monitoring

As described above, PSO observations will take place during daytime airgun operations and nighttime start ups (if applicable) of the airguns. During seismic operations, at least four visual PSOs would be based aboard the *Kairei.* PSOs will be appointed by JAMSTEC with NMFS approval. During the majority of seismic operations, two PSOs will monitor for marine mammals around the seismic vessel. Use of two simultaneous observers would increase the effectiveness of detecting animals around the source vessel. However, during meal times, only one PSO may be on duty. PSOs will be on duty in shifts of duration no longer than 4 hours. Other crew will also be instructed to assist in detecting marine mammals and in implementing mitigation requirements (if practical). During daytime, PSOs will scan the area around the vessel systematically with reticle binoculars (*e.g.,* 7×50 Fujinon), Big-eye binoculars (25×150), and with the naked eye.

PSOs will record data to estimate the numbers of marine mammals exposed to various received sound levels and to document apparent disturbance reactions or lack thereof. Data will be used to estimate numbers of animals potentially 'taken' by harassment (as defined in the MMPA). They will also provide information needed to order a power down or shutdown of airguns when a marine mammal is within or near the EZ.

When a sighting is made, the following information about the sighting will be recorded:

1. Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (*e.g.,* none, avoidance,

approach, paralleling, etc.), and behavioral pace.

2. Time, location, heading, speed, activity of the vessel, sea state, visibility, and sun glare.

All observations and power downs or shutdowns will be recorded in a standardized format. Data will be entered into an electronic database. The accuracy of the data entry will be verified by computerized data validity checks as the data are entered and by subsequent manual checking of the database. These procedures will allow initial summaries of data to be prepared during and shortly after the field program and will facilitate transfer of the data to statistical, graphical, and other programs for further processing and archiving. The time, location, heading, speed, activity of the vessel, sea state, visibility, and sun glare will also be recorded at the start and end of each observation watch, and during a watch whenever there is a change in one or more of the variables.

Results from the vessel-based observations will provide:

1. The basis for real-time mitigation (airgun power down or shut down).

2. Information needed to estimate the number of marine mammals potentially taken by harassment, which must be reported to NMFS.

3. Data on the occurrence, distribution, and activities of marine mammals and turtles in the area where the seismic study is conducted.

4. Information to compare the distance and distribution of marine mammals and turtles relative to the source vessel at times with and without seismic activity.

5. Data on the behavior and movement patterns of marine mammals and turtles seen at times with and without seismic activity.

Vessel-Based Passive Acoustic Monitoring

PAM will take place to complement the visual monitoring program as described above. Please see the Mitigation section above for a description of the PAM system and the acoustic PSO's duties. The acoustic PSO will record data collected via the PAM system, including the following: An acoustic encounter identification number, whether it was linked with a visual sighting, date, time when first and last heard and whenever any additional information was recorded, position and water depth when first detected, bearing if determinable, species or species group (*e.g.,* unidentified dolphin, sperm whale), types and nature of sounds heard (*e.g.,* clicks, continuous, sporadic, whistles, creaks, burst pulses, strength of signal, etc.), and any other notable information. Acoustic detections will also be recorded for further analysis.

Reporting

A report will be submitted to NMFS within 90 days after the end of the cruise. The report will describe the operations that were conducted and sightings of marine mammals near the operations. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The 90-day report will summarize the dates and locations of seismic operations, and all marine mammal sightings (dates, times, locations, activities, associated seismic survey activities). The report will also include estimates of the number and nature of exposures that occurred above the harassment threshold based on PSO observations.

Negligible Impact Analysis and Determination

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

To avoid repetition, our analysis applies to all the species listed in Table 1, given that NMFS expects the anticipated effects of the planned seismic survey to be similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, NMFS has identified species-specific factors to inform the analysis.

NMFS does not anticipate that serious injury or mortality would occur as a result of UH's survey, even in the absence of mitigation. Thus the authorization does not authorize any mortality. Non-auditory physical effects, stranding, and vessel strike are not expected to occur.

We authorize a limited number of instances of Level A harassment of three marine mammal species (Table 7). However, we believe that any PTS incurred in marine mammals as a result of the activity would be in the form of only a small degree of PTS and not total deafness that would not be likely to affect the fitness of any individuals, because of the constant movement of both the *Kairei* and of the marine mammals in the project area, as well as the fact that the vessel is not expected to remain in any one area in which individual marine mammals would be expected to concentrate for an extended period of time (*i.e.,* since the duration of exposure to loud sounds will be relatively short). Also, as described above, we expect that marine mammals would be likely to move away from a sound source that represents an aversive stimulus, especially at levels that would be expected to result in PTS, given sufficient notice of the *Kairei's* approach due to the vessel's relatively low speed when conducting the survey. We expect that the majority of takes would be in the form of short-term Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity were occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007).

Potential impacts to marine mammal habitat were discussed in the **Federal Register** noticed for the proposed IHA (82 FR 34352; July 24, 2017) (see *Potential Effects of the Specified Activity on Marine Mammals and their Habitat*). Marine mammal habitat may be impacted by elevated sound levels, but these impacts would be temporary. Feeding behavior is not likely to be significantly impacted, as marine mammals appear to be less likely to exhibit behavioral reactions or

avoidance responses while engaged in feeding activities (Richardson *et al.,* 1995). Prey species are mobile and are broadly distributed throughout the project area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the temporary nature of the disturbance, the availability of similar habitat and resources in the surrounding area, and the lack of important or unique marine mammal habitat, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations. In addition, there are no mating or calving areas known to be biologically important to marine mammals within the project area.

The activity is expected to impact a very small percentage of all marine mammal stocks that would be affected by UH's survey (less than two percent for all marine mammal stocks). Additionally, the acoustic ''footprint'' of the survey would be very small relative to the ranges of all marine mammals that would potentially be affected. Sound levels would increase in the marine environment in a relatively small area surrounding the vessel compared to the range of the marine mammals within the survey area. The seismic array would be active 24 hours per day throughout the duration of the survey. However, the very brief overall duration of the survey (5.5 days) would further limit potential impacts that may occur as a result of the activity.

The mitigation measures are expected to reduce the number and/or severity of takes by allowing for detection of marine mammals in the vicinity of the vessel by visual and acoustic observers, and by minimizing the severity of any potential exposures via power downs and/or shutdowns of the airgun array. Based on previous monitoring reports for substantially similar activities that have been previously authorized by NMFS, we expect that the mitigation will be effective in preventing at least some extent of potential PTS in marine mammals that may otherwise occur in the absence of mitigation.

Of the marine mammal species under our jurisdiction that are likely to occur in the project area, the following species are listed as endangered under the ESA: blue, fin, sei, and sperm whales. There are currently insufficient data to determine population trends for blue, fin, sei, and sperm whales (Carretta *et al.,* 2016); however, we are authorizing very small numbers of takes for these species (Table 7), relative to their population sizes, therefore we do not expect population-level impacts to any of these species. The other marine mammal species that may be taken by harassment during UH's seismic survey are not listed as threatened or endangered under the ESA. There is no designated critical habitat for any ESA-listed marine mammals within the project area; and of the non-listed marine mammals for which we propose to authorize take, none are considered ''depleted'' or ''strategic'' by NMFS under the MMPA.

NMFS concludes that exposures to marine mammal species and stocks due to UH's seismic survey would result in only short-term (temporary and short in duration) effects to individuals exposed. Animals may temporarily avoid the immediate area, but are not expected to permanently abandon the area. Major shifts in habitat use, distribution, or foraging success are not expected. NMFS does not anticipate the take estimates to impact annual rates of recruitment or survival.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the marine mammal species or stocks through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized;
- The anticipated impacts of the activity on marine mammals would primarily be temporary behavioral changes due to avoidance of the area around the survey vessel. The relatively short duration of the survey (5.5 days) would further limit the potential impacts of any temporary behavioral changes that would occur;
- PTS is only anticipated to occur for one species and the number of instances of PTS that may occur are expected to be very small in number (Table 7). Instances of PTS that are incurred in marine mammals would be of a low level, due to constant movement of the vessel and of the marine mammals in the area, and the nature of the survey design (not concentrated in areas of high marine mammal concentration);
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the survey to avoid exposure to sounds from the activity;
- The project area does not contain areas of significance for mating or calving;
- The potential adverse effects on fish or invertebrate species that serve as prey species for marine mammals from the survey would be temporary and spatially limited;
- The mitigation measures, including visual and acoustic monitoring, power-downs, and shutdowns, are expected to minimize potential impacts to marine mammals.

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

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers; so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities. Table 7 provides numbers of take by Level A harassment and Level B harassment authorized. These are the numbers we use for purposes of the small numbers analysis.

The numbers of marine mammals that we authorize to be taken, for all species and stocks, would be considered small relative to the relevant stocks or populations (approximately 13 percent for rough-toothed dolphin, and less than 8 percent for all other species and stocks). For the blue whale, killer whale, humpback whale, minke whale and spinner dolphin we propose to authorize take resulting from a single exposure of one group of each species or stock, as appropriate (using best available information on mean group size for these species or stocks). We believe that a single incident of take of one group of any of these species represents take of small numbers for that species

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be

taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

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

Endangered Species Act (ESA)

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

We (the NMFS OPR Permits and Conservation Division) are authorizing the incidental take of four species of marine mammals which are listed under the ESA: The sei, fin, blue and sperm whale. Under Section 7 of the ESA, we initiated consultation with the NMFS OPR Interagency Cooperation Division for the issuance of this IHA. In September, 2017, the NMFS OPR Interagency Cooperation Division issued a Biological Opinion with an incidental take statement, which concluded that the issuance of the IHA was not likely to jeopardize the continued existence of sei, fin, blue and sperm whales. The Biological Opinion also concluded that the issuance of the IHA would not destroy or adversely modify designated critical habitat for these species.

Authorization

NMFS has issued an IHA to the University of Hawaii for the potential harassment of small numbers of 24 marine mammal species incidental to a marine geophysical survey in the central Pacific Ocean, provided the previously mentioned mitigation, monitoring and reporting requirements are incorporated.

Dated: September 19, 2017.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–20362 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Pacific Halibut Fisheries: Charter Permits

AGENCY: National Oceanic and Atmospheric Administration (NOAA), 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 November 24, 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*).

An electronic copy of the most recent supporting statement for this information collection is available from *http://www.cio.noaa.gov/itmanagement/pdfs/0592ext14.pdf.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Kurt Iverson (907) 586–7228 or *kurt.iverson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

The Alaska Pacific Halibut Charter Program established Federal Charter Halibut Permits (CHPs) for operators in the charter halibut fishery in IPHC regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). Since February 1, 2011, all vessel operators in Areas 2C and 3A with charter anglers onboard catching and retaining Pacific halibut must have a valid CHP onboard during every charter vessel fishing trip. CHPs must be endorsed with the appropriate regulatory area and number of anglers.

The National Marine Fisheries Service (NMFS) implemented this program based on recommendations by the North Pacific Fishery Management Council to meet allocation objectives in the charter halibut fishery. This program provides stability in the fishery by limiting the number of charter vessels that may participate in Areas 2C and 3A and decreasing the overall number of available CHPs over time. The program goals are to increase the value of the resource, limit boats to qualified active participants in the guided sport halibut sector, and enhance economic stability in rural coastal communities.

II. Method of Collection

Methods of submittal include mail and facsimile transmission of paper forms. Fillable pdfs are available on the NMFS Alaska Region Web page and may be downloaded, completed, and printed out prior to submission.

III. Data

OMB Control Number: 0648–0592.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 68.

Estimated Time per Response: 2 hours for Application for Transfer of Charter Halibut Permit; 0.5 hours for Application for Military Charter Permit; 2 hours for Application for Transfer between IFQ and Guided Angler Fish (GAF); and 4 hours for Appeals if an Application for Transfer between IFQ and GAF is denied by NMFS.

Estimated Total Annual Burden Hours and Equivalent Labor Costs to the Public: 98 hours and $3,626 per year ($37 per hour for preparing and submitting applications and $125/hr for preparing an appeal).

Estimated Total Annual Cost to Public: $196 in recordkeeping/reporting costs for photocopying, obtaining a notarized signature, faxing, or mailing applications.

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.

Dated: September 20, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–20398 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF539

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 44

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

ACTION: Notice of availability; request for comments.

SUMMARY: The Gulf of Mexico (Gulf) Fishery Management Council (Council) has submitted Amendment 44 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) for review, approval, and implementation by NMFS. Amendment 44 would revise minimum stock size thresholds (MSST) for seven stocks in the Gulf of Mexico (Gulf) reef fish fishery management unit. The MSST would be revised for the gag, red grouper, red snapper, vermilion snapper, gray triggerfish, greater amberjack, and hogfish stocks. The need for Amendment 44 is to provide a sufficient buffer between spawning stock biomass at maximum sustainable yield (B_{MSY}) and MSST to reduce the likelihood that stock status changes frequently between overfished and not overfished as a result of scientific uncertainty or naturalfluctuations in biomass levels.

DATES: Written comments on Amendment 44 must be received by November 24, 2017.

ADDRESSES: You may submit comments on Amendment 44 identified by ''NOAA–NMFS–2017–0101'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0101,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Peter Hood, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 44 may be obtained from *www.regulations.gov* or the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov.* Amendment 44 includes an environmental assessment and a fishery impact statement.

FOR FURTHER INFORMATION CONTACT: Peter Hood, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *peter.hood@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any FMP or amendment to NMFS for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the FMP or amendment is available for review and comment.

Amendment 44 to the FMP was prepared by the Council and, if approved, would be incorporated into the management of Gulf reef fish through the FMP.

Background

In 1999, the Council submitted the Generic Sustainable Fisheries Act Amendment to comply with status determination criteria (SDC) requirements of the Sustainable Fisheries Act of 1996. NMFS approved most of the fishing mortality threshold (MFMT) criteria, but disapproved all of the definitions for maximum sustainable yield (MSY), optimum yield (OY), and MSST. The Council subsequently began establishing these reference points and SDC on a species-specific basis as stock assessments were later conducted, and is currently preparing a plan amendment to address all of the unassessed reef fish stocks. Amendment 44 focuses on those assessed stocks with MSSTs, which are gag, red grouper, red snapper, vermilion snapper, gray triggerfish, greater amberjack, and hogfish. Red snapper, gray triggerfish, and greater amberjack are currently considered overfished and are under rebuilding plans. The other 4 stocks are not considered overfished (gag, red grouper, vermilion snapper, and hogfish).

For most of the assessed federally managed reef fish stocks in the Gulf with defined MSSTs, the overfished status, when applied, has been evaluated using the formula:

$(1-M) * B_{MSY}$ (M is the natural mortality rate and B is a measure of stock biomass). For some stocks that have a very low natural mortality rate, the formula $(1-M) * B_{MSY}$ results in an MSST that is very close to the B_{MSY}. For example, red snapper is a moderately long-lived fish that has a natural mortality rate of about 0.1. The above formula results in an MSST of 90 percent of B_{MSY}. In such situations it can be difficult to determine if a stock is actually less than MSST due to the imprecision and accuracy of the data used in stock assessments. In addition, natural fluctuations in stock biomass levels around the B_{MSY} level may temporarily reduce the stock biomass to be less than MSST. Setting a greater buffer between B_{MSY} and MSST can reduce the risk of mistakenly declaring a stock overfished.

In Amendment 44, the Council evaluated MSSTs ranging from $0.85*B_{MSY}$ (or proxy) to $0.50*B_{MSY}$ (or proxy), and selected $0.50*B_{MSY}$ (or proxy) as its preferred alternative. This is consistent with the National Standard 1 guidelines and reduces the likelihood of a stock being declared overfished as a result of scientific uncertainty or natural fluctuations in biomass levels. Setting the MSST at this level could result in a very restrictive rebuilding plan if the biomass level of a stock drops below the MSST and NMFS declares that the stock is overfished. However, the Council determined that the requirements for overfishing limits, annual catch limits, and accountability measures, reduce the probability that sustained overfishing would occur and cause a stock to fall below the MSST.

The MSST proposed in Amendment 44 is used for at least some stocks managed by three of the other regional fishery management councils (New England, Mid-Atlantic, and North Pacific). If this MSST definition is

approved, NMFS expects that the Gulf red snapper and gray triggerfish stocks would be reclassified as not overfished, but rebuilding, because the biomass for these two stocks is currently estimated to be greater than 50 percent of B_{MSY}. The greater amberjack stock would remain classified as overfished.

Procedural Aspects of Amendment 44

The Council has submitted Amendment 44 for Secretarial review, approval, and implementation. NMFS' decision to approve, partially approve, or disapprove Amendment 44 will be based, in part, on consideration of comments, recommendations, and information received during the comment period on this notice of availability. After consideration of these factors, and consistency with the Magnuson-Stevens Act and other applicable laws, NMFS will publish a notice of agency action in the **Federal Register** announcing the Agency's decision to approve, partially approve, or disapprove Amendment 44. Because none of the measures included in the amendment involve regulatory changes, no proposed or final rule is required at this time. If approved, the provisions of Amendment 44 would not be specified in regulations but would be considered an amendment to the FMP.

Consideration of Public Comments

Comments on Amendment 44 must be received by November 24, 2017. Comments received during the comment period for this notice of availability will be considered by NMFS in its decision to approve, partially approve, or disapprove Amendment 44. Comments received after the comment period will not be considered by NMFS in this decision. All comments received by NMFS during the comment period will be addressed in the notice of agency action.

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

Dated: September 19, 2017.

Samuel D. Rauch, III,

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

[FR Doc. 2017–20396 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Rockfish Program: Permits and Reports

AGENCY: National Oceanic and Atmospheric Administration (NOAA), 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 November 24, 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*).

An electronic copy of the most recent supporting statement for this information collection is available from *http://www.cio.noaa.gov/itmanagement/pdfs/0545ext15.pdf.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Sally Bibb, (907) 586–7228 or *sally.bibb@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is an extension of a currently approved information collection.

The Central Gulf of Alaska Rockfish Program (RP) was designed to enhance resource conservation and improve economic efficiency in the rockfish fisheries conducted in the Central Gulf of Alaska by establishing cooperatives that receive exclusive harvest privileges. Through the RP, National Marine Fisheries Service (NMFS) (1) assigns rockfish quota share (QS) and cooperative quota to participants for rockfish primary and secondary species; (2) allows a participant holding a License Limitation Program (LLP) license with rockfish QS to form a rockfish cooperative with other persons; (3) allows holders of catcher/processor LLP licenses to opt-out of rockfish cooperatives each year; (4) includes an entry level longline fishery; (5) establishes sideboard limits, which are limits designed to prevent participants in the RP from increasing their historical effort in other Gulf of Alaska groundfish fisheries; and (6) includes monitoring and enforcement provisions. The Rockfish Program is authorized for until December 31, 2021.

II. Method of Collection

Forms are available on the NMFS Alaska Region Web site at *https://alaskafisheries.noaa.gov/fisheries/central-goa-rockfish-program.* The Application for Rockfish Cooperative Fishing Quota (CQ) must be submitted by mail, hand delivery, or fax. The Application for Inter-Cooperative Transfer of Rockfish CQ, the Rockfish Vessel Check-in/Checkout Report, and the Termination of Fishing Declaration must be submitted to NMFS online through eFISH on the NMFS Alaska Region Web site at *https://alaskafisheries.noaa.gov/webapps/efish/login.*

III. Data

OMB Control Number: 0648–0545.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations; Individuals or households.

Estimated Number of Respondents: 9.

Estimated Time per Response: 2 hours for Application for Rockfish Cooperative Fishing Quota (CQ); 10 minutes for Application for Inter-Cooperative Transfer of Rockfish CQ; and 10 minutes for Rockfish Vessel Check-in/Checkout Report with Termination of Fishing Declaration.

Estimated Total Annual Burden Hours and Equivalent Labor Costs to the Public: 34 hours and $1,300 per year ($37 per hour).

Estimated Total Annual Cost to Public: $47 in recordkeeping/reporting costs for photocopying, faxing, and postage for the annual Application for Rockfish CQ.

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.

Dated: September 20, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–20397 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board (SAB); Public Meeting of the NOAA Science Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meeting.

SUMMARY: The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on strategies for research, education, and application of science to operations and information services. SAB activities and advice provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

DATES: The meeting will be held Monday, October 30, 2017, from 9:45 a.m. EDT to 5 p.m. EDT and on Tuesday, October 31, 2017, from 9 a.m. EDT to 12 p.m. EDT. These times and the agenda topics described below are subject to change. Please refer to the Web page *www.sab.noaa.gov/SABMeetings.aspx* for the most up-to-date meeting times and agenda.

ADDRESSES: The meeting will be held at The Sheraton Silver Spring Hotel, 8777 Georgia Ave., Silver Spring, MD, 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Executive Director, Science Advisory Board, NOAA, Room 11230, 1315 East-West Highway, Silver Spring, MD 20910. Email: *Cynthia.Decker@noaa.gov;* or visit the NOAA SAB Web site at *http://www.sab.noaa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to public participation with a 15-minute public comment period on October 30th from 4:45–5:00 p.m. EDT (check Web site to confirm time). The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of two (2) minutes. Individuals or groups planning to make a verbal presentation should contact the SAB Executive Director by October 23, 2017 to schedule their presentation. Written comments should be received in the SAB Executive Director's Office by October 23, 2017, to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after October 23, 2017, will be distributed to the SAB, but may not be reviewed prior to the meeting date. Seating at the meeting will be available on a first-come, first-served basis.

Special Accommodations: These meetings are physically accessible to people with disabilities. Requests for special accommodations may be directed no later than 12:00 p.m. on October 23, 2017, to Dr. Cynthia Decker, SAB Executive Director, SSMC3, Room 11230, 1315 East-West Highway, Silver Spring, MC 20910; Email: *Cynthia.Decker@noaa.gov.*

Matters to be Considered: The meeting will include the following topics: (1) Discussion of SAB Review of the NOAA Policy on Partnerships in the Provision of Environmental Information; (2) Discussion of SAB Review of Indigenous and Local Ecological Knowledge; (3) Quantification and documentation of the value of information gathered by NOAA; (4) Better understanding of how information is used, and (5) Updates from the Acting NOAA Administrator and Acting Chief Scientist.

Dated: September 15, 2017.

David Holst,

Acting Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research National Oceanic and Atmospheric Administration.

[FR Doc. 2017–20395 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submissions for OMB Review; Comment Request; "Submissions Regarding Correspondence and Regarding Attorney Representation (Trademarks)"

The United States Patent and Trademark Office (USPTO) 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: United States Patent and Trademark Office, Commerce.

Title: Submissions Regarding Correspondence and Regarding Attorney Representation (Trademarks).

OMB Control Number: 0651–0056.

Form Number(s):

- PTO Form 2196
- PTO Form 2201

Type of Request: Regular.

Number of Respondents: 84,291 per year.

Average Hours per Response: The USPTO estimates that it will take the public approximately between 5 minutes (0.08 hours) to 30 minutes (0.50 hours) to complete this information, depending on the complexity of the document. This includes the time to gather the necessary information, prepare the request, and submit them to the USPTO. The time estimates shown for the electronic forms in this collection are based on the average amount of time needed to complete and electronically file the associated form.

Burden Hours: 7,840.77 hours.

Cost Burden: $82.81 (postage costs).

Needs and Uses: The USPTO needs the information described in this collection to manage the various actions concerning the appointments and retention of attorneys and domestic representatives for trademark applications. The information in this collection is also a matter of public record and is utilized by the public for a variety of private business purposes related to establishing and enforcing trademark rights. The information is accessible online, through the USPTO Web site, as well as through various USPTO facilities. Additionally, the USPTO provides the information to the public through the Patent and Trademark Depository Library (PTDLs) System.

Affected Public: Businesses or other for-profits; not-for-profit institutions; individuals.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.* Once submitted, the request will be publicly available in electronic format through *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

• *Email: InformationCollection@uspto.gov.* Include ''0651–0056 copy request'' in the subject line of the message.

• *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Officer, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before October 25, 2017 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Marcie Lovett,

Records and Information Governance Division Director, OCTO, United States Patent and Trademark Office.

[FR Doc. 2017–20368 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Patent and Trademark Resource Centers Metrics

ACTION: Proposed information collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1996, invites comments on a proposed extension of an existing information collection: 0651–0068 (Patent and Trademark Resource Center Metrics).

DATES: Written comments must be submitted on or before November 24, 2017.

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

• *Email: InformationCollection@uspto.gov.* Include ''0651–0068 comment'' in the subject line of the message.

• *Federal Register Portal: https://www.regulations.gov.*

• *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Robert Berry, Manager, Patent and Trademark Resource Center Program, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at (571) 272–7152; or by email at *Robert.Berry@uspto.gov* with ''0651–0068 comment'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The USPTO seeks to collect from Patent Trademark Resource Centers (PTRC) information about the public's use of and training on the tools provided through the centers. Specifically, the USTPO seeks metrics concerning the public's use of patent and trademark services and the public outreach efforts provided by the PTRCs.

The PTRC Program is authorized under the provision of 35 U.S.C. 2(a)(2), which provides that the USPTO shall be responsible for disseminating information with respect to patents and trademarks to the public. The PTRC Program is made up public, state, and academic libraries. Once a library has been designated as a PTRC, each participating library must fulfill the following requirements: assist the public in the efficient use of patent and trademark information resources; provide free access to patent and trademark resources provided by the USPTO; and send representatives to attend the USPTO-hosted PTRC training seminars. At present, there are 86 libraries that are a part of the growing PTRC Program.

The PTRC Program requirements stipulate that all participating libraries must submit periodic metrics on the public's use of the patent and trademark services through the PTRCs and the public outreach efforts provided by the PTRCs. To facilitate this requirement, the USPTO has developed a worksheet to collect the metrics. A third-party vendor will collect the metrics on a quarterly basis. The information will only be collected electronically. The PTRCs will be given a password to input their information.

This information collection will enable the USPTO to ascertain what types of services the PTRCs should offer and to train PTRC staff more effectively, as the PTRCs continue to move away from the physical distribution of hard copy information. Collection of this information will enable the USPTO to service its current customers while more effectively planning for the future.

II. Method of Collection

The metrics will be submitted electronically to the USPTO.

III. Data

OMB Number: 0651–0068.

IC Instruments and Forms: No forms are associated with this collection of information.

Type of Review: Revision of an existing information collection.

Affected Public: Businesses or other for-profits; not-for-profit institutions.

Estimated Number of Respondents: 344 responses per year. The USPTO estimates that there will be up to 88 libraries reporting their metrics once per quarter, resulting in a total of 352 responses per year. This estimate includes possible growth in the PTRC program above the 86 libraries that are currently reporting.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 30 minutes (0.50 hours) to gather the necessary information, prepare the worksheet, and submit it to the USPTO.

Estimated Total Annual Respondent Burden Hours: 176 hours.

Estimated Total Annual Respondent Cost Burden: $5,536.96 The USPTO expects that the information in this collection will be prepared by library staff, at an estimated hourly rate of $31.46. This is the mean hourly wage for college librarians according to the Bureau of Labor Statistics Occupational Employment Statistics (OES 25–4021). Using this hourly rate, the USPTO estimates that the respondent cost burden for this collection will be approximately $5,536.96 per year.

TABLE 1—HOURLY BURDEN

IC No.	Item	Estimated time for response (hour) (a)	Estimated annual responses (b)	Estimated annual burden (c) = (a) × (b)	Rate ($/hr) (d)	Estimated annual respondent cost burden (e) = (c) × (d)
1	PTRC Metric Worksheet	0.50 (30 minutes)	352	176	$31.46	$5,53611.96
Total	.....	.....	352	176	.....	5,536.96

Estimated Total Annual Non-Hour Respondent Cost Burden: $0. There are no filing fees, capital start-up, maintenance, operation, or postage costs associated with this collection.

IV. Request for Comments

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection. They also will become a matter of public record.

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, *e.g.,* the use of automated collection techniques or other forms of information technology.

Marcie Lovett,

Records and Information Governance Division Director, OCTO, United States Patent and Trademark Office.

[FR Doc. 2017–20369 Filed 9–22–17; 8:45 am]

BILLING CODE 3510–16–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2017–0025]

Disclosure of Loan-Level HMDA Data

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of proposed policy guidance with request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is proposing policy guidance that would describe modifications that the Bureau intends to apply to the loan-level HMDA data that financial institutions will report under the Home Mortgage Disclosure (Regulation C) before the data is disclosed to the public. The proposed policy guidance applies to HMDA data to be reported under Regulation C effective January 1, 2018. The Bureau will make this data available to the public beginning in 2019.

DATES: Comments must be received on or before November 24, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2017–0025, by any of the following methods:

- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2017–0025 in the subject line of the email.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Instructions: All submissions should include the agency name and docket number or Regulatory Information Number (RIN). Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552, on official business days between the hours of 10 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: David Jacobs, Counsel, or Laura Stack, Senior Counsel, Office of Regulations, at 202–435–7700 or *https://reginquiries.consumerfinance.gov/.*

SUPPLEMENTARY INFORMATION:

I. Summary

The Home Mortgage Disclosure Act (HMDA) requires certain financial institutions to collect, report, and disclose data about their mortgage lending activity on an ongoing basis to both Federal regulators and the general public. The home mortgage market is the country's single largest market for consumer financial products and services, with $10 trillion outstanding.[1] It is a critical source of wealth-building for both individual families and communities, and has a substantial impact on the nation's economy as evidenced by its role in triggering in 2008, the worst financial crisis since the Great Depression. As of 2015, 48 million consumers had a mortgage, representing 65 percent of all owner-occupied homes.[2]

HMDA is implemented by Regulation C, which describes its purposes as helping to determine whether financial institutions are serving the housing needs of their communities; assisting public officials in distributing public-sector investment so as to attract private investment to areas where it is needed; and assisting in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. As described further below, public disclosure of HMDA data is central to

[1] Federal Reserve Bank of St. Louis, Board of Governors of the Federal Reserve System (US), ''Mortgage Debt Outstanding by Type of Property: One- to Four-Family Residences (MDOTP1T4FR),'' *https://fred.stlouisfed.org/series/MDOTP1T4FR* (last updated June 9, 2017).

[2] U.S. Census Bureau, ''Selected Housing Characteristics: 2011–2015 American Community Survey 5-Year Characteristics,'' *https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk* (last visited Aug. 31, 2017).

the achievement of the statutory goals established by Congress.

In 2010, Congress enacted the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), which amended HMDA to require collection of additional mortgage market data and transferred HMDA rulemaking authority and other functions from the Board of Governors of the Federal Reserve System (Board) to the Bureau. On October 28, 2015, the Bureau published a final rule amending Regulation C (2015 HMDA Final Rule) to implement the Dodd-Frank Act amendments. In the 2015 HMDA Final Rule, the Bureau interpreted HMDA, as amended by the Dodd-Frank Act, to require that the Bureau use a balancing test to determine whether and how HMDA data should be modified prior to its disclosure to the public in order to protect applicant and borrower privacy while also fulfilling HMDA's public disclosure purposes. The Bureau interpreted HMDA to require that public HMDA data be modified when the release of the unmodified data creates risks to applicant and borrower privacy interests that are not justified by the benefits of such release to the public in light of the statutory purposes.

This proposed Policy Guidance describes the Bureau's application of the balancing test to date and the loan-level HMDA data that it proposes to make available to the public beginning in 2019, with respect to data compiled by financial institutions in or after 2018, including modifications that the Bureau intends to apply to the data. In developing this guidance, the Bureau has consulted with the prudential regulators—Board, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of the Comptroller of the Currency—the Department of Housing and Urban Development, and the Federal Housing Finance Agency. The Bureau proposes to publicly disclose the loan-level HMDA data reported under the 2015 HMDA Final Rule with the following modifications. First, the Bureau proposes to modify the public loan-level HMDA data to exclude: The universal loan identifier; the date the application was received or the date shown on the application form; the date of action taken by the financial institution on a covered loan or application; the address of the property securing the loan or, in the case of an application, proposed to secure the loan; the credit score or scores relied on in making the credit decision; the unique identifier assigned by the Nationwide Mortgage Licensing System and Registry for the mortgage loan originator; and the result generated by the automated underwriting system used by the financial institution to evaluate the application. The Bureau also intends to exclude free-form text fields used to report the following data: Applicant or borrower race; applicant or borrower ethnicity; the name and version of the credit scoring model used to generate each credit score or credit scores relied on in making the credit decision; the principal reason or reasons the financial institution denied the application, if applicable; and the automated underwriting system name.

Second, the Bureau proposes to modify the public loan-level HMDA data to reduce the precision of most of the values reported for the following data fields. With respect to the amount of the covered loan or the amount applied for, the Bureau proposes to disclose the midpoint for the $10,000 interval into which the reported value falls. The Bureau also proposes to indicate whether the reported value exceeds the applicable dollar amount limitation on the original principal obligation in effect at the time of application or origination as provided under 12 U.S.C. 1717(b)(2) and 12 U.S.C. 1454(a)(2). With respect to the age of an applicant or borrower, the Bureau proposes to bin reported values into the following ranges, as applicable: 25 to 34, 35 to 44, 45 to 54, 55 to 64, and 65 to 74; bottom-code reported values under 25; top-code reported values over 74; and indicate whether the reported value is 62 or higher. With respect to the ratio of the applicant's or borrower's total monthly debt to the total monthly income relied on in making the credit decision, the Bureau proposes to disclose without modification reported values greater than or equal to 40 percent and less than 50 percent; bin reported values into the following ranges, as applicable: 20 percent to less than 30 percent; 30 percent to less than 40 percent; and 50 percent to less than 60 percent; bottom-code reported values under 20 percent; and top-code reported values of 60 percent or higher. With respect to the value of the property securing the covered loan or, in the case of an application, proposed to secure the covered loan, the Bureau proposes to disclose the midpoint for the $10,000 interval into which the reported value falls.

This proposed Policy Guidance is exempt from notice and comment rulemaking requirements under the Administrative Procedure Act pursuant to 5 U.S.C. 553(b). It is non-binding in part to preserve flexibility to revise the modifications to be applied to the public loan-level HMDA data as necessary to maintain a proper balancing of the privacy risks and benefits of disclosure, especially in the event the Bureau becomes aware of new facts and circumstances that might contribute to privacy risks. However, the Bureau invites public comment on the proposed Policy Guidance to provide transparency, obtain public feedback on its application of the balancing test, and improve the Bureau's decisionmaking. This proposal does not re-open any portion of the 2015 HMDA Final Rule, and the Bureau does not intend in this proposal to revisit any decisions made in that rulemaking.

II. Background

A. HMDA's Purposes and the Public Disclosure of HMDA Data

The Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801 *et seq.,* requires certain financial institutions to collect, report, and disclose data about their mortgage lending activity on an ongoing basis to both Federal regulators and the general public. HMDA is implemented by Regulation C, 12 CFR part 1003. HMDA identifies its purposes as providing the public and public officials with sufficient information to enable them to determine whether financial institutions are serving the housing needs of the communities in which they are located, and to assist public officials in their determination of the distribution of public sector investments in a manner designed to improve the private investment environment.[3] In 1989, Congress expanded HMDA to require, among other things, financial institutions to report racial characteristics, gender, and income information on applicants and borrowers.[4] In light of these amendments, the Board subsequently recognized a third HMDA purpose of identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes, which now appears with HMDA's other purposes in Regulation C.[5]

Public disclosure of HMDA data is central to the achievement of HMDA's goals. Since HMDA's enactment in 1975, the data financial institutions are required to disclose under HMDA and Regulation C have been expanded, public access to HMDA data has increased, and the formats in which

[3] 12 U.S.C. 2801(b).

[4] Financial Institutions Reform, Recovery, and Enforcement Act, Public Law 101–73, section 1211, 103 Stat. 183, 524–26 (1989).

[5] 54 FR 51356, 51357 (Dec. 15, 1989) (codified at 12 CFR 1003.1(b)(1)) (Bureau's post-Dodd-Frank Act Regulation C).

HMDA data have been disclosed to the public have evolved to provide more useful information to the public and public officials. Amendments to the statute and Regulation C over time illustrate the importance of public access to HMDA data to fulfill the statute's purposes.

As originally promulgated, HMDA and Regulation C required a covered financial institution to make available to the public at its home and branch offices a ''disclosure statement'' reflecting aggregates of certain mortgage loan data.[6] In 1980, Congress amended HMDA to increase the public's access to and the utility of the aggregated HMDA data. First, Congress amended HMDA section 304 to require that the Federal Financial Institutions Examination Council (FFIEC) implement a system to facilitate public access to the data required to be disclosed under the statute, and provided that such system must include arrangements for a ''central depository of data'' in each standard metropolitan statistical area (MSA).[7] In amending Regulation C to implement this requirement, the Board noted that ''the principal benefit of the central repository system is that users of HMDA data will be able to obtain all of the various institutions' disclosure statements at one location. The current system requires users to contact the institutions on an individual basis to obtain the disclosure data.[8] Second, the 1980 HMDA amendments required that the FFIEC compile annually for each MSA aggregate data by census tract for all financial institutions required to disclose data under HMDA, and produce tables indicating, for each MSA, aggregate lending patterns for various categories of census tracts grouped according to location, age of housing stock, income level, and racial characteristics.[9] A principal benefit cited to support these requirements was that the utility of individual institutions' disclosure statements ''would be enhanced if they could be compared to aggregate [MSA] lending patterns.'' [10]

In 1989, as noted above, Congress amended HMDA to expand the data financial institutions were required to disclose to the public.[11] In addition to requiring that financial institutions disclose data concerning the race, sex, and income of applicants and borrowers, the 1989 amendments required that institutions disclose data on loan applications in addition to originations and purchases. In implementing these amendments in Regulation C, the Board required financial institutions to report HMDA data to their supervisory agencies on a loan-by-loan and application-by-application basis using the ''loan/application register'' format.[12] Commenters on the Board's proposal to amend Regulation C to implement the 1989 amendments urged the Board to require that financial institutions make their loan/application registers available to the public to provide for more meaningful analysis of the data than that permitted by the required aggregate disclosures.[13] The Board declined to require that financial institutions make available to the public their loan/application registers, but in 1990 the FFIEC announced that it believed public disclosure of the reported loan-level HMDA data to be ''consistent with the congressional intent to maximize the utilization of lending data'' and that it would make all reported HMDA data available to the public in a loan-level format, after deleting three fields to protect applicant and borrower privacy.[14] The FFIEC first disclosed the reported loan-level HMDA data to the public in October 1991.

The following year, Congress amended HMDA to require that each financial institution make available to the public its ''loan application register information'' for each year as early as March 31 of the succeeding year, as required under regulations prescribed by the Board.[15] New section 304(j) directed the Board to require such deletions from the loan application register information made available to the public as the Board determined to be appropriate to protect any privacy interest of any applicant, and identified as appropriate for deletion the same three fields the FFIEC had determined should be deleted from the loan-level HMDA data it disclosed to the public.[16] A House Report characterizes the 1992 amendment to HMDA as making ''changes . . . to ensure that the public receives useful and timely information regarding the lending records of financial institutions.'' [17] The Board implemented this amendment by requiring that financial institutions make their ''modified'' loan/application registers available to the public after deleting the same fields deleted from the loan-level HMDA data disclosed by the FFIEC.[18]

Today, HMDA data are the preeminent data source that regulators, researchers, economists, industry, and advocates use to achieve HMDA's purposes and to analyze the mortgage market. HMDA and current Regulation C [19] continue to require that data be made available to the public in both aggregate and loan-level formats. Each financial institution is required to make its modified loan/application register available to the public, with three fields deleted to protect applicant and borrower privacy,[20] and also make available to the public a disclosure statement prepared by the FFIEC that shows the financial institution's HMDA data in aggregate form.[21] In addition, the FFIEC makes available to the public disclosure statements for each financial institution,[22] aggregate reports for each MSA and metropolitan division (MD) showing lending patterns by certain property and applicant characteristics,[23] and the loan-level dataset containing all reported HMDA data for the preceding calendar year, modified to protect

[6] 12 CFR part 203.

[7] Housing and Community Development Act, Public Law 96–399, section 340, 94 Stat. 1614 (1980).

[8] 46 FR 11780, 11786 (Feb. 10, 1981).

[9] Housing and Community Development Act, Public Law 96–399, section 34010, § 340, 94 Stat. 1614 (1980).

[10] 46 FR 11780, 11786 (Feb. 10, 1981).

[11] Financial Institutions Reform, Recovery and Enforcement Act, Public Law 101–73, section 1211, 103 Stat. 183 (1989).

[12] 12 CFR 203.4, 203.5; *see also* 54 FR 51356, 51359–60 (Dec. 15, 1989).

[13] 54 FR 51356, 51360–61 (Dec. 15, 1989).

[14] 55 FR 27886, 27888 (July 6, 1990). In announcing that the loan-level data submitted to the supervisory agencies on the loan/application register would be made available to the public, the FFIEC noted that ''[a]n unedited form of the data would contain information that could be used to identify individual loan applicants'' and that the data would be edited prior to public release to remove the application identification number, the date of application, and the date of final action.

[15] Housing and Community Development Act, Public Law 102–550, section 932, 106 Stat. 3672 (1992).

[16] HMDA section 304(j) identifies as appropriate for deletion ''the applicant's name and identification number, the date of the application, and the date of any determination by the institution with respect to such application.''

[17] H. Rept. 102–760 (1992).

[18] *See* 12 CFR 1003.5(c) (Bureau's successor Regulation C, which restates the Board's predecessor Regulation C). Section 1003.5(c) requires that, before making its loan/application register available to the public, a financial institution must delete three fields to protect applicant and borrower privacy: Application or loan number, the date that the application was received, and the date action was taken.

[19] Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801 *et seq.,* as implemented by Regulation C, 12 CFR part 1003. ''Current Regulation C'' as used herein refers to Regulation C in effect as of the date of publication of this proposed Policy Guidance.

[20] HMDA section 304(j)(2)(B); 12 CFR 1003.5(c).

[21] HMDA section 304(k); 12 CFR 1003.5(b).

[22] HMDA section 304(f); 12 CFR 1003.5(f).

[23] HMDA section 310; 12 CFR 1003.5(f).

applicant and borrower privacy (the agencies' loan-level release).[24]

B. The Dodd-Frank Act and Amendments to HMDA and Regulation C

In 2010, the Dodd-Frank Act, which amended HMDA and also transferred HMDA rulemaking authority and other functions from the Board to the Bureau, was enacted into law.[25] Among other changes, the Dodd-Frank Act again expanded the scope of information relating to mortgage applications and loans that must be collected, reported, and disclosed under HMDA and authorized the Bureau to require financial institutions to collect, report, and disclose additional information. The Dodd-Frank Act amendments to HMDA also added new section 304(h)(1)(E), which directs the Bureau to develop regulations, in consultation with the agencies identified in section 304(h)(2),[26] that ''modify or require modification of itemized information, for the purpose of protecting the privacy interests of the mortgage applicants or mortgagors, that is or will be available to the public.'' Section 304(h)(3)(B), also added by the Dodd-Frank Act, directs the Bureau to ''prescribe standards for any modification under paragraph (1)(E) to effectuate the purposes of [HMDA], in light of the privacy interests of mortgage applicants or mortgagors. Where necessary to protect the privacy interests of mortgage applicants or mortgagors, the Bureau shall provide for the disclosure of information . . . in aggregate or other reasonably modified form, in order to effectuate the purposes of [HMDA].'' [27]

On August 29, 2014, the Bureau published proposed amendments to Regulation C (2014 HMDA Proposed Rule) to implement the Dodd-Frank Act amendments and to make additional changes.[28] After careful consideration of comments received on its proposal, the Bureau published a final rule on October 28, 2015 (2015 HMDA Final Rule) amending Regulation C.[29] The 2015 HMDA Final Rule implements the Dodd-Frank Act amendments and makes other changes to Regulation C. Most provisions of the 2015 HMDA Final Rule go into effect on January 1, 2018 [30] and apply to data financial institutions will collect beginning in 2018 and will report beginning in 2019.[31]

The 2015 HMDA Final Rule addressed the public disclosure of HMDA data in two ways. First, the 2015 HMDA Final Rule made changes to financial institutions' public disclosure obligations under Regulation C. Under the 2015 HMDA Final Rule, the public disclosure of HMDA data is shifted entirely to the agencies. Effective with respect to HMDA data compiled in 2017 and later, financial institutions will no longer be required to provide their modified loan/application registers and disclosure statements directly to the public and will be required instead to provide only a notice advising members of the public seeking their data that it may be obtained on the Bureau's Web site. In addition to reducing burden on financial institutions associated with their disclosure of HMDA data, the 2015 HMDA Final Rule eliminates risks to financial institutions associated with errors in preparing their modified loan/application registers that could result in the unintended disclosure of data. Further, the 2015 HMDA Final Rule allows decisions with respect to what to include on the modified loan/application register to be made in conjunction with decisions regarding the agencies' loan-level data release, providing flexibility and allowing for consistency with respect to both releases. This shift of responsibility also permits the Bureau to consider modifications to protect applicant and borrower privacy that preserve data utility but that may be burdensome for financial institutions to implement. Finally, shifting the disclosure of HMDA data to the agencies will allow for easier adjustment of privacy protections applied to disclosures of loan-level HMDA data as privacy risks and potential uses of HMDA data evolve.

Also in the 2015 HMDA Final Rule, in consultation with the agencies and after notice and comment, the Bureau interpreted HMDA, as amended by the Dodd-Frank Act, to require that the Bureau use a balancing test to determine whether and how HMDA data should be modified prior to its disclosure to the public in order to protect applicant and borrower privacy while also fulfilling HMDA's public disclosure purposes. The Bureau interpreted HMDA to require that public HMDA data be modified when the release of the unmodified data creates risks to applicant and borrower privacy interests that are not justified by the benefits of such release to the public in light of the statutory purposes.[32] In such circumstances, the need to protect the privacy interests of mortgage applicants or mortgagors requires that the itemized information be modified. This binding interpretation implemented HMDA sections 304(h)(1)(E) and 304(h)(3)(B) because it prescribed standards for requiring modification of itemized information, for the purpose of protecting the privacy interests of mortgage applicants and borrowers, that is or will be available to the public.[33] The 2015 HMDA Final Rule's interpretation of HMDA section 304(h)(1)(E) and 304(h)(3)(B) to require a balancing test is a regulation that limits the Bureau's discretion with respect to public release of HMDA data. The standards impose binding obligations on the Bureau to evaluate the HMDA data, individually and in combination, to assess whether and how HMDA data should be modified prior to its disclosure to the public in order to protect applicant and borrower privacy while also fulfilling HMDA's public disclosure purposes. The standards for modification of itemized information that is or will be available to the public apply to all data reported under the 2015 HMDA Final Rule.[34]

Part III of this proposed Policy Guidance describes the Bureau's application of the balancing test to date and its proposals concerning the public disclosure of the loan-level HMDA data that will be reported to the agencies pursuant to Regulation C as amended by

[24] 55 FR 27886 (July 6, 1990) (announcing that the loan-level HMDA data submitted on the loan/application register would be made available to the public after deletion of three fields to protect applicant and borrower privacy).

[25] Dodd Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376, 1980, 2035–38, 2097–101 (2010).

[26] These agencies are the prudential regulators—the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of the Comptroller of the Currency—and the Department of Housing and Urban Development. Together with the Bureau, these agencies are referred to herein as ''the agencies.''

[27] Section 304(h)(3)(A) provides that a modification under section 304(h)(1)(E) shall apply to information concerning ''(i) credit score data . . . in a manner that is consistent with the purpose described in paragraph (1)(E); and (ii) age or any other category of data described in paragraph (5) or (6) of subsection (b), as the Bureau determines to be necessary to satisfy the purpose described in paragraph (1)(E), and in a manner consistent with that purpose.''

[28] 79 FR 51732 (Aug. 29, 2014).

[29] Home Mortgage Disclosure (Regulation C), 80 FR 66128 (Oct. 28, 2015); *see also* 80 FR 69567 (Nov. 10, 2015) (making technical corrections).

[30] Certain amendments to the definition of financial institution went into effect on January 1, 2017. *See* 12 CFR 1003.2; 80 FR 66128, 66308 (Oct. 28, 2015).

[31] Beginning in 2018, with respect to data compiled in 2017 and later, financial institutions will file their HMDA data with the Bureau. The Bureau will collect and process HMDA data on behalf of the FFIEC and the agencies.

[32] 80 FR 66128, 66134 (Oct. 28, 2015).

[33] *Id.*

[34] *Id.* at 66133, 66252 (noting that the Bureau's application of the balancing test would include data fields currently disclosed on the modified loan/application register and in the agencies' loan-level release).

the 2015 HMDA Final Rule.[35] Part IV of this proposed Policy Guidance addresses other considerations related to the disclosure of HMDA data, including the disclosure of aggregate HMDA data.[36]

III. Application of the Balancing Test

A. The Balancing Test

As noted above, in the 2015 HMDA Final Rule, the Bureau interpreted HMDA to require that public HMDA data be modified when the disclosure of the unmodified data creates risks to applicant and borrower privacy interests that are not justified by the benefits of such disclosure to the public in light of the statutory purposes. Considering the public disclosure of the loan-level HMDA dataset as a whole, risks to applicant and borrower privacy interests arise under the balancing test only where the disclosure of the unmodified loan-level HMDA dataset may both substantially facilitate the identification of an applicant or borrower in the data and disclose information about the applicant or borrower that is not otherwise public and may be harmful or sensitive.[37] Thus, under the balancing test, risks to applicant and borrower privacy interests would not arise if a loan-level dataset substantially facilitated the identification of applicants and borrowers in the data but revealed no information about applicants and borrowers that was harmful or sensitive and not otherwise public. Alternatively, risks to applicant and borrower privacy interests would not arise under the balancing test if a loan-level dataset contained harmful or sensitive information about applicants and borrowers that was not otherwise public but it was not possible to identify an applicant or borrower in the dataset.

Accordingly, under the balancing test, the disclosure of the loan-level HMDA dataset creates risks to applicant and borrower privacy interests only where at least one data field or a combination of data fields in the dataset substantially facilitates the identification of an applicant or borrower, and at least one data field or combination of data fields discloses information about the applicant or borrower that is not otherwise public and may be harmful or sensitive. At the individual data field level, a field may create ''re-identification risk'' by substantially facilitating the identification of an applicant or borrower in the HMDA data (for example, as discussed below, because it may be used to match a HMDA record to an identified record), or may create ''risk of harm or sensitivity'' by disclosing information about the applicant or borrower that is not otherwise public and may be harmful or sensitive. Assessing the risks to applicant and borrower privacy under the balancing test requires an evaluation of the unmodified HMDA dataset as a whole and of the individual data fields contained in the dataset.

Where the public disclosure of the unmodified loan-level HMDA dataset would create risks to applicant and borrower privacy, the balancing test requires that the Bureau consider the benefits of disclosure to HMDA's purposes and, where these benefits do not justify the privacy risks the disclosure would create, modify the dataset to appropriately balance the privacy risks and disclosure benefits. An individual data field is a candidate for potential modification under the balancing test if its disclosure in unmodified form would create a risk of re-identification or a risk of harm or sensitivity.

As discussed further below, with respect to the HMDA data that will be reported to the agencies under the 2015 HMDA Final Rule and based on its analysis to date, the Bureau believes that public disclosure of the unmodified loan-level dataset, as a whole, would create risks to applicant and borrower privacy interests under the HMDA balancing test. This is due to the presence in the dataset of individual data fields that the Bureau believes would create re-identification risk and the presence of individual data fields that the Bureau believes are not currently public and would create a risk of harm or sensitivity. The Bureau thus has applied the balancing test to determine whether and how it should modify the HMDA data that will be reported under the 2015 HMDA Final Rule before it is disclosed to the public. Based on its analysis, the Bureau believes that the balancing test requires the loan-level HMDA dataset to be modified before it is disclosed to the public to reduce risks to applicant and borrower privacy created by disclosure and appropriately balance them with the benefits of disclosure for HMDA's purposes. The Bureau proposes to modify the public loan-level dataset as described in this proposed Policy Guidance.[38] The Bureau believes that the modifications to the loan-level HMDA dataset proposed in this Policy Guidance would reduce risks to applicant and borrower privacy and appropriately balance them with the benefits of disclosure for HMDA's purposes. The Bureau seeks comment on all aspects of this proposed Policy Guidance, including its analysis of risks to applicant and borrower privacy, its application of the balancing test, and its proposed modifications.

This part III.A describes the benefits of public disclosure of the data that will be reported under the 2015 HMDA Final Rule, the risks to applicant and borrower privacy that may be created by the public disclosure of the unmodified HMDA data that the Bureau has considered, and the Bureau's approach to balancing these benefits and risks. Part III.B describes the application of the balancing test to the data that will be reported under the 2015 HMDA Final Rule and the Bureau's proposed modifications to the loan-level HMDA data that will be disclosed to the public.

Disclosure Benefits

Under the balancing test, the Bureau considers the benefits of disclosure of the loan-level HMDA data to the public. As described above, HMDA has a long history of providing the public with information about mortgage lending activity, and Congress has repeatedly amended the statute to increase the scope and utility of the data disclosed to the public. Users of HMDA data have relied on this information to help achieve HMDA's purposes: Helping to determine whether financial institutions are serving the housing needs of their communities; assisting public officials in distributing public-sector investment so as to attract private investment to areas where it is needed; and assisting in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. Today,

[35] The Bureau received some comments on the 2014 HMDA Proposed Rule suggesting that disclosure of certain HMDA data fields could reveal confidential business information and that such data fields should not be disclosed to the public in order to protect such information. The Bureau notes that HMDA requires modification of the HMDA data to protect the privacy interests of applicants and borrowers without mentioning the protection of confidential business information. Although the balancing test adopted in the 2015 HMDA Final Rule addresses risks to applicant and borrower privacy created by the disclosure of HMDA data, the modifications resulting from its application may mitigate some of the confidentiality concerns raised by commenters.

[36] As discussed above and also below in part IV.C, HMDA and Regulation C require the FFIEC to make available to the public certain aggregated data. The FFIEC, the Bureau, and the other agencies continue to evaluate options for disclosure of the required aggregates of data that will be reported under the 2015 HMDA Final Rule.

[37] 80 FR 66128, 66134 (Oct. 28, 2015).

[38] With respect to data compiled in 2018 or later, this proposed Policy Guidance describes the modifications the Bureau proposes to apply to the agencies' loan-level release and to each financial institution's modified loan/application register. The terms ''loan-level dataset'' and ''loan-level data'' used herein refer to HMDA data disclosed on the loan level, whether the data are those submitted by an individual financial institution or by all reporting financial institutions.

HMDA data are the preeminent data source that regulators, researchers, economists, industry, and advocates rely on to achieve HMDA's purposes and to analyze the mortgage market.[39]

Community groups, researchers, and public officials have used HMDA data to help determine whether financial institutions are serving the housing needs of their communities. For example, HMDA data have enabled community groups to understand the magnitude of disinvestment within minority neighborhoods.[40] Public officials have relied on HMDA data to compare the lending activity of financial institutions to the credit needs of communities and to examine whether minority communities were disproportionately affected by foreclosures following the financial crisis.[41] Further, community groups relied on HMDA data to document the rise in subprime lending among minority communities in the years before the financial crisis.[42]

Public officials also have used HMDA data to develop and allocate housing and community development investments. For example, local governments have used HMDA data to characterize neighborhoods for purposes of determining the most effective use of housing grants, to select financial institutions for contracts and participation in local programs, and to identify a need for homebuyer counseling and education.[43] Similarly, the Department of Housing and Urban Development used HMDA data to develop the formula by which funding would be provided to communities suffering from foreclosures and abandonment under the Neighborhood Stabilization Program.[44]

HMDA data have also been used by public officials, researchers, and community groups to identify potentially discriminatory lending patterns and to enforce antidiscrimination statutes. For example, researchers, journalists, and public officials relied on HMDA data along with other publicly available data to identify racial disparities in mortgage lending between neighborhoods in Atlanta, Detroit, and Boston.[45] Since Congress amended HMDA to require reporting of the race, gender, and income of individual applicants and borrowers,[46] the expanded HMDA data have been used to identify potential discriminatory lending practices.[47] Community groups have used the data to monitor fair lending within their communities and enter into agreements with financial institutions to ensure that the local needs were being served in a responsible manner.[48] HMDA data also played an important role in recent enforcement actions by the Illinois and New York Attorneys General related to discriminatory mortgage lending.[49] The Bureau and other regulators regularly rely on HMDA data in fair lending analyses, including in identifying possible discriminatory practices such as illegal redlining.[50]

In enacting the Dodd-Frank Act in 2010, Congress expanded the data financial institutions are required to collect, report, and disclose under HMDA and authorized the Bureau to require additional information. The Bureau's 2015 HMDA Final Rule amended Regulation C to implement the Dodd-Frank Act amendments and address the informational shortcomings exposed by the financial crisis to better meet the needs of the public, public officials, and regulators. Although the 2015 HMDA Final Rule did not address the specific data fields that would be disclosed to the public in the loan-level HMDA data, the rule required the collection and reporting of a number of data fields which, if publicly disclosed, would improve the ability of HMDA data users to fulfill HMDA's purposes.

For example, mandatory reporting of information about the reasons for denial of a loan application, combined with data fields used to make underwriting decisions, would improve the ability to understand lenders' decision-making and to identify possible discriminatory lending patterns in underwriting. Pricing information, such as rate spread for additional types of loans, total loan costs, total discount points, lender credits, and interest rate, would allow users to better understand pricing decisions and the cost of credit to mortgage borrowers. Information about manufactured housing and multifamily financing would allow users to better understand important sources of housing for low-income and potentially financially vulnerable borrowers, which helps users determine whether financial institutions are serving the housing needs of their communities and helps public officials target public investment

[39] For more information about the history and benefits of HMDA, see the supplementary information to the Bureau's 2014 HMDA Proposed Rule, 79 FR 51732, 51735–36 (Aug. 29, 2014), and the Bureau's 2015 HMDA Final Rule, 80 FR 66128, 66129–31 (Oct. 28, 2015).

[40] *See* John Goering and Ron Wienk, ''Mortgage Lending, Racial Discrimination and Federal Policy,'' at 10 (Urban Inst. Press 1996).

[41] Robert B. Avery & Thomas M. Buynak, ''Economic Review—Mortgage Redlining: Some New Evidence,'' at 18–32 (Fed. Reserve Bank of Cleveland, Working Paper No. 0013–0281, 1981), *available at https://fraser.stlouisfed.org/scribd/?item_id=4183&filepath=/files/docs/publications/frbclevreview/rev_frbclev_198102.pdf;* Carolina Reid and Elizabeth Laderman, ''The Untold Costs of Subprime Lending: Examining the Links Among Higher-Priced Lending, Foreclosures and Race in California'' (Fed. Reserve Bank of S.F., Working Paper No. 2009–09, 2009), *available at https://iasp.brandeis.edu/pdfs/Author/reid-carolina/The%20Untold%20Costs%20of%20Subprime%20Lending%203.pdf.*

[42] ''Home Mortgage Disclosure Act: Newly Collected Data and What It Means,'' Hearing on the 2004 Home Mortgage Disclosure Act before the Subcomm. on Fin. Servs. and Consumer Credit of the H. Comm. on Fin. Servs., 109th Cong. 4 (2006) (written testimony of Calvin Bradford, President, Calvin Bradford Assocs., Ltd., on behalf of the Nat'l Fair Hous. Alliance).

[43] *See* City of Albuquerque, Dep't of Family and Comty. Hous., ''Five Year Consolidated Housing Plan and Workforce Housing Plan (2008–2012),'' at 100 (2008), *available at http://www.cabq.gov/family/documents/ConsolidatedWorkforceHousingPlan20082012final.pdf;* City of Antioch, Cal., ''Fiscal Year 2012–2013: Consolidated Annual Performance Evaluation Report,'' at 29 (2012), *available at http://ci.antioch.ca.us/CitySvcs/CDBGdocs/CAPER%20FY%2012-13.pdf;* City of Lawrence, Mass., ''HUD Consolidated Plan 2010–2015,'' at 68 (2010), *available at http://www.cityoflawrence.com/Data/Sites/1/documents/cd/Lawrence_Consolidated_Plan_Final.pdf.*

[44] *See* U.S. Dep't of Housing and Urban Dev., ''Neighborhood Stabilization Program Formula Methodology'' (2008), *available at https://www.huduser.gov/portal/datasets/NSP.html.*

[45] Bill Dedman, ''The Color of Money,'' (parts 1–4), Atlanta Journal-Const., May 1–4, 1988; David Everett et al., ''The Race for Money,'' (parts 1–4), Detroit Free Press, July 24–27, 1988; Bill Dedman, ''Blacks Turned Down for Home Loans from S&Ls Twice as Often as Whites,'' Atlanta Journal-Const., Jan. 22, 1989; Katharine Bradbury et al., ''Geographic Patterns of Mortgage Lending in Boston, 1982–1987,'' New Eng. Econ. Rev., (1989). These reports and studies helped motivate Congress to amend HMDA to improve publicly available information about lending practices through the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

[46] Federal Institutions Reform, Recovery, and Enforcement Act, Public Law 101–73, section 1211, § 304, 103 Stat. 183, 524–26 (1989).

[47] For example, researchers have found evidence that, in many cases, an applicant's race alone influenced whether the applicant was denied credit. *See, e.g.,* Alicia H. Munnell et al., ''Mortgage Lending in Boston: Interpreting the HMDA Data,'' at 22 (Am. Econ. Rev., Fed. Reserve Bank of Boston Working Paper 92–7 (1992); James H. Carr & Isaac F. Megbolugbe, ''The Federal Reserve Bank of Boston: Study on Mortgage Lending Revisited,'' 4 J. of Hous. Res. 2, at 277 (1993).

[48] *See* Adam Rust, ''A Principle-Based Redesign of HMDA and CRA Data in Revisiting the Community Reinvestment Act: Perspectives on the Future of the Community Reinvestment Act,'' at 179 (Fed. Reserve Banks of Bos. and S.F. 2009).

[49] Yana Kunichoff, ''Lisa Madigan credits Reporter with initiating largest discriminatory lending settlements in U.S. history,'' Chicago Rep. (June 14, 2013), *available at http://www.chicagonow.com/chicago-muckrakers/2013/06/lisa-madigan-credits-reporter-with-initiating-largest-discriminatory-lending-settlements-in-u-s-history/;* Press Release, N.Y. State Off. of the Att'y Gen., ''Attorney General Cuomo Obtains Approximately $1 Million For Victims Of Greenpoint's Discriminatory Lending Practices'' (July 16, 2008), *available at http://www.ag.ny.gov/press-release/attorney-general-cuomo-obtains-approximately-1-million-victims-greenpoints.*

[50] Although certain regulators have access to the non-public HMDA data, their analyses also rely heavily on data fields that are publicly disclosed.

to better attract private investment. Information about the ages of applicants or borrowers and disaggregated racial and ethnic information would assist in identifying potentially discriminatory lending patterns and help determine whether financial institutions are serving the housing needs of their communities. Data fields about occupancy status and home-equity lines of credit provide information about potentially speculative purchases of housing and the degrees of leverage borrowers are undertaking. This information would better allow users to identify trends in the mortgage market that may increase systemic risk to the overall economy. Understanding these risks helps public officials distribute public-sector investment and helps users determine whether financial institutions are serving the housing needs of their communities.

Today, HMDA data represent a public good that responds to the fact that private lenders do not, in the ordinary course, make information about their loans and lending decisions publicly available. HMDA provides the only source of loan-level mortgage data with comprehensive national coverage that is free and easily accessible to the public. Other publicly available mortgage datasets lack information crucial for HMDA's purposes that is found in the HMDA data, such as the race, ethnicity, and sex of applicants and borrowers. Private data vendors sell several large datasets that typically contain data collected from the largest mortgage loan servicers or securitizers, but none of these datasets match the coverage of the HMDA data. These private datasets also typically lack information that identifies individual lenders and therefore cannot be used to study whether specific lenders are meeting community needs or may be making discriminatory credit decisions. Additionally, the Bureau is aware of no private dataset that includes information about applications that do not result in originated loans. By including applications in addition to originated and purchased loans, HMDA provides a near-census of the mortgage market that allows users to draw a detailed picture of the supply and demand of mortgage credit at various levels of geographic and lender aggregation. Finally, unlike the HMDA data, private datasets are costly for subscribers, creating a substantial hurdle for many community groups, government agencies, and researchers that wish to access them.

HMDA data also benefit users by addressing the information asymmetries present in credit markets. The degree of control that lenders exercise over the mortgage lending process gives them a significant information advantage over borrowers, researchers, and other members of the public. This advantage can contribute to certain types of lender behavior, such as discrimination or predatory lending, that conflict with the best interests of borrowers and the housing needs of communities. The relative difference in information may also lead to herding behavior where both lenders and consumers pursue risky mortgage loans based primarily on the popularity of these products, creating substantial systemic risk to the mortgage market and the financial system. Publicly available mortgage data increase transparency in the mortgage market, narrowing the information gap between lenders and borrowers, community groups, and public officials. Greater information can enable these latter parties to advocate for financial institutions to maintain fair practices and serve the housing needs of their communities, and can increase the prospect of self-correction by financial institutions. Additional information also helps to reduce the herding behavior of both lenders and borrowers, reducing systemic risk.

Risks to Applicant and Borrower Privacy Interests

The Bureau has considered the risks to applicant and borrower privacy that may be created by the public disclosure of the HMDA data that will be reported to the agencies under the 2015 HMDA Final Rule. Based on its analysis to date, the Bureau believes that public disclosure of the unmodified loan-level dataset, as a whole, would create risks to applicant and borrower privacy interests under the HMDA balancing test. As described in more detail below, this is due to the presence in the dataset of individual data fields that the Bureau believes would create re-identification risk and the presence of individual data fields that the Bureau believes would create a risk of harm or sensitivity. However, the Bureau believes that the modifications to the loan-level HMDA dataset proposed in this Policy Guidance would reduce these risks to applicant and borrower privacy and appropriately balance them with the benefits of disclosure for HMDA's purposes.

Re-Identification Risk

In evaluating the potential re-identification risk presented by the disclosure of the unmodified loan-level HMDA data that will be reported under the 2015 HMDA Final Rule, the Bureau has considered the data fields contained in the dataset, the likely methods by which applicants and borrowers could be identified in the dataset, the nature and availability of additional datasets that may be useful to the re-identification of HMDA data, and the incentives and capabilities of persons interested in re-identification. The Bureau uses the term ''adversary'' when referring to such persons.[51] The term is not intended to indicate that the adversary's motives are necessarily malicious or adverse to the interests of the individuals in the dataset.

In the HMDA context, the Bureau is concerned about two re-identification scenarios. First, an adversary may use common data fields to match a HMDA record to a record in another dataset that contains the identity of the applicant or borrower. Second, an individual may rely on pre-existing personal knowledge to recognize an applicant or borrower's record in the unmodified HMDA data.

Under the first scenario, it may be possible to match a HMDA record to a record from an identified dataset directly, or data fields from additional datasets may need to be matched to the HMDA record to complete the match to the identified record. However, successfully re-identifying a HMDA record would require several steps and may present a significant challenge. First, an adversary generally would have to isolate a record that is unique within the HMDA data. A HMDA record is unique when the values of the data fields associated with it are shared by no other HMDA record. But a HMDA record's uniqueness alone would not automatically result in its re-identification; an adversary would have to find a record corresponding to the applicant or borrower in another dataset that shares data fields with the unique HMDA record that permit the records to be matched. Once a unique HMDA record has been matched to a corresponding record, an adversary would possess any additional fields found in the corresponding record but not found in the HMDA record, such as the identity of the applicant or borrower.[52] However, even after accomplishing such a match, an adversary might not have accurately re-identified the true applicant or borrower to whom the HMDA record relates.[53]

[51] *See, e.g.,* Nat'l Inst. of Standards & Tech., ''De-Identification of Personal Information (2015),'' *available at http://nvlpubs.nist.gov/nistpubs/ir/2015/NIST.IR.8053.pdf* (using ''adversary'' to refer to an entity attempting to re-identify data).

[52] If the corresponding record lacks the name of the applicant or borrower, an adversary may be able to use data fields from the corresponding record to match to a record in another identified dataset.

[53] For example, if the corresponding record is not the only record in the other dataset that shares certain data fields with the unique HMDA record,

The HMDA data that will be reported under the 2015 HMDA Final Rule, like the data reported under current Regulation C, contain data fields that create re-identification risk. First, the HMDA data display a high level of record uniqueness.[54] As explained above, record uniqueness alone does not mean that a record can be re-identified, but a unique HMDA record could be matched to a corresponding record in another dataset that is available to an adversary. In the HMDA context, the Bureau believes that particularly relevant sources of identified data for matching purposes are publicly available real estate transaction records and property tax records. Although there is variance by jurisdiction, such records are often available electronically and typically identify a borrower through documents such as the mortgage or deed of trust. These documents typically include the loan amount, the financial institution, the unique identifier assigned to the mortgage originator, the borrower's name, and the property address, and may include other information. Because some of these data fields are also present in the HMDA data, the Bureau believes that the release of loan-level HMDA data without any modifications would create a risk that these public records could be directly matched to a HMDA record to re-identify an applicant[55] or borrower.

Other publicly available sources of data similar to those included in the HMDA data that will be reported under the 2015 HMDA Final Rule include loan-level performance datasets made available by the Government-Sponsored Enterprises (GSEs) and mortgage-backed securities datasets made available by the Securities and Exchange Commission through the Electronic Data Gathering, Analysis, and Retrieval (EDGAR) system.[56] The loan-level performance datasets include data fields similar to those that will be included in the unmodified HMDA data, such as credit score, loan amount, interest rate, debt-to-income ratio, combined loan-to-value ratio, and loan-to-value ratio. The mortgage-backed securities dataset includes similar information, such as the credit score, loan amount, lien status, property value, and debt-to-income ratio. These datasets are available online with limited restrictions on access. But these datasets do not include the name of the borrower; as described above, this means that an adversary who is able to match a record in one of these datasets to a record in HMDA would need to make an additional match to an identified dataset to re-identify a borrower. And some of these datasets contain restrictions on use, such as a prohibition on attempting to re-identify individual borrowers.[57]

Private datasets that could be matched to the HMDA data are also available. For example, data brokers collect information about consumers from a wide range of sources and sell it for a variety of purposes, including marketing, identity verification, and fraud detection.[58] These datasets typically include data collected from commercial, government, and other publicly available sources and may contain data about mortgage loan borrowers, including age, income, loan-to-value ratio, property value, loan amount, address, race, ethnicity, and origination date. Other datasets specific to mortgage loans are provided for purposes of evaluating mortgage-backed securities, identifying marketing opportunities, or analyzing market trends. These datasets may include loan amount, interest rate, credit score, negative amortization features, and closing date. Some of these datasets include the names of consumers, although others contain de-identified loan-level mortgage data. However, these datasets may contain contractual restrictions on use and re-disclosure, including prohibiting their use for re-identification purposes, and may be cost-prohibitive for many potential adversaries.

In addition to considering the steps an adversary would need to complete to re-identify the HMDA data and the various data sources that may be required to accomplish re-identification, including their limitations, the Bureau also has considered the capacity, incentives, and characteristics of potential adversaries, including those that may attempt re-identification for harmful purposes. The Bureau believes that some potential adversaries may be interested in re-identifying the HMDA data for marketing or other commercial purposes. For example, the unmodified HMDA data contain information about applicants and borrowers, and features of the loans they obtained or applied for, that the Bureau believes would have commercial appeal for marketing and advertising. Although extensive data about identified consumers is already available to marketers, the Bureau believes that at least some of the HMDA data that may be useful to marketers are typically not publicly available from any source for marketing purposes, are available in limited circumstances,[59] or may be less reliable or precise than the HMDA data may be perceived to be.[60] These potential adversaries could possess the resources to use private

an adversary would have to make a probabilistic determination as to which corresponding record belongs to the applicant or borrower. Also, depending on the coverage of the other dataset, a corresponding record may be unique in the other dataset but not unique in the general population.

[54] In 2005, researchers at the Board found that ''[m]ore than 90 percent of the loan records in a given year's HMDA data are unique—that is, an individual lender reported only one loan in a given census tract for a specific loan amount.'' Robert B. Avery et al., ''New Information Reported under HMDA and Its Application in Fair Lending Enforcement,'' at 367 Fed. Reserve Bulletin (Summer 2005), *available at http://www.federalreserve.gov/pubs/bulletin/2005/3-05hmda.pdf.*

[55] None of the public or private datasets discussed herein include information about applications that do not result in originated mortgage loans. The Bureau believes that the lack of public information about applications would significantly reduce the likelihood that an adversary could match the record of a HMDA loan application that was not originated to an identified record in another dataset. Therefore, the Bureau believes that the risk of re-identification to applicants is significantly lower than the risk to borrowers. However, some of the information contained in the unmodified HMDA data for applicants may permit an adversary to re-identify an applicant despite the lack of publicly available real estate records reflecting the transaction. For example, if an applicant withdraws an application and obtains a loan secured by the same property from another institution, it may be possible to link the HMDA data for the withdrawn application with the data for the origination, as much of the property and borrower information will be identical.

[56] SE.C., ''Electronic Data Gathering, Analysis, and Retrieval (EDGAR),'' *https://www.sec.gov/edgar.shtml* (last visited January 26, 2017); Fannie Mae, ''Fannie Mae Single-Family Loan Performance Dataset,'' *http://www.fanniemae.com/portal/funding-the-market/data/loan-performance-data.html* (last visited Jan. 26, 2017); Freddie Mac, ''Single Family Loan-Level Dataset,''*http://www.freddiemac.com/news/finance/sf_loanlevel_dataset.html* (last visited Jan. 26, 2017); Ginnie Mae, ''Data Dictionaries,'' *http://www.ginniemae.gov/investors/disclosures_and_reports/Pages/Disclosure-Data-Dictionaries.aspx* (last visited Jan. 26, 2017).

[57] *See, e.g.,* Freddie Mac, ''Terms for Single-Family Loan-Level Dataset Registration and Login Pages,'' *https://freddiemac.embs.com/FLoan/HistoricalDataTerms.html* (last visited Mar. 20, 2017).

[58] *See generally* Fed. Trade Comm'n, ''Data Brokers: A Call for Transparency and Accountability,'' (May 2014), available at *https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf* (describing the types of products offered and the data sources used by data brokers).

[59] For example, a marketer currently may obtain from a consumer reporting agency a ''prescreened'' list of consumers meeting certain criteria, such as a minimum credit score, only for the purpose of making a ''firm offer of credit or insurance.'' 15 U.S.C. 1681b(c), 1681a(l).

[60] For example, private datasets may only contain an estimate of the household income, while the HMDA data contains the gross annual income relied on by the financial institution, which may be more accurate.

datasets in addition to publicly available records to re-identify the HMDA data. However, the Bureau has considered the extent to which much of the commercial benefit to be obtained by re-identifying the HMDA data may be more readily available from private datasets to which these potential adversaries already have access without the need for recourse to the HMDA data. In many cases, information from other datasets may be timelier than that found in the HMDA data, where the delay between action taken on a loan and disclosure of the loan-level HMDA data ranges from 3 to 15 months. Further, some of these potential adversaries may refrain from re-identifying the HMDA data for reputational reasons or because they have agreed to restrictions on using data from the additional datasets described above for re-identification purposes.

Additionally, although most academics, researchers, and journalists use HMDA data only for HMDA purposes or market monitoring, some may be interested in re-identifying the HMDA data for purposes of research. These persons may differ in their capacity to re-identify an applicant or borrower in the HMDA data. The Bureau believes that those who lack resources are likely to attempt to match a HMDA record to publicly available datasets such as real estate transaction records, while those with relatively greater resources may also rely on private datasets. However, as mentioned above, some private datasets may have contractual terms prohibiting their use for re-identification purposes. Further, those academics or journalists with significant resources may be affiliated with organizations that have reputational or institutional interests that would not be served by re-identifying the HMDA data. These factors may reduce the risk of re-identification by such persons.

The Bureau has considered whether parties intending to commit identity theft or financial fraud may have the incentive and capacity to re-identify the HMDA data. As discussed further below, the Bureau believes that the HMDA data would be of minimal use for these purposes. For example, the HMDA data will not include information typically required to open new accounts in a consumer's name, such as Social Security number, date of birth, place of birth, passport number, or driver's license number, nor will they include information useful to perpetrate existing account fraud, such as account numbers or passwords. Further, these potential adversaries are not law abiding and may have easier, albeit illegal, ways to secure data for these purposes than attempting to re-identify loan-level HMDA data. The resources of these potential adversaries likely vary, so some may be able to use private datasets in addition to publicly available records to re-identify the HMDA data were they to attempt to do so.

In addition to the possibility of re-identifying borrowers through matching HMDA data to other datasets, some potential adversaries may be able to re-identify a particular applicant or borrower in the HMDA data by relying on personal knowledge about the applicant or borrower. As noted above, the Bureau believes that the HMDA data display a high level of record uniqueness, and the unmodified HMDA data include location and demographic information, such as race, sex, ethnicity, and age, that may be known to a potential adversary who is familiar with a specific applicant or borrower. Therefore, such a potential adversary may be able to re-identify a known applicant or borrower even if traditionally identifying information is not disclosed and without attempting to match a HMDA record to an identified record. This potential adversary could include a neighbor or acquaintance of the applicant or borrower, and the interest in re-identification may range from mere curiosity to the desire to embarrass or otherwise harm the applicant or borrower. Although these potential adversaries may lack the sophistication or resources required to re-identify a HMDA record by matching it to other datasets, they may possess a high level of specific knowledge about the characteristics of a particular applicant or borrower. Because the pre-existing personal knowledge possessed by such a potential adversary is typically limited to information about a single individual, or a small number of individuals, any re-identification attempt by such a potential adversary would likely target or impact a limited number of individuals. Although the Bureau believes that location and demographic information may be more likely to be known than other information in the HMDA data, it is impossible to predict the exact content of any pre-existing personal knowledge that such a potential adversary may possess. This uncertainty creates challenges for evaluating the degree to which individual data fields contribute to the risk of re-identification by such a potential adversary.[61]

Risk of Harm or Sensitivity

The Bureau has considered whether, if a loan-level record in the HMDA dataset were re-identified, HMDA data that will be reported under the 2015 HMDA Final Rule would disclose information about the applicant or borrower that is not otherwise public and may be harmful or sensitive. To the extent a HMDA record could be associated with an identified applicant or borrower and could also be successfully matched to another de-identified dataset to re-identify such a dataset, harmful or sensitive information in that dataset that is not otherwise public may also be disclosed. The Bureau has considered whether the HMDA data could be used for harmful purposes such as perpetrating fraud or identity theft against an applicant or borrower or for targeted marketing of products and services that may pose risks that are not apparent. The Bureau has also considered whether certain HMDA data fields may be viewed as sensitive if associated with a particular applicant or borrower, even where the disclosure of the data field is unlikely to lead to financial or other tangible harms. In evaluating the potential sensitivity of a data field, the Bureau has also considered whether disclosure of the data field could cause dignity or reputational harm or embarrassment, or could be considered outside of societal or cultural expectations with respect to what information is available to the general public.

As noted above, today, significant amounts of identifiable data concerning consumers is available to the general public, including in public records. Identifiable consumer information is also available from commercial data sources with varying barriers to access and restrictions on use. In evaluating the risk of harm or sensitivity created by the public disclosure of loan-level HMDA data, the Bureau's analysis has considered the degree to which such disclosure would increase these risks to applicant and borrower privacy compared to the risks that already exist, absent the public availability of the data in HMDA. Accordingly, the Bureau has considered whether the data that will be reported under the 2015 HMDA Final Rule are typically publicly available in an identifiable form and, if so, any barriers to accessing the information or restrictions on its use. Depending on the nature and extent of the public availability of a particular data field, the Bureau generally considers public

[61] For example, although the Bureau is aware of no dataset with detailed information on mortgage loan applicants, an adversary with personal knowledge of an applicant could identify an applicant in the HMDA data.

availability to reduce any risk of harm or sensitivity that may be created by the public disclosure of the data field in the loan-level HMDA data. For example, although some borrowers may consider the amount of their mortgage to be sensitive, the Bureau believes that this information is often publicly available and considers such availability to reduce the risk of harm or sensitivity that may be created by the disclosure of this unmodified data field in the HMDA data. In other words, if potentially harmful or sensitive information about an applicant or borrower is already available to the general public, disclosure of that information in the loan-level HMDA data creates less risk of additional harm or sensitivity than if the data were otherwise not publicly available about the applicant or borrower.

In evaluating the risk of harm or sensitivity created by the disclosure of the loan-level HMDA data, the Bureau also has considered the likelihood that the loan-level HMDA data would be re-identified and used for harmful purposes or to embarrass or damage the reputation of an applicant or borrower. As discussed above, the Bureau generally believes that successful re-identification of loan-level HMDA data would require several steps and may represent a significant challenge. Even where an adversary is able to match a HMDA record to a record in an identified dataset, the adversary still may not have accurately identified the true applicant or borrower to whom the HMDA record relates. To the extent that the risk that re-identification would be accomplished is low, the risk of disclosing harmful or sensitive information is reduced.

The Bureau believes that the unmodified loan-level HMDA data that will be reported under the 2015 HMDA Final Rule would be of minimal use for purposes of perpetrating identity theft or financial fraud against applicants and borrowers. As noted above, the HMDA data will not include information typically required to open new accounts in a consumer's name, such as Social Security number, date of birth, place of birth, passport number, or driver's license number, nor do they include information useful to perpetrate existing account fraud, such as account numbers or passwords.[62] Although almost any information relating to an individual could at least theoretically be used by an adversary seeking to steal the identity of or commit fraud against the individual, the Bureau does not believe that disclosure of the HMDA data would be likely to increase information available for these purposes. For example, the HMDA data will include the name of the financial institution and other details about the loan terms that could be used in a phishing attack against an applicant or borrower by a perpetrator pretending to be the financial institution,[63] but data that could be used for this purpose are often already available in publicly available real estate transaction records. The Bureau has also considered whether the HMDA data could be used for knowledge-based authentication purposes,[64] but believes the data are unlikely to increase information available that is typically used for such purposes.

The Bureau believes that some of the unmodified loan-level HMDA data would provide information that is not already public and could be used to target applicants and borrowers for marketing, including marketing for products and services that may pose risks that are not apparent. As noted above, the unmodified HMDA data would provide information about an applicant's or borrower's financial condition and, with respect to a borrower, details about the loan obtained. The Bureau believes that, at least for a period of time after the loan-level HMDA data are disclosed, this information may be useful to those looking to offer financial products and services or otherwise improve market segmentation. Although these data could be used to market products and services that would be beneficial for applicants and borrowers, perhaps increasing competition among lenders that could help consumers receive the best loan terms possible, they could also be used to target potentially vulnerable consumers with marketing for products and services that may pose risks that are not apparent. For example, certain information about a loan might be perceived to reveal information about a borrower's sophistication as a consumer of financial products and services, and information about a borrower's financial condition may suggest vulnerability to scams relating to debt relief or credit repair.

Finally, the Bureau believes that some of the unmodified loan-level HMDA data that will be reported to the agencies under the 2015 HMDA Final Rule would be considered sensitive by most consumers. In assessing whether a data field creates a risk of sensitivity, the Bureau has considered if its disclosure could lead to dignity or reputational harm or embarrassment, or could be considered outside of societal or cultural expectations with respect to what information is available to the general public.

Balancing Risks and Benefits

In applying the balancing test, the Bureau has considered the risks to applicant and borrower privacy interests that would be created by the public disclosure of the unmodified loan-level HMDA data that will be reported under the 2015 HMDA Final Rule and the benefits of such disclosure in light of HMDA's purposes. As discussed above, assessing risks to applicant and borrower privacy under the balancing test requires an evaluation of the unmodified HMDA dataset as a whole and of the individual data fields contained in the dataset. In developing this proposal, the Bureau reviewed the contribution of each data field, individually and in combination, toward the potential re-identification of an applicant or borrower in the HMDA dataset. As described above, for purposes of the HMDA balancing test, a significant re-identification risk is created by uniqueness in the HMDA data among data fields that are also found in other records that identify an applicant or borrower. The Bureau has reviewed the availability of public records in several jurisdictions and has also considered qualitative factors such as the capacity, incentives, and characteristics of potential adversaries that may be interested in re-identification, the public availability of HMDA data fields in other datasets, the barriers to obtaining these datasets, and

[62] As noted above, however, to the extent a HMDA record could be associated with an identified applicant or borrower and could also successfully be matched to a de-identified dataset to re-identify such a dataset, harmful or sensitive information in that dataset that is not otherwise public may also be disclosed.

[63] Phishing is an attempt by a perpetrator to obtain sensitive information, such as account numbers or passwords, by masquerading as a legitimate company. Phishing is typically conducted by fraudulent email messages appearing to come from a legitimate company that direct the recipient to a spoofed Web site or otherwise get the recipient to divulge private information. The perpetrators then use this private information to commit identity theft.

[64] Knowledge-based authentication (KBA) is a method of authentication which seeks to prove the identity of someone accessing a service, such as an account at a financial institution. KBA requires the knowledge of information about a particular individual to prove that a person attempting to access a service is the individual. ''Static'' KBA, also known as ''shared secrets,'' relies on information initially shared by the individual to the provider of the service, such as an answer to a question, which is later retrieved when an individual seeks to access the service. ''Dynamic'' KBA uses knowledge questions to verify identity but does not require the individual to have provided the questions and answers beforehand. Dynamic KBA questions are compiled from data known to or obtained by the institution, such as transaction history or data from credit reports.

the degree to which the other datasets are identifiable. The Bureau has also considered whether certain data fields may be more likely than others to be known by a potential adversary with personal knowledge about the applicant or borrower.

The Bureau also considered whether disclosure of the loan-level HMDA data, if it were to be re-identified, would reveal information about the applicant or borrower that is not otherwise public and may be harmful or sensitive. As described above, this consideration involved reviewing the potential for disclosure to cause financial fraud or identity theft, harmful targeted marketing, or sensitivity concerns. The Bureau considered the nature of potential harms that might result from disclosure of each data field individually and in combination, and the strength of the field's contribution to such harms. The Bureau also considered whether each data field is typically publicly available in identified records and, if so, any barriers to accessing the information or restrictions on its use.

In addition, the Bureau evaluated the contribution of the data fields, both individually and in combination, toward the purposes of HMDA: Helping to determine whether financial institutions are serving the housing needs of their communities; assisting public officials in distributing public-sector investment so as to attract private investment to areas where it is needed; and assisting in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. Every HMDA data field provides benefits to achieving the statutory purposes, but different data fields may provide more value for certain statutory purposes or types of analyses. Data fields were examined for both current and potential uses.

For data fields the public disclosure of which the Bureau preliminarily believes would create risks to applicant and borrower privacy interests, either because a field increases re-identification risk or poses a risk of harm or sensitivity, the Bureau has weighed these risks against the benefits of disclosure. Where the Bureau has preliminarily determined that the disclosure of an individual data field, alone or in combination with other fields, would create risks to applicant and borrower privacy that are not justified by the benefits of disclosure to HMDA's purposes, the Bureau has considered whether it could appropriately balance the privacy risks and disclosure benefits through strategies such as binning, rounding, and top- and bottom-coding,[65] or whether the public dataset should be modified by excluding the field. The Bureau has also evaluated the risks and benefits of disclosing a data field in light of the proposed modifications considered for the other data fields. The Bureau is mindful of the connection between the risk of re-identification and the risk of harm or sensitivity. To the extent that the risk of re-identification created by disclosure of the HMDA data is reduced, the risk of disclosing harmful or sensitive information is also reduced. Conversely, to the extent that the public loan-level HMDA data do not disclose information that is harmful or sensitive, the consequences of re-identification are reduced. Where the Bureau has preliminarily determined that some modification of a data field is appropriate, the Bureau's consideration of the available forms of modification for the HMDA data is also informed by the operational challenges associated with various forms of modification and the need to make financial institutions' modified loan/application registers available to the public by March 31 following the calendar year for which the data are reported.[66]

B. Application of the Balancing Test to Loan-Level HMDA Data

As described above, the Bureau has interpreted HMDA to require that public HMDA data be modified when the release of the unmodified data creates risks to applicant and borrower privacy interests that are not justified by the benefits of such release to the public in light of HMDA's purposes. Based on its analysis to date, the Bureau believes that public disclosure of the unmodified loan-level data that will be reported to the agencies under the 2015 HMDA Final Rule, as a whole, would create risks to applicant and borrower privacy interests under the HMDA balancing test. This is due to the presence in the data of individual data fields that the Bureau believes would create re-identification risk and the presence of individual data fields that the Bureau believes would create a risk of harm or sensitivity. The Bureau has applied the balancing test to determine whether and how to modify the HMDA data that will be reported under the 2015 HMDA Final Rule before it is disclosed to the public and is seeking comment on its proposed modifications.

For the reasons discussed below, based on its application of the balancing test, the Bureau proposes to exclude or otherwise modify the following data fields in the loan-level HMDA data disclosed to the public: Universal loan identifier (ULI), application date, loan amount, action taken date, property address, age, credit score, debt-to-income ratio, property value, the unique identifier assigned by the Nationwide Mortgage Licensing System and Registry for the mortgage loan originator (NMLS ID); and automated underwriting system (AUS) result. The Bureau also proposes to exclude the content of free-form text fields used in certain instances to report the following data: Race, ethnicity, name and version of credit score model, reason for denial, and AUS system name. The Bureau proposes to publicly disclose without modification the remaining data reported to the agencies under the 2015 HMDA Final Rule. As discussed above, HMDA and Regulation C require the FFIEC to make available to the public certain aggregated data. The Bureau, in consultation with the other agencies, intends to evaluate options for providing the HMDA data, including the modified data, to the public in aggregated form, including through the aggregated data products the FFIEC is required to make available and other vehicles.[67]

The Bureau acknowledges that the proposed modifications would not completely eliminate risks to applicant and borrower privacy that would likely be created by the disclosure of loan-level HMDA data, but the Bureau believes that these modifications would reduce such risks to the extent necessary to appropriately balance them with the benefits of disclosure for HMDA's purposes. The Bureau believes that, to the extent that the public disclosure of the loan-level HMDA data, modified as proposed, would create risks to applicant and borrower privacy, such risks would be justified by the benefits of such release to the public in light of HMDA's purposes.

[65] Binning, sometimes known as recoding or interval recoding, allows data to be shown clustered into ranges rather than as precise values. Top- and bottom-coding masks the precise values of a data field that appear above or below a certain threshold.

[66] As discussed below in part IV.B, the Bureau will make a modified loan/application register for each financial institution available on its Web site by March 31 following the calendar year for which the information was compiled. With respect to data compiled in 2018 or later, this proposed Policy Guidance describes the modifications the Bureau proposes to apply to each financial institution's modified loan/application register, with the possible exception of modifications to reflect whether the loan amount is above the applicable dollar amount limitation on the original principal obligation in effect at the time of application or origination as provided under 12 U.S.C. 1717(b)(2) and 12 U.S.C. 1454(a)(2), which may be disclosed later than March 31. HMDA data is reported by March 1 of the year following the calendar year for which the information was compiled, leaving the Bureau as little as 30 days to prepare each financial institution's modified loan/application register.

[67] *See* part IV.C, below.

The Bureau has considered whether, in light of what it believes to be a reduced risk of re-identification for HMDA records reflecting an application where no loan was originated, more data could be disclosed without modification for those records. As discussed above, the Bureau believes that the lack of publicly available information about applications would make it significantly more difficult for an adversary to re-identify an applicant by matching a HMDA record to a record from an identified dataset. However, the Bureau believes that some risk of re-identification by matching may remain in some circumstances,[68] and notes that an adversary's personal knowledge may also permit re-identification of an application record. Further, the possibility that transactions could be reported as applications in error and be subsequently corrected in a resubmission would create risk that the previously-applied modifications would no longer be appropriate; the previously-disclosed HMDA data would have revealed information creating risks to applicant and borrower privacy that would not be justified by the benefits of disclosure. Finally, an approach requiring that different types of records in the dataset are subject to different modifications would be operationally challenging and costly to implement. In light of these privacy and operational concerns, the Bureau is not proposing this approach at this time, but invites comment on it.

The Bureau seeks comment on all aspects of its analysis and the modifications it proposes to apply to the public loan-level HMDA dataset under the balancing test. The Bureau notes that, even after it finalizes this Policy Guidance, it intends to continue to monitor developments affecting the application of the balancing test to the HMDA data. The privacy landscape is constantly evolving, and risks to applicant and borrower privacy created by the disclosure of loan-level HMDA data may change as the result of technological advances and other external developments. For example, a new source of publicly available records may become available, increasing or decreasing privacy risks under the balancing test, or the Bureau may discover evidence suggesting that individuals are using the HMDA data in unforeseen, potentially harmful ways. Potential uses of the loan-level HMDA data in furtherance of the statute's purposes may also evolve, such that the benefits associated with the disclosure of certain data may increase to an extent that justifies providing more information to the public. For example, a new loan program may emerge with debt-to-income ratio requirements that increase the benefits of releasing more precise information about the debt-to-income ratios of applicants or borrowers than the Bureau proposes herein to release. Such developments and other changed circumstances may require that, even after this proposed Policy Guidance is finalized, the Bureau revisit the conclusions previously reached based on the application of the balancing test in order to ensure the appropriate protection of applicant and borrower privacy in light of HMDA's purposes.

The Bureau is proposing this Policy Guidance to provide transparency, obtain public feedback, and improve the Bureau's decisionmaking. This proposed Policy Guidance and any final Policy Guidance concerning the public disclosure of loan-level HMDA data are non-binding in part because flexibility to revise the modifications proposed to apply to the public loan-level HMDA data is necessary to maintain a proper balancing of the privacy risks and benefits of disclosure, especially in the event the Bureau becomes aware of new facts and circumstances that might contribute to privacy risks. However, except where not practical, unnecessary, or where public interest requires otherwise, the Bureau intends to seek public input on any future revisions to modifications to the public loan-level HMDA it might consider.

Data To Be Disclosed in the Loan-Level HMDA Data Without Modification

As discussed above, the 2015 HMDA Final Rule requires financial institutions to report information about originations and purchases of mortgage loans, as well as mortgage loan applications that do not result in originations. The Bureau proposes to disclose the following data fields to the public as reported, without modification:[69]

- The following information about applicants, borrowers, and the underwriting process: Income, sex, race, ethnicity, name and version of the credit scoring model, reasons for denial, and AUS name.
- The following information about the property securing the loan: Census tract, State, county, occupancy type, construction method, manufactured housing secured property type, manufactured housing land property interest, and total units.
- The following information about the application or loan: Loan term, loan type, loan purpose, application channel, whether the loan was initially payable to the financial institution, whether a preapproval was requested, action taken, type of purchaser, lien status, prepayment penalty term, introductory rate period, interest rate, rate spread, total loan costs or total points and fees, origination charges, total discount points, lender credits, HOEPA status, balloon payment, interest-only payment, negative amortization, other non-amortizing features, combined loan-to-value ratio, open-end line of credit flag, business or commercial flag, and reverse mortgage flag.
- The following information about the lender: Legal Entity Identifier (LEI), and financial institution name.[70]

Many of these data fields were adopted in the 2015 HMDA Final Rule, while several are already required to be reported under current Regulation C. All of the data fields required by current Regulation C listed above are currently disclosed as reported without modification in the modified loan/application register that each financial institution makes available to the public and in the agencies' loan-level release.[71] For the reasons discussed below, the Bureau proposes to publicly disclose the data fields listed above without modification in the loan-level HMDA data and requests comment on its proposal.

With the exception of LEI, financial institution name, census tract, income, action taken (where the loan is denied), and reasons for denial, which are discussed further below, the Bureau believes that disclosure of the data fields listed above would likely present low risk to applicant and borrower privacy. First, the Bureau believes that, if the HMDA data were re-identified, disclosure of most of these data fields would likely create minimal, if any, risk of harm or sensitivity to applicants or borrowers. These fields include basic information about the features of the loan or the property securing the loan—such as the application channel, loan term, and lien status—rather than information about personal

[68] *See supra* note 53.

[69] As mentioned above and discussed further below, the Bureau proposes not to disclose free-form text fields used in certain instances to report the following data: The name and version of the credit scoring model, race, ethnicity, reasons for denial, and AUS name.

[70] *See* 12 CFR 1003.4(a)(2)–(7), (a)(8)(i), a(9)(ii), (a)(10)(i), (a)(10)(iii), (a)(11)–(14), (a)(15)(i) (name of scoring model), (a)(16)–(22), (a)(24)–(27), (a)(29)–(33), (a)(35)(i) (name of system), (a)(36)–(38) (effective Jan. 1, 2018).

[71] The only data fields excluded from the public loan-level HMDA data under current Regulation C are the identifying number for the loan or loan application, the application date, and the action taken date.

characteristics or financial condition of the applicant or borrower, and the Bureau believes that applicants and borrowers are unlikely to consider the disclosure of this information to be sensitive. Further, the Bureau is aware of no clear advantage provided by most of these data fields for targeted marketing of products and services that may pose risks that are not apparent. The Bureau believes that certain fields about the loan, such as the pricing data fields, and certain fields about the borrower, such as ethnicity and race, may create relatively more risk of harm or sensitivity, but that these fields still present low privacy risk. Second, the Bureau believes that disclosure of most of these data fields would likely create minimal, if any, risk of substantially facilitating the re-identification of applicants and borrowers in the HMDA data. Most of these data fields are not found in publicly available sources of records that contain the identity of an applicant or borrower; without such an identified publicly available record, an adversary would experience substantial difficulty attempting to re-identify an applicant or borrower by matching a HMDA record using these data fields. Certain data fields may create relatively more risk of re-identification because they contain values that are not widely shared among applicants or borrowers, such as an ethnic and racial category, but the Bureau believes these fields still present low re-identification risk.[72] As described above, public disclosure of these low-risk data fields benefits users in determining whether financial institutions are serving the housing needs of their communities; in distributing public-sector investment so as to attract private investment to areas where it is needed; and in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. To the extent that disclosure of these fields would create risk to applicant and borrower privacy, the Bureau believes the risks would be justified by the benefits of disclosure.

The Bureau believes that disclosure of the following data fields listed above would likely substantially facilitate the re-identification of applicants or borrowers: LEI, financial institution name, and census tract. The Bureau believes that publicly available real estate transaction records such as mortgages and deeds of trust typically contain the identity of the borrower, the name of the financial institution, and the property address, from which an adversary may derive the census tract. Although the uniqueness of a HMDA record will vary by census tract, the Bureau believes that these data fields could be used by an adversary to match a HMDA record to an identified public record.

The Bureau also believes that, if the HMDA data were re-identified, disclosure of the following data fields listed above would likely create a risk of harm or sensitivity: Income, action taken (where the loan is denied), and reasons for denial. These data fields are not otherwise available to the general public in an identified form without barriers to access or use restrictions.[73] The Bureau believes that these data fields would likely be considered sensitive by many if not most consumers. Many consumers avoid sharing their incomes, even with personal acquaintances.[74] The fact that a financial institution denied an application and some of the reasons for denial, such as employment history, credit history, debt-to-income ratio, or insufficient cash, could reveal negative details about a consumer's personal financial situation.[75] The Bureau also believes that these data fields could be used for harmful purposes, such as targeted marketing of products and services that may pose risks that are not apparent.

The Bureau nonetheless believes that these risks to applicant and borrower privacy are justified by the benefits of disclosure in light of HMDA's purposes. For years, these data fields have proven critical for furthering HMDA's purposes.[76] For example, the ability to identify the financial institution by name is critical for users to evaluate the lending practices of a financial institution.[77] The census tract is essential for users to determine the availability of credit in certain communities and to identify potentially discriminatory lending patterns at the community level. Information about income ensures that users who are evaluating potential disparities in underwriting or pricing are comparing applicants or borrowers with similar incomes, thereby controlling for a factor that might provide a legitimate explanation for such disparities. Income data can also allow users to determine the availability of credit to consumers and communities of various income levels. Finally, action taken and reasons for denial, combined with underwriting information, help users compare the outcomes received by applicants and borrowers to identify potential disparities between similarly qualified applicants. The reasons for denial also help users understand why a particular loan application was denied and identify potential barriers in access to credit.

The Bureau believes that, under the balancing test, the benefits of public disclosure of these data fields to HMDA's purposes would justify the risks to applicant and borrower privacy such disclosure would likely create. In forming its proposal to publicly disclose these data fields without modification, the Bureau considered modifications that would reduce the risks to applicant and borrower privacy while preserving the benefits of disclosure. However, with the exception of income and census tract, which have for years proven critical for furthering HMDA's purposes, no modifications other than exclusion from the public loan-level HMDA data are reasonably available for these data fields. Therefore, modification in these circumstances

[72] Although the Bureau believes that ethnic and racial categories are not found in publicly available sources of identified records, comparing the ethnicity and race found in the HMDA record to the surname found in an identified public record may help an adversary narrow the range of public records against which to match a HMDA record. Information on surnames, in other contexts, has proven useful to proxy for ethnicity or race. The Bureau also believes that ethnicity and racial category may be more likely to be known by adversaries with personal knowledge of the applicant or borrower than other fields listed above. The Bureau seeks comment in particular on whether this risk is heightened with respect to disaggregated ethnicity and race and whether these disaggregated fields should be treated differently than aggregated ethnicity and race.

[73] The Bureau believes that, although estimates of income may be available in private datasets, reliable income information typically is not available to the general public without barriers to access or use restrictions. The HMDA data will include the gross annual income relied on in making the credit decision, which may be more accurate.

[74] The Bureau believes that consumers may still consider income information to be sensitive even though it is rounded to the nearest thousand when reported by financial institutions.

[75] The Bureau notes that the fact that a loan was denied and the reasons for denial are reported only for applications that have been denied. As discussed above, the Bureau believes that the risk of re-identification of applicants where a loan is not originated is significantly lower than the risk to borrowers. Because these data fields are difficult to associate with an identified applicant or borrower, the Bureau believes that the risk of harm or sensitivity created by their disclosure is reduced.

[76] Several data fields adopted in the 2015 HMDA Final Rule are closely related to, or extensions of, data fields reported under current Regulation C. Specifically, the LEI will replace the current reporter's ID, and reasons for denial may currently be reported at the option of the financial institution. However, financial institutions supervised by the OCC and the FDIC currently are required by those agencies to report denial reasons. 12 CFR 27.3(a)(1)(i), 128.6, 390.147.

[77] The LEI would enhance identification by allowing users to link the reporting financial institution to its corporate family. If the financial institution name is publicly disclosed, the LEI creates minimal, if any, additional privacy risk.

would eliminate public utility of these data fields entirely. The Bureau seeks comment on its proposal to publicly disclose these fields without modification in the loan-level HMDA data.

Data To Be Excluded or Otherwise Modified in the Loan Level HMDA Data

Universal Loan Identifier

The 2015 HMDA Final Rule requires financial institutions to report a universal loan identifier (ULI) for each covered loan or application that can be used to identify and retrieve the application file.[78] The 2015 HMDA Final Rule sets forth detailed requirements concerning the ULI to be assigned and reported.[79] A ULI must begin with the financial institution's LEI, followed by up to 23 additional characters to identify the covered loan or application, and then end with a two-character check digit calculated according to the methodology prescribed in appendix C of the 2015 HMDA Final Rule.[80] In addition, a ULI must be unique within the institution and must not contain any information that could be used to directly identify the application or borrower.[81] Institutions reporting a loan for which a ULI was previously assigned and reported must report the ULI that was previously assigned and reported for the loan. The ULI will be submitted as an alphanumeric field.[82] The requirement to report a ULI replaces the requirement under current Regulation C that a financial institution report an identifying number for the loan or loan application.[83] The loan or loan application number is currently excluded from both the modified loan/application register that each financial institution makes available to the public and the agencies' loan-level release. The Bureau added the requirement to report a ULI to implement the Dodd-Frank Act's amendment to HMDA providing for the collection and reporting of, ''as the Bureau may determine to be appropriate, a universal loan identifier.'' [84]

For the reasons given below, the Bureau believes that, depending on how financial institutions will use ULIs once they are adopted for HMDA purposes, disclosing the ULI in the loan-level HMDA data could substantially facilitate the re-identification of an applicant or borrower and that this risk would not be justified by the benefits of the disclosure. Therefore, until information is available concerning how financial institutions use ULIs other than for HMDA purposes, the Bureau proposes to modify the loan-level HMDA dataset made available to the public by excluding the ULI.

A ULI would allow users to track over time a loan reported in HMDA data by different financial institutions. Using a ULI, a user could identify a loan originated by a HMDA reporter that is later purchased by another HMDA reporter, then sold and purchased again by yet another HMDA reporter. Understanding a loan's history would assist in identifying whether financial institutions are serving the housing needs of their communities. Widespread adoption of ULIs to identify mortgage loans in other datasets also could allow users to track a loan from ''cradle to grave,'' *i.e.,* to link information disclosed in the public HMDA data with information found in other datasets, such as datasets reflecting loan performance.

The Bureau believes that, depending on how financial institutions use ULIs other than for HMDA purposes, public disclosure of a ULI in the loan-level HMDA data could create a significant risk of re-identification. If financial institutions include ULIs on loan documents that are made publicly available, the Bureau believes that disclosure of the ULI in the public loan-level HMDA data would substantially facilitate the re-identification of HMDA records. As discussed above, many jurisdictions publicly disclose real estate transaction records in an identified form, such as mortgages and deeds of trust, and the Bureau believes that many financial institutions include loan numbers on these publicly-recorded documents.[85] The Bureau believes that financial institutions may replace the loan numbers currently assigned to mortgage loans with ULIs [86] and that, if they do, the ULI likely will be included on publicly-recorded loan documents. Especially in light of the uniqueness of a ULI, a ULI on a publicly-recorded loan document could be used to match a HMDA record to an identified public record directly and reliably.

The Bureau notes that the FFIEC excluded identifying numbers for loans and applications from the agencies' loan-level HMDA data release because the data field could be used to identify an applicant or borrower in the data.[87] Similarly, Congress later identified applicant ''identification number'' as a field that the Board should consider deleting from the modified loan/application register in order to protect the privacy of applicants and borrowers.[88] In implementing this amendment to HMDA, the Board required that financial institutions remove ''application or loan number'' from the modified loan/application register before making it available to the public.[89]

The Bureau believes that a ULI would disclose minimal, if any, information about an applicant or borrower that may be harmful or sensitive. A ULI is associated with a particular application or loan. As noted above, the 2015 HMDA Final Rule prohibits a financial institution from including in a ULI assigned to an application or loan information about the applicant or borrower that could be used to directly identify the applicant or borrower. Commentary to this provision clarifies that ''information that could be used to directly identify the applicant or borrower includes but is not limited to the applicant's or borrower's name, date of birth, Social Security number, official government-issued driver's license or identification number, alien registration number, government passport number, or employer or taxpayer identification number.'' [90] Although the Bureau

[78] 12 CFR 1003.4(a)(1)(i) (effective January 1, 2018).

[79] *Id.*

[80] 12 CFR 1003.4(a)(1)(i)(A) through (C).

[81] 12 CFR 1003.4(a)(1)(i)(B)(3).

[82] Bureau of Consumer Fin. Prot., ''Filing instructions guide for HMDA data collected in 2018—OMB Control #3170–0008,'' at 14, 48 (Jan. 2017), *available at http://www.consumerfinance.gov/data-research/hmda/static/for-filers/2018/2018-HMDA-FIG.pdf.*

[83] *See* 12 CFR 1003.4(a)(1).

[84] 12 U.S.C. 2803(b)(6)(G).

[85] For example, in response to concerns about implications under the Gramm-Leach-Bliley Act (GLBA) of the ''longstanding common practice for a mortgage lender to place the borrower's account number on a mortgage loan document to enable the document to be tracked and place in the proper file once the document is recorded and returned from the recording office,'' Federal regulators issued guidance in 2001 opining that such practice does not violate the GLBA. *See* Letter from Fed. Reserve Board, Fed. Dep. Ins. Corp., Nat'l Credit Union Admin., Off. of the Comptroller of the Currency, Off. of Thrift Supervision, and Fed. Trade Comm'n (Sept. 4, 2001).

[86] In response to comments, the Bureau noted in the supplementary information to the 2015 HMDA Final Rule that a financial institution may use a ULI for both HMDA purposes and the loan identification number prescribed by Regulation Z § 1026.37(a)(12). 80 FR 66128, 66177 (Oct. 28, 2015).

[87] The FFIEC noted that ''[a]n unedited form of the data would contain information that could be used to identify individual loan applicants'' and that the data would be edited prior to public release to remove the application identification number, the date of application, and the date of final action. 55 FR 27886, 27888 (July 6, 1990).

[88] HMDA section 304(j), added by the Housing and Community Development Act, section 932(a), 106 Stat. 3672, 3889 (1992).

[89] 12 CFR 1003.5(c).

[90] Comment 4(a)(1)(i)–2 (effective Jan. 1, 2018).

believes that financial institutions may include information within a ULI that is pertinent to the institution's operations, as some do now with respect to loan numbers, it does not believe that such information would be considered sensitive or could be used for harmful purposes.

The Bureau has considered whether a modification to the public loan-level HMDA dataset other than exclusion of the ULI would appropriately reduce the privacy risks created by the disclosure of the ULI in the loan-level data while maintaining some utility for HMDA's purposes. For example, the Bureau has considered whether it could, in the loan-level HMDA data disclosed to the public, replace the reported ULI with a different unique number, such as a hashed value.[91] The Bureau also has considered whether it might use some other means to link HMDA records sharing the same ULI without revealing the ULI itself. The Bureau is unable to identify a feasible modification at this time, however. The Bureau believes at this time that, under the balancing test, excluding the ULI is a modification to the public loan-level HMDA data that appropriately balances the risks to applicant and borrower privacy and the benefits of disclosure. The Bureau seeks comment on this proposal.

Application Date

The 2015 HMDA Final Rule requires financial institutions to report, except for purchased covered loans, the date the application was received or the date shown on the application form.[92] This date will be submitted by financial institutions as the exact year, month, and day, in the format of YYYYMMDD.[93] Financial institutions are required to report this data field under current Regulation C. The Board amended Regulation C in 1989 to require reporting of the date the application was received as part of its implementation of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), which expanded HMDA to include data on applications, as well as data on the race, gender, and income of individual applicants and borrowers.[94] The application date is currently excluded from both the modified loan/application register that each financial institution makes available to the public and the agencies' loan-level release.[95]

For the reasons given below, the Bureau believes that disclosing the application date in the loan-level HMDA data released to the public would likely substantially facilitate the re-identification of an applicant or borrower and that this risk would not be justified by the benefits of the disclosure. Therefore, the Bureau proposes to modify the loan-level HMDA data made available to the public by excluding the date the application was received.

The application date may be useful for identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. In enacting the FIRREA amendments to HMDA, Congress sought to improve the ability of HMDA users to identify possible discriminatory lending patterns by expanding HMDA to allow for comparison of accepted and rejected applications.[96] The date of application furthered the purposes underlying this expansion. The application date helps ensure that users are comparing applicants or borrowers who applied for loans during similar dates, thereby controlling for factors that might provide a legitimate explanation for disparities, such as different market interest rates over different time periods. Users of HMDA data may also use the application date, in combination with the action taken date, to screen for delays between application and action dates that appear to exist on prohibited bases.

The Bureau believes that public disclosure of application date would likely substantially facilitate the re-identification of an applicant or borrower in the HMDA data. Disclosing the date of application would increase the ability of an adversary to associate a HMDA record with an applicant or borrower by matching it to an identified publicly available record. As discussed above, many jurisdictions publicly disclose real estate transaction records in an identified form, such as mortgages or deeds of trust. These records contain the date that the lender and borrower entered into or executed the agreement. This date is correlated with the application date data field, which reflects either the date the application was received or the date shown on the application form. Therefore, an adversary could use the date of application, combined with other data fields, to narrow the range of identified public records against which to compare the HMDA data, increasing the likelihood of matching records.

The Bureau notes that the FFIEC excluded the application date from the agencies' loan-level HMDA data release because the data field could be used to re-identify a particular applicant or borrower in the data.[97] Similarly, when Congress directed that the Board require deletions from the loan-level HMDA data financial institutions must make available to the public to protect the privacy of applicants and borrowers, it identified the application date in particular as one field to be considered for deletion.[98]

If the HMDA data were re-identified, the Bureau believes that application date would likely disclose minimal, if any, information about an applicant or borrower that may be harmful or sensitive. Application date is not an inherently sensitive data field. Unlike other dates, such as date of birth, the date of application contains no intrinsic connection to an individual. Instead, the information is associated with an applicant or borrower for only a single transaction in the context of mortgage lending. Further, the Bureau believes that the date of application would be unlikely to be used for targeted marketing of products and services that may pose risks that are not apparent.

HMDA data is disclosed annually based on the calendar year in which action is taken on an application. Although the Bureau proposes not to disclose the application date, the year of the loan-level HMDA data will often correspond to the year in which the application was received. The Bureau considered binning the values reported for the application date into quarterly or semi-annual intervals. However, the Bureau believes that quarterly intervals would fail to reduce re-identification risk adequately and that, compared to not disclosing application date, the gains in data utility that semi-annual intervals might allow do not justify the increase in privacy risk. Disclosing the date of application in quarterly intervals would provide an individual with a

[91] A hashed value would be based on the ULI and created by a secure hash algorithm. A hash algorithm is designed to be non-invertible, meaning that the original value, in this case the actual ULI, could not be derived from the hashed value. The hashed value would only appear in the HMDA data; as it would not appear in public records, it could not be used to re-identify the HMDA record.

[92] 12 CFR 1003.4(a)(1)(ii) (effective Jan. 1, 2018).

[93] *Supra* note 83 at 49.

[94] Financial Institutions Reform, Recovery, and Enforcement Act, Public Law 101–73, section 1211, 103 Stat. 183, 524–26 (1989); 54 FR 51356 (Dec. 15, 1989).

[95] *See* 12 U.S.C. 2803(j)(2)(B)(i); 12 CFR 1003.5(c).

[96] H. Rept. 101–209, at 463–65 (1989).

[97] The FFIEC noted that ''[a]n unedited form of the data would contain information that could be used to identify individual loan applicants'' and that the data would be edited prior to public release to remove the application identification number, the date of application, and the date of final action. 55 FR 27886, 27888 (July 6, 1990).

[98] Housing and Community Development Act, Public Law 102–550, section 932(a), 106 Stat. 3672, 3889 (1992).

narrower range of identified public records against which to compare the HMDA data.[99] And although disclosing application dates in semi-annual intervals would reduce re-identification risk as compared to quarterly intervals, the Bureau believes it would only marginally increase the utility over the current, annual intervals while still increasing privacy risk. Users would need a narrower range to help ensure that they were comparing applicants who applied under similar market conditions. The Bureau believes at this time that, under the balancing test, excluding the application date is a modification to the public loan-level HMDA data that appropriately balances the risks to applicant and borrower privacy and the benefits of disclosure. The Bureau seeks comment on this proposal.

Loan Amount

The 2015 HMDA Final Rule requires financial institutions to report the amount of the covered loan or the amount applied for.[100] For closed-end mortgage loans, open-end lines of credit, and reverse mortgages, this amount is the amount to be repaid as disclosed on the legal obligation, the amount of credit available to the borrower, and the initial principal limit, respectively. The loan amount will be submitted by financial institutions in numeric form reflecting the exact dollar amount of the loan.[101] Financial institutions are required to report this data field under current Regulation C rounded to the nearest thousand.[102] Although HMDA has always required financial institutions to report information about the dollar amount of a financial institution's mortgage lending activity,[103] the Board amended Regulation C in 1989 to require reporting of the loan amount on a loan-level basis as part of its implementation of FIRREA.[104]

For the reasons given below, the Bureau believes that disclosing the loan amount in the loan-level HMDA data released to the public would likely substantially facilitate the re-identification of an applicant or borrower and that this risk would not be justified by the benefits of the disclosure. Therefore, the Bureau proposes to modify the loan-level HMDA dataset disclosed to the public by disclosing the midpoint for the $10,000 interval into which the reported loan amount falls and by indicating whether the loan amount exceeds the applicable dollar amount limitation on the original principal obligation in effect at the time of application or origination as provided under 12 U.S.C. 1717(b)(2) and 12 U.S.C. 1454(a)(2) (''GSE conforming loan limit'').[105] For example, for a reported loan amount of $117,834, the Bureau would disclose $115,000 as the midpoint between values equal to $110,000 and less than $120,000.

The loan amount is useful for determining whether financial institutions are serving the housing needs of their communities. By examining loan amount, users can better understand the amount of credit that financial institutions have made available to consumers in certain communities and the extent to which such institutions are providing credit in varying amounts. Loan amount is also beneficial for identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. For example, the loan amount allows users to divide the population of applicants or borrowers into segments that may be subject to different underwriting or pricing policies, such as those applying for non-conforming mortgage loans. Combined with the property value, the loan amount would also allow users to calculate a loan-to-value ratio, an important variable in underwriting. The loan amount and loan-to-value ratio would help ensure that users who are evaluating potential disparities in underwriting outcomes, pricing, or other terms and conditions are comparing applicants or borrowers who applied for or obtained loans with similar loan amount and loan-to-value ratios, thereby controlling for factors that might provide a legitimate explanation for disparities.

The Bureau believes that disclosing the exact loan amount would likely substantially facilitate the re-identification of an applicant or borrower. The loan amount is a numeric data field that will often consist of at least six digits, which increases its contribution to the uniqueness of a particular HMDA record. As discussed above, this information is also found in identified real estate transaction records such as mortgages and deeds of trust that are publicly disclosed by many jurisdictions. Therefore, in many cases, an adversary could use the exact loan amount, combined with other fields, to match a HMDA record to an identified publicly available record.

If the HMDA data were re-identified, the Bureau believes that loan amount would likely disclose minimal, if any, information about an applicant or borrower that may be harmful or sensitive. In some cases, high loan amounts, combined with other information, may be considered sensitive or may indicate financial vulnerability that could form the basis for targeted marketing of products and services that may pose risks that are not apparent. The loan amount may also at least theoretically be used for phishing attacks. However, the Bureau believes that loan amount is often already included in identified publicly available documents, such as the mortgage or deed of trust. The Bureau believes that this existing public availability decreases any potential sensitivity and harmfulness of disclosing loan amount in the HMDA data.

The Bureau believes that the loan-level HMDA data may be modified to appropriately reduce the privacy risks created by the public disclosure of the loan amount while preserving much of the benefits of the data field. The Bureau believes that disclosing the midpoint for the $10,000 interval into which the reported loan amount falls, and indicating whether the loan amount exceeds the applicable GSE conforming loan limit, provides enough precision to allow users to rely on loan amount to achieve HMDA's purposes. For example, $10,000 intervals will allow users to segment applicants and borrowers that may be subject to different underwriting or pricing policies. In fact, for intervals that include the applicable GSE conforming loan limit, an indication of whether the loan amount is above the applicable limit may provide greater precision than is provided by the loan-level HMDA data currently disclosed to the public, in which certain loan amounts above and below the applicable limit will round to the same thousand. $10,000 intervals will not allow users to calculate an exact loan-to-value ratio, although users may still derive an estimated loan-to-value ratio. However, the Bureau believes that releasing the combined

[99] The Bureau previously identified quarterly release of the loan-level HMDA data as a potential privacy concern. 80 FR 66128, 66243 (Oct. 28, 2015).

[100] 12 CFR 1003.4(a)(7) (effective Jan. 1, 2018).

[101] *Supra* note 83, at 51.

[102] 12 CFR 1003, Appendix A, I.A.20.

[103] 12 U.S.C. 2803

[104] 12 U.S.C. 2803

[105] The dollar amount limitation on the original principal obligation as provided under 12 U.S.C. 1717(b)(2) and 12 U.S.C. 1454(a)(2) refers to the annual maximum principal loan balance for a mortgage acquired by Fannie Mae and Freddie Mac (the ''GSEs''). The Federal Housing Finance Agency is responsible for determining the maximum conforming loan limits for mortgages acquired by the GSEs. *See* Press Release, Fed. Hous. Fin. Agency, ''FHFA Announces Increase in Maximum Conforming Loan Limits for Fannie Mae and Freddie Mac in 2017'' (Nov. 23, 2016) *https://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-Announces-Increase-in-Maximum-Conforming-Loan-Limits-for-Fannie-Mae-and-Freddie-Mac-in-2017.aspx.*

loan-to-value ratio, as it proposes to do, will be more beneficial for fair lending purposes than the loan-to-value ratio that users would have calculated from the exact loan amount and property value. Disclosing loan amount in $10,000 intervals also decreases the ability of adversaries to match HMDA data to identified public records by reducing the uniqueness of a data field common to both datasets. Because the Bureau is also proposing to modify reported property value similarly, adversaries will be unable to use the combined loan-to-value ratio to reduce the effectiveness of the proposed modification by deriving the reported loan amount. Although the proposed modifications do not entirely eliminate the risk of re-identification that the Bureau believes would likely be created by the disclosure of loan amount information, the Bureau believes that the remaining risk would be justified by the benefits of disclosing loan amount with the proposed modifications.

Therefore, the Bureau believes at this time that, under the balancing test, modifying loan amount as described above appropriately balances the privacy risks and disclosure benefits. The Bureau seeks comment on this proposal, including the proposed $10,000 intervals to be used for binning, the proposal to disclose the midpoint for each interval, and the proposal to indicate whether the reported loan amount exceeds the applicable GSE conforming loan limit. Additionally, the Bureau seeks comment on whether to indicate that a reported loan amount exceeds the applicable limit for loans eligible for insurance by the Federal Housing Administration (FHA conforming loan limit).[106] Factors not reflected in the HMDA data may affect the accuracy of any such indicator, such as whether the loan amount has been increased by the amount of any one-time or up-front mortgage insurance premium that will be financed as part of the loan, in which case the loan may be eligible for insurance despite appearing in the HMDA data to exceed the applicable FHA conforming loan limit.[107] The Bureau seeks comment on the value of indicating whether the reported loan amount exceeds the FHA conforming loan limit in light of these limitations.

Action Taken Date

The 2015 HMDA Final Rule requires financial institutions to report the date of action taken by the financial institution on a covered loan or application.[108] For originated loans, this date is generally the date of closing or account opening.[109] Regulation C provides some flexibility in reporting the date for other types of actions taken, such as applications denied, withdrawn, or approved by the institution but not accepted by the applicant. For example, for applications approved but not accepted, a financial institution may report ''any reasonable date, such as the approval date, the deadline for accepting the offer, or the date the file was closed,'' provided it adopts a generally consistent approach.[110] This date is submitted by financial institutions as the exact year, month, and day, in the format of YYYYMMDD.[111] Financial institutions are required to report this data field under current Regulation C. As with the application date, the Board added the requirement to report the action taken date as part of the amendments to Regulation C that implemented FIRREA.[112] The action taken date is also currently excluded from both the modified loan/application register that each financial institution makes available to the public and the agencies' loan-level release.[113]

For the reasons given below, the Bureau believes that disclosing the action taken date in the loan-level HMDA data released to the public would likely substantially facilitate the identification of an applicant or borrower and that this risk would not be justified by the benefits of the disclosure. Therefore, the Bureau proposes to modify the loan-level HMDA dataset made available to the public by excluding the date of action taken by the financial institution.

The action taken date may be useful for identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. The fair lending benefits provided by the date of action taken are similar to those provided by the date of application, described above. The action taken date helps ensure that users who are evaluating potential disparities in pricing or other terms and conditions are comparing applicants or borrowers who obtained loans on similar dates, thereby controlling for factors that might provide a legitimate explanation for such disparities, such as different market interest rates or different institutional practices over different time periods. Users of HMDA data may also use the date of action taken, in combination with application date, to screen for delays between application and action dates that appear to exist on prohibited bases.

The Bureau believes that disclosing the action taken date would likely substantially facilitate the re-identification of an applicant or borrower in the HMDA data. Disclosing the action taken date would increase the ability of an adversary to associate a HMDA record with an individual by matching it to an identified publicly available record. As explained above, many jurisdictions publicly disclose real estate transaction records in an identified form, such as mortgages or deeds of trust. These records contain the date that the lender and borrower entered into or executed the agreement, which, like the application date, is closely correlated with the action taken date. Indeed, because the action taken date for originated loans is generally the date of closing or account opening, in most cases these dates will be identical. Therefore, in many cases, an adversary could use the action taken date, combined with other data fields, to match a HMDA record to an identified public record.

The Bureau notes that, as with the application date, the FFIEC excluded the action taken date from the agencies' loan-level HMDA data release because the data field could be used to re-identify a particular applicant or borrower in the data.[114] Similarly, Congress later identified the action taken date as one field that the Board should consider deleting from the modified loan/application register to protect the privacy of applicants and borrowers.[115]

If the HMDA data were re-identified, the Bureau believes that, similar to the application date, the action taken date would likely disclose minimal, if any, information about an applicant or borrower that may be harmful or sensitive. As with the application date, the action taken date is not an inherently sensitive data field; it is associated with an applicant or borrower for only a single transaction in the context of mortgage lending and

[106] *See* 24 CFR 203.18.

[107] 24 CFR 203.18c.

[108] 12 CFR 1003.4(a)(8)(ii) (effective Jan. 1, 2018).

[109] Comment 4(a)(8)(ii)–5 (effective Jan. 1, 2018).

[110] Comment 4(a)(8)(ii)–4 (effective Jan. 1, 2018).

[111] *Supra* note 83, at 52.

[112] 54 FR 51356 (Dec. 15, 1989).

[113] *See* 12 U.S.C. 2803(j)(2)(B)(i); 12 CFR 1003.5(c).

[114] The FFIEC noted that ''[a]n unedited form of the data would contain information that could be used to identify individual loan applicants'' and that the data would be edited prior to public release to remove the application identification number, the date of application, and the date of final action. 55 FR 27886, 27888 (July 6, 1990).

[115] Housing and Community Development Act, Public Law 102–550, section 932(a), 106 Stat. 3672, 3889 (1992).

does not reflect an intrinsic connection to an individual. Further, the Bureau believes that the action taken date would be unlikely to be used for targeted marketing of products and services that pose risks that may not be apparent.

Although the Bureau proposes not to disclose the action taken date, the loan-level data will disclose the year in which final action was taken. As with application date, the Bureau considered binning the values reported for action taken date into quarterly or semi-annual intervals. However, the Bureau believes that quarterly intervals would fail to reduce re-identification risk adequately and that, compared to not disclosing action taken date, the gains in data utility that semi-annual intervals might allow do not justify the increase in privacy risk. Disclosing the action taken date in quarterly intervals would still provide an individual with a narrow range of identified public records against which to compare the HMDA data. And although disclosing action taken dates in semi-annual intervals would reduce re-identification risk as compared to quarterly intervals, it would only marginally increase the utility over the current, annual intervals, while still increasing privacy risk. Users would need a narrower range to help ensure that they were comparing borrowers who obtained loans under similar market conditions. The Bureau believes at this time that, under the balancing test, excluding action taken date is a modification to the public loan-level HMDA data that appropriately balances the risks to applicant and borrower privacy and the benefits of disclosure.[116] The Bureau seeks comment on this proposal.

Property Address

The 2015 HMDA Final Rule requires financial institutions to report the address of the property securing the loan or, in the case of an application, proposed to secure the loan.[117] This address corresponds to the property identified on the legal obligation related to the covered loan.[118] The format of the property address submitted by financial institutions will include, as applicable, the street address, city name, State name, and zip code.[119] Financial institutions are not required to report this data field under current Regulation C. The Bureau added the requirement to report property address in the 2015 HMDA Final Rule to implement the Dodd-Frank Act's amendment to HMDA providing for the collection and reporting of, ''as the Bureau may determine to be appropriate, the parcel number that corresponds to the real property pledged or proposed to be pledged as collateral.'' [120]

For the reasons given below, the Bureau believes that disclosing the property address in the loan-level HMDA data released to the public would substantially facilitate the re-identification of an applicant or borrower and that this risk would not be justified by the benefits of the disclosure. Therefore, the Bureau proposes to modify the loan-level HMDA dataset made available to the public by excluding the property address.

The address of the property securing the loan would be useful for identifying possible discriminatory lending patterns. With the exact property address, users could examine these patterns at a finer level of detail than that permitted by the census tract or other geographic boundaries. More precise geographic identification would also better allow public officials to target geographic areas that might benefit from public or private sector investment. Users could also better determine whether financial institutions are serving the housing needs of their communities with information that would enable identification of specific neighborhoods and communities smaller than census tracts. Finally, the property address would allow users to understand better the amount of equity retained in that property over time by tracking multiple liens associated with the same dwelling. This information would help identify communities with overleveraged properties.

The Bureau believes that disclosure of the property address itself would likely present minimal, if any, risk of harm or sensitivity. Property owners' addresses are generally widely publicly available.[121] As explained above, the Bureau considers this public availability to reduce the risk of harm and sensitivity from the release of this data field. However, the Bureau believes that the widespread availability of property addresses creates a significant risk of re-identification. The Bureau believes that adversaries could easily match the property address contained in the HMDA data to identified publicly available property address information. Property addresses are publicly available through a number of sources, including real estate transaction records, property tax records, reverse phone directories, online real estate databases, and online ''people search'' Web sites. Because the address disclosed under Regulation C typically would be identical to the address contained in these publicly available records, an adversary would know that any match was likely to be accurate. Therefore, disclosing the property address in the loan-level HMDA data would substantially facilitate the re-identification of an applicant or borrower. Further, even if disclosing the property address would not permit matching, the Bureau believes that the disclosure of the property address alone could be used in harmful ways. For example, disclosure of property address would allow an applicant or borrower to be targeted with marketing for products and services that may pose risks that are not apparent.

As an alternative to excluding the property address data field from the loan-level HMDA data released to the public, the Bureau considered releasing property address in a less granular form. For example, the Bureau could release geographic information that identifies the property securing the loan with less specificity. However, for most reportable transactions, Regulation C already requires reporting of three additional, less-precise geographic identifiers: (1) State; (2) county; and (3) census tract. As discussed above, the Bureau proposes to release these data fields without modification. Further, as discussed below in part IV.A, the Bureau proposes to identify in the public loan-level HMDA data the MSA or MD for each reported record. Other geographic identifiers exist with a level of precision between census tract and property address to which property addresses could be mapped, such as census block and census block group. However, the Bureau believes that these identifiers present similar re-identification risk to property address because they are sufficiently precise to

[116] However, as described above, the year of the loan-level HMDA data will disclose the year in which the action was taken. With respect to quarterly release of the HMDA data, the Bureau stated in the 2015 HMDA Final Rule that, based on its analysis to date, ''disclosure of loan-level data with more granular date information than year of final action would create risks to applicant and borrower privacy that are not outweighed by the benefits of such disclosure.'' 80 FR 66128, 66243 n.389 (Oct. 28, 2015).

[117] 12 CFR 1003.4(a)(9)(i) (effective Jan. 1, 2018).

[118] Comment 4(a)(9)(i)–1 (effective Jan. 1, 2018). For applications ''the address should correspond to the location of the property proposed to secure the loan as identified by the applicant.''

[119] Comment 4(a)(9)(i)–2 (effective Jan. 1, 2018).

[120] 12 U.S.C. 2803(b)(6)(H).

[121] The Bureau understands that some jurisdictions may allow borrowers to prevent their identities from being disclosed in public records, and some applicants or borrowers, such as victims of domestic violence, may hide their addresses to prevent certain individuals from locating them in person or to prevent other unwanted intrusions upon the sanctuary or seclusion of their homes.

enable an adversary to match them to publicly available property address information. The Bureau believes at this time that, under the balancing test, excluding property address is a modification to the public loan-level HMDA data that appropriately balances the risks to applicant and borrower privacy and the benefits of disclosure. The Bureau seeks comment on this proposal.

Age

The 2015 HMDA Final Rule requires financial institutions to report the age of an applicant or borrower.[122] A financial institution complies with this requirement by reporting age, as of the application date reported, as the number of whole years derived from the date of birth as shown on the application form.[123] The Bureau added the requirement in the 2015 HMDA Final Rule to report age to implement the Dodd-Frank Act's amendment to HMDA providing for the collection and reporting of age.[124]

For the reasons given below, the Bureau believes that disclosing the applicant or borrower age in the loan-level HMDA data released to the public would likely disclose information about the applicant or borrower that is not otherwise public and may be harmful or sensitive and that this risk would not be justified by the benefits of the disclosure. Therefore, the Bureau proposes to modify the loan-level HMDA dataset disclosed to the public by binning and top- and bottom-coding age and by indicating whether the reported value is 62 or higher.

Applicant or borrower age would assist users in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. Age would be useful to evaluate potential age discrimination in lending.[125] Disclosure of applicant or borrower age also would assist in identifying whether financial institutions are serving the housing needs of their communities, including the needs of various age cohorts.

The Bureau believes that, if the HMDA data were re-identified, disclosure of applicant or borrower age would likely reveal information about the applicant or borrower that is not otherwise public and may be harmful or sensitive. The Bureau believes that, although information about an individual's age may be available for purchase under some circumstances, birth and similarly reliable records reflecting age typically are not available to the general public without barriers to access or use restrictions. The Bureau believes that age likely would be considered sensitive by many if not most consumers and that disclosure of an identified applicant's or borrower's age could lead to dignity harm or embarrassment. The Bureau believes that many consumers would consider the disclosure of identified age to the general public to be outside of societal and cultural expectations. The Bureau also believes that identified age could be used to target marketing to applicants and borrowers, including marketing for products and services that may pose risks that are not apparent, and that the inclusion of this data field in the public loan-level HMDA data would increase the risk of such uses compared to today. The Bureau notes that in section 304(h)(3)(A), added by the Dodd-Frank Act, Congress specifically identified age as a data field to which a modification under section 304(h)(1)(E) should apply if the Bureau determines it to be necessary to protect the privacy interests of applicants or borrowers.[126]

The Bureau believes that public disclosure in the loan-level HMDA dataset of unmodified applicant or borrower age may create some risk of facilitating the re-identification of applicants and borrowers in the HMDA data, but that this field likely would not substantially facilitate re-identification. For example, though information about an individual's age may be available for purchase under some circumstances, the Bureau believes that an adversary typically would face difficulty attempting to re-identify an applicant or borrower in the HMDA data by using age to match HMDA records to other identified records. An applicant's or borrower's age may be more likely to be known than other HMDA data by a person with pre-existing knowledge of a specific applicant or borrower, however, and may help such an adversary to re-identify a particular applicant or borrower.

The Bureau believes that the loan-level HMDA data may be modified to appropriately reduce the privacy risks created by the public disclosure of age while preserving much of the benefits of the data field. The Bureau proposes to disclose age binned into the following ranges, as applicable: 25 to 34; 35 to 44; 45 to 54; 55 to 64; and 65 to 74. For example, a reported age of 52 would be shown in the public loan-level HMDA data as between 45 and 54. The Bureau also proposes to bottom-code age under 25 and to top-code age over 74. For example, a reported age of 22 would be shown in the public loan-level HMDA data as 24 or under. The Bureau proposes the particular intervals described above to allow HMDA data users to analyze HMDA data in combination with data found in other public data sources, such as U.S. Census Bureau data.[127] Finally, the Bureau proposes to indicate whether a reported age is 62 or higher to enhance the utility of the data for identifying the particular fair lending risks that may be posed with regard to elderly populations. The Bureau recognizes that an effect of this indicator would be to divide the 55 to 64 bin into two bins, 55 to 61 and 62 to 64. The Bureau seeks comment on whether privacy risks created by such increased precision are justified by the benefits of disclosure in the proposed ranges. Specifically, the Bureau seeks comment on whether, instead of binning as proposed and indicating whether a reported age is 62 or higher, the Bureau should structure the bins to disclose reported ages of 55 to 74 in ranges of 55 to 61 and 62 to 74. The Bureau believes at this time that, under the balancing test, the proposed modifications to the public loan-level HMDA dataset would appropriately balance the risks to applicant and borrower privacy and the benefits of disclosure. The Bureau seeks comment on this proposal, including the proposal to bin age and the proposed intervals to be used for binning.

Credit Score

The 2015 HMDA Final Rule requires financial institutions to report, except for purchased covered loans, the credit score or scores relied on in making the credit decision and the name and version of the scoring model used to generate each credit score.[128] It also provides that, for purposes of this requirement, ''credit score'' has the meaning set forth in section 609(f)(2)(A) of the Fair Credit Reporting Act (FCRA).[129] The credit score or scores relied on in making the credit decision will be submitted as a numeric field, *e.g.,* 650.[130] A financial institution will submit a code from a specified list to indicate the name and version of the

[122] 12 CFR 1003.4(a)(10)(ii) (effective Jan. 1, 2018).

[123] Comment 4(a)(1)(ii)–1 (effective Jan. 1, 2018).

[124] 12 U.S.C. 2803(b)(4).

[125] For example, ECOA and Regulation B generally prohibit creditors from discriminating against applicants in credit transactions on the basis of age. 12 U.S.C. 1691(b)(1); 12 CFR 1002.4(a).

[126] 12 U.S.C. 2803(h)(3)(A)(ii).

[127] *See, e.g.,* U.S. Census Bureau, ''Age and Sex Composition: 2010,'' at tbl. 2, *available at https://www.census.gov/prod/cen2010/briefs/c2010br-03.pdf* (disclosing age in five-year intervals, *i.e.,* 25 to 29, 30 to 34, 35 to 40, etc.).

[128] 12 CFR 1003.4(a)(15)(i) (effective Jan. 1, 2018).

[129] 15 U.S.C. 1681g(f)(2)(A).

[130] *Supra* note 83, at 62–63.

scoring model used to generate each credit score reported.[131] The Bureau added the requirement in the 2015 HMDA Final Rule to report information about the credit score or scores relied on to implement the Dodd-Frank Act's amendment to HMDA providing for the collection and reporting of ''the credit score of mortgage applicants and mortgagors, in such form as the Bureau may prescribe.'' [132]

For the reasons given below, the Bureau believes that disclosing the credit score or scores relied on in making the credit decision in the loan-level HMDA data released to the public would likely disclose information about the applicant or borrower that is not otherwise public and may be harmful or sensitive and that this risk would not be justified by the benefits of the disclosure. Therefore, the Bureau proposes to modify the public loan-level HMDA dataset by excluding the credit score or scores relied on in making the credit decision.[133]

The credit score or scores relied on in making the credit decision would assist users in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. Applicants' credit scores generally are considered to be important indicators of creditworthiness and are used in mortgage underwriting and pricing decisions. Disclosure of the credit score in the public loan-level HMDA data would help ensure that users are comparing applicants and borrowers with similar credit profiles, thereby controlling for factors that might provide a legitimate explanation for disparities in credit and pricing decisions. Credit scores would also assist in identifying whether financial institutions are serving the housing needs of their communities. For example, in order to serve the housing needs of particular communities, a financial institution may offer different types of loan products in communities with high numbers of borrowers with high credit scores than in communities with high numbers of borrowers with low credit scores.

The Bureau believes that, if the HMDA data were re-identified, disclosure of the credit score relied on in making the credit decision would likely disclose information about the applicant or borrower that is not otherwise public and may be harmful or sensitive. A credit score is a numerical summary of a consumer's apparent creditworthiness, based on the consumer's credit report, and reflects the likelihood relative to other consumers that the consumer will default on a credit obligation. Identified consumer credit scores and the consumer reports upon which they are based are not available to the general public. To the extent credit scores based on consumer reports are available for commercial purposes, they may be obtained under limited circumstances and are subject to restrictions on their use.[134] The Bureau believes that most consumers consider their credit score to be very sensitive information. The Bureau believes that public disclosure of an applicant's or borrower's identified credit score could lead to dignity or reputational harm or embarrassment, and that many consumers would consider the disclosure of identified credit scores to the general public to be outside of societal and cultural expectations. The Bureau also believes that an identified credit score could be used to target marketing to applicants and borrowers, including marketing for products and services that may pose risks that are not apparent, and that the inclusion of this data field in the public loan-level HMDA data would increase the risk of such uses compared to today.[135] The Bureau notes that in section 304(h)(3)(A), added by the Dodd-Frank Act, Congress specifically identified credit score as a data field to which a modification under section 304(h)(1)(E) should apply if the Bureau determines it to be necessary to protect the privacy interests of applicants or borrowers.[136]

The Bureau has considered the extent to which the age of the loan-level HMDA data at the time it is disclosed may reduce the risk of harm or sensitivity created by the public disclosure of credit score were the HMDA data to be re-identified. For example, as noted above, timely data are essential for most marketing or advertising efforts, and the delay between the date a reported credit score is obtained by the financial institutions and public disclosure of the loan-level HMDA data on the modified loan/application register ranges from to 3 to 15 months. An applicant's or borrower's credit score may change enough over these time periods to reduce the usefulness of a score disclosed in the public HMDA data for marketing purposes. However, the Bureau does not believe that the passage of these time periods would reduce the risk of sensitivity created by the disclosure of credit score. For example, the Bureau does not believe that a borrower would consider the disclosure of her identified six-month-old credit score to be much less sensitive than disclosure of her current credit score; the potential for dignity or reputational harm or embarrassment from a neighbor or other acquaintance learning the information remains significant.

The Bureau believes that disclosure in the loan-level HMDA data of the credit score or scores relied on in making the credit decision creates minimal risk, if any, of substantially facilitating the re-identification of applicants and borrowers in the HMDA data. As discussed above, credit scores are not included in identified records available to the general public. A creditor or marketer may possess identified credit score information obtained in connection with, for example, an application for credit or a request for a prescreened list, but the Bureau does not believe that such information would be useful for purposes of re-identifying an applicant or borrower in the loan-level HMDA data. The variation in credit scoring models and versions, along with the likely difference in the dates that a credit score in the HMDA data and the credit score information in possession of a creditor or marketer were created, would make matching the credit score in loan-level HMDA data to such privately held information challenging and unreliable. The Bureau believes an adversary would face substantial difficulty attempting to re-identify an applicant or borrower by using credit score or scores relied on to match HMDA records to other identified records.

The Bureau considered whether modifications to the public loan-level HMDA dataset other than excluding credit score, such as binning or rounding of credit score, would appropriately reduce the privacy risks created by the disclosure of credit score in the loan-level data while maintaining some utility for HMDA's purposes. However, the Bureau believes that these strategies would not appropriately reduce the risk of harm or sensitivity and that the gains in data utility that these strategies might allow would not

[131] *Supra* note 83, at 63–64.

[132] 12 U.S.C. 2803(b)(6)(I).

[133] As noted above, the Bureau proposes to disclose without modification the reported name and version of the credit score model used.

[134] Credit scores based on consumer credit reports are consumer reports for purposes of the Fair Credit Reporting Act (FCRA). Accordingly, for example, they may be obtained from a consumer reporting agency only for a permissible purpose under the statute, such as in connection with an application for credit. *See* 12 U.S.C. 1681b(a).

[135] For example, a marketer currently may obtain from a consumer reporting agency a ''prescreened'' list of consumers meeting certain criteria, such as a minimum credit score, only for the purpose of making a ''firm offer of credit or insurance.'' 15 U.S.C. 1681b(c), 1681a(l).

[136] 12 U.S.C. 2803(h)(3)(A)(i).

justify the privacy risk created by the disclosure of the modified field. For example, the Bureau believes that, even if it were to disclose in the loan-level HMDA data the credit score for a particular record as being in one of two or three large bins, this information would still create a significant sensitivity risk if the record were re-identified. The Bureau believes that the utility to HMDA's purposes of such binned credit score information would not justify these risks. The Bureau believes at this time that, under the balancing test, excluding credit score is a modification to the public loan-level HMDA data that appropriately balances the risks to applicant and borrower privacy and the benefits of disclosure. The Bureau seeks comment on this proposal.

Debt-to-Income Ratio

The 2015 HMDA Final Rule requires financial institutions to report, except for purchased covered loans, the ratio of the applicant's or borrower's total monthly debt to the total monthly income relied on in making the credit decision (debt-to-income ratio).[137] The debt-to-income ratio relied on in making the credit decision will be submitted as a percentage.[138] The Bureau added the requirement in the 2015 HMDA Final Rule to report information about the debt-to-income ratio relied on using its discretionary authority to require the reporting of ''such other information as the Bureau may require'' provided by the Dodd-Frank Act's amendment to HMDA.[139]

For the reasons given below, the Bureau believes that disclosing the debt-to-income ratio relied on in making the credit decision in the loan-level HMDA data released to the public would likely disclose information about the applicant or borrower that is not otherwise public and may be harmful or sensitive and that, for certain debt-to-income ratio values, this risk would not be justified by the benefits of the disclosure. Therefore, the Bureau proposes to modify the loan-level HMDA dataset by binning and top- and bottom-coding certain debt-to-income ratio values.

The debt-to-income ratio relied on in making the credit decision would assist users in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. Applicants' debt-to-income ratios generally are considered to be important indicators of ability to repay and are used in mortgage underwriting decisions and some pricing decisions. Disclosure of debt-to-income ratio in the public loan-level HMDA data would help ensure that users are comparing applicants and borrowers with similar profiles, thereby controlling for factors that might provide a legitimate explanation for disparities in credit and pricing decisions. Debt-to-income ratio values that are at or close to regulatory or program benchmarks are especially critical to identifying possible discriminatory lending patterns. These benchmarks include, for example, the 43 percent debt-to-income limit for a qualified mortgage under Regulation Z[140] and the debt-to-income ratio limits imposed by guarantors and investors.[141] Disclosure of debt-to-income ratio also would assist in identifying whether financial institutions are serving the housing needs of their communities. For example, in order to serve the housing needs of particular communities, financial institutions may offer different types of loan products in communities with high numbers of borrowers with high debt-to-income ratios than in communities with high numbers of borrowers with low debt-to-income ratios.

The Bureau believes that, if the HMDA data were re-identified, disclosure of an applicant's or borrower's debt-to-income ratio relied on in making the credit decision would likely disclose information about the applicant or borrower that is not otherwise public and may be harmful or sensitive. The debt-to-income ratio generally reflects the amount of an applicant's or borrower's monthly debt, including the payment for the mortgage loan sought or originated, relative to his or her monthly income. In addition, when combined with other information that the Bureau proposes to publicly disclose in the loan-level HMDA data, such as information about the mortgage loan sought or originated and applicant or borrower income relied on in making the credit decision, disclosure of debt-to-income ratio may permit a user to approximate the amount of the applicant's or borrower's monthly debt excluding mortgage debt. Information about a consumer's debt is not available to the general public without barriers to access and restrictions on use. The Bureau believes that most consumers consider information about their debt to be sensitive information and that the public disclosure of an identified applicant's or borrower's debt-to-income ratio, especially at higher ratios, could lead to dignity or reputational harm or embarrassment. The Bureau also believes that, especially with respect to higher or lower debt-to-income ratios, identified information about an identified applicant's or borrower's debt could be used to target marketing to the applicant or borrower, including marketing for products and services that may pose risks that are not apparent.

The Bureau believes that disclosure in the loan-level HMDA data of the debt-to-income ratio relied on in making the credit decision creates minimal risk, if any, of substantially facilitating the re-identification of applicants and borrowers in the HMDA data. As mentioned above, information about a consumer's debts is not included in identified records available to the general public and, to the extent such information is available for commercial purposes, it generally may be obtained under limited circumstances and is subject to restrictions on its use. To the extent that a creditor possessed information about an applicant or borrower's debt or debt-to-income ratio, the Bureau does not believe that such information would be useful for purposes of re-identifying an applicant or borrower in the loan-level HMDA data. The variation in methods of calculating debt-to-income ratio along with changes in the ratio or the amount of debt over time would make using debt-to-income ratio in the public loan-level HMDA data to match to any privately held debt or debt-to-income ratio information challenging and unreliable. The Bureau believes an adversary would face substantial difficulty attempting to re-identify an applicant or borrower by using debt-to-income ratio or debt amount to match HMDA records to other identified records.

The Bureau believes that disclosing unmodified debt-to-income ratio values in the loan-level HMDA data released to the public would create risks to applicant and borrower privacy but that, with respect to debt-to-income values greater than or equal to 40 percent and less than 50 percent, these risks would be justified by the benefits of disclosure to HMDA's purposes. Debt-to-income ratio values in this range are generally at or close to regulatory and guarantor and investor program benchmarks and are especially critical to identifying possible discriminatory lending patterns because they may reveal non-discriminatory explanations for differential treatment. Accordingly, the Bureau proposes to release reported debt-to-income values of greater than or

[137] 12 CFR 1003.4(a)(23) (effective Jan. 1, 2018).

[138] *Supra* note 83, at 36, 38.

[139] HMDA section 304(b)(6).

[140] 12 CFR 1026.43(e)(2)(vi).

[141] *See, e.g.,* Fannie Mae, ''B3–6–02: Debt to Income Ratios,'' (Aug. 30, 2016*), available at https://www.fanniemae.com/content/guide/selling/b3/6/02.html.*

equal to 40 percent and less than 50 percent without modification.

With respect to all other debt-to-income ratio values, the Bureau believes that the risks to applicant and borrower privacy that would be created by the disclosure of the unmodified field likely would not be justified by the benefits of the disclosure, but that the loan-level HMDA data may be modified to appropriately reduce the privacy risks while preserving some of the benefits of the data field. The Bureau proposes to bin reported debt-to-income ratio values into the following ranges, as applicable: 20 percent to less than 30 percent; 30 percent to less than 40 percent; and 50 percent to less than 60 percent. For example, a reported debt-to-income ratio of 35 percent would be shown in the loan-level HMDA data disclosed to the public as a debt-to-income ratio of between 30 percent and less than 40 percent. The Bureau also proposes to bottom-code reported debt-to-income ratio values under 20 percent and to top-code reported debt-to-income ratios of 60 percent or higher. For example, a reported debt-to-income ratio of 63 percent would be shown in the public loan-level HMDA data as 61 percent or higher. The Bureau believes at this time that, under the balancing test, these modifications to the public loan-level HMDA data would appropriately balance the risks to applicant and borrower privacy and the benefits of disclosure.

The Bureau has considered whether it should disclose debt-to-income ratio at or close to 36 percent without modification.[142] It is the Bureau's understanding that, for many financial institutions, debt-to-income ratio of 36 percent serves as an internal underwriting benchmark, so that the ability to identify whether an applicant's debt-to-income ratio is above or below this value would help users seeking to identify possible discriminatory lending patterns to control for factors that might provide a legitimate explanation for disparities in credit or pricing decisions. The Bureau seeks comment on whether the benefits of disclosing more granular information concerning debt-to-income ratio values at or around 36 percent would justify the risks to applicant and borrower privacy such disclosure would likely create and how such information should be disclosed.

The Bureau seeks comment on this proposal, including both the proposal to bin and top- and bottom-code certain debt-to-income values and the proposed intervals to be used for binning.

Property Value

The 2015 HMDA Final Rule requires financial institutions to report the value of the property securing the covered loan or, in the case of an application, proposed to secure the covered loan.[143] Financial institutions will report the value relied on in making the credit decision, such as an appraisal value or the purchase price of the property.[144] The property value will be reported in numeric form reflecting the exact dollar amount of the value relied on.[145] The Bureau added the requirement to report the property value relied on in the 2015 HMDA Final Rule to implement the Dodd-Frank Act's amendment to HMDA providing for the collection and reporting of the value of the real property pledged or proposed to be pledged as collateral.[146]

For the reasons given below, the Bureau believes that disclosing the property value in the loan-level HMDA data released to the public would likely substantially facilitate the re-identification of an applicant or borrower and that this risk would not be justified by the benefits of the disclosure. Therefore, the Bureau proposes to modify the loan-level HMDA data by disclosing the midpoint for the $10,000 interval into which the reported property value falls. For example, for a property value of $117,834, the Bureau would disclose $115,000 as the midpoint between values equal to $110,000 and less than $120,000.

The property value data field would be useful for determining whether financial institutions are serving the housing needs of their communities. Users could better understand the values of properties for which financial institutions are (and are not) providing financing to consumers in certain communities. The property value, combined with the loan amount and combined loan-to-value ratio, can also be used to determine whether the property is subject to a second lien. Property value would also be beneficial for identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. Combined with the loan amount, the property value would allow users to calculate a loan-to-value ratio, an important variable in underwriting. The loan-to-value ratio would help ensure that users who are evaluating potential disparities in underwriting outcomes, pricing, or other terms and conditions are comparing applicants or borrowers who obtained or applied for loans with similar loan-to-value ratios, thereby controlling for factors that might provide a legitimate explanation for disparities.

The Bureau believes that disclosing the exact property value would likely substantially facilitate the re-identification of an applicant or borrower. As with loan amount, property value is a numeric data field that will often consist of at least six digits, which increases its contribution to the uniqueness of a particular HMDA record. As discussed above, many jurisdictions publicly disclose property tax records or real estate transaction records in an identified form, such as mortgages or deeds of trust. These records contain estimates of property value or information that is closely related to property value. Although the value of the property reflected in these public records generally will not be identical to the property value relied on by the financial institution in making the credit decision, the Bureau believes that it may be close enough to permit matching. Therefore, in many cases, an adversary could use the exact property value, combined with other fields, to match a HMDA record to an identified publicly available record.

If the HMDA data were re-identified, the Bureau believes that the property value would likely disclose minimal, if any, information about an applicant or borrower that may be harmful or sensitive. In some cases, the property value may be combined with other information to identify borrowers with high levels of equity, which information could be used to target borrowers with predatory lending offers. For most consumers, however, the Bureau believes that property value would be unlikely to be used for targeted marketing of products and services that pose risks that may not be apparent. Indeed, the Bureau believes that information about borrower equity is already available to many marketers and may be calculated or estimated from publicly available property tax or real estate transaction records that include loan amounts and property values, such as mortgages and real estate sales records. Estimates of property value are also available through online real estate databases.

[142] For example, debt-to-income values of between 35 percent and 40 percent could be disclosed without modification, or the Bureau could indicate in the loan-level HMDA data disclosed to the public whether the reported debt-to-income ratio is 36 percent or higher.

[143] 12 CFR 1003.4(a)(28) (effective Jan. 1, 2018).

[144] *Id.*

[145] *Supra* note 83, at 71.

[146] Dodd-Frank Act section 1094(3)(A)(iv), 12 U.S.C. 2803(b)(6)(A).

The Bureau believes that the loan-level HMDA data may be modified to appropriately reduce the privacy risks created by the public disclosure of the property value while preserving much of the benefits of the data field. The Bureau believes that disclosing the midpoint for the $10,000 interval into which the reported property value falls provides enough precision to allow users to rely on property value to achieve HMDA's purposes. For example, $10,000 intervals will provide general information about values of properties for which financial institutions are providing financing. Such intervals will not allow users to calculate an exact loan-to-value ratio, although users may still derive an estimated loan-to-value ratio. However, the Bureau believes that releasing the combined loan-to-value ratio, as it proposes to do, will be more beneficial for fair lending purposes than the loan-to-value ratio that users would have calculated from the exact loan amount and property value. Disclosing the midpoint for the $10,000 interval into which the reported property value falls also decreases the ability of adversaries to match HMDA data to identified public records by reducing the uniqueness of a data field common to both datasets. Because the Bureau is also proposing to bin loan amount similarly, adversaries will be unable to use the combined loan-to-value ratio to reduce the effectiveness of the proposed modification by deriving the reported property value. Although such modifications do not entirely eliminate the risk of re-identification, the Bureau believes that the remaining risk would be justified by the benefits of disclosing the property value in $10,000 intervals. Therefore, the Bureau believes at this time that, under the balancing test, modifying property value as described above appropriately balances the privacy risks and disclosure benefits. The Bureau seeks comment on this proposal, including both the proposed $10,000 intervals to be used for binning and the proposal to disclose the midpoint for each interval.

Nationwide Mortgage Licensing System and Registry Identifier

The 2015 HMDA Final Rule requires financial institutions to report ''the unique identifier assigned by the Nationwide Mortgage Licensing System and Registry [NMLSR ID] for the mortgage loan originator, as defined in Regulation G, 12 CFR 1007.102, or Regulation H, 12 CFR 1008.23, as applicable.'' [147] The NMLSR ID will be submitted by financial institutions in numeric form, such as 123450.[148] The Bureau added the requirement to report the NMLSR ID in the 2015 HMDA Final Rule to implement the Dodd-Frank Act's requirement that financial institutions report, ''as the Bureau may determine to be appropriate, a unique identifier that identifies the loan originator as set forth in section 1503 of the [Secure and Fair Enforcement for] Mortgage Licensing Act of 2008.'' [149]

For the reasons given below, the Bureau believes that disclosing the NMLSR ID in the loan-level HMDA data released to the public would likely substantially facilitate the re-identification of an applicant or borrower and that this risk would not be justified by the benefits of the disclosure. Therefore, the Bureau proposes to modify the loan-level HMDA data by excluding the NMLSR ID.

The NMLSR ID would be useful for identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. The NMLSR ID would allow users to identify individual mortgage loan originators with primary responsibility over applications, originations, and purchased loans. This information would help public officials and members of the public to identify loan originators that are engaged in problematic business practices, which would provide a greater level of precision for understanding and correcting possible discriminatory lending patterns.

The Bureau believes that disclosing the NMLSR ID would likely substantially facilitate the re-identification of an applicant or borrower in the HMDA data. The NMLSR ID is required to appear on various documents associated with the loan, including the security instrument.[150] As explained above, many jurisdictions publicly disclose these real estate transaction records in an identified form. Although the NMLSR ID is not unique to an individual HMDA record, it is unique to the mortgage loan originator who is unlikely to be associated with many loans for which the other HMDA data fields are identical. Therefore, in many cases, an adversary could use the NMLSR ID, combined with other data fields, to match a HMDA record to an identified public record.

If the HMDA data were re-identified, the Bureau believes that the NMLSR ID would likely disclose minimal, if any, information about an applicant or borrower that may be harmful or sensitive. The Bureau understands that the NMLSR ID may allow users to determine information that loan originators may consider sensitive. However, as explained in the 2015 HMDA Final Rule, because the Dodd-Frank Act explicitly amended HMDA to add a loan originator identifier, while at the same time directing the Bureau to modify or require modification of itemized information ''for the purpose of protecting the privacy interests of the mortgage applicants or mortgagors,'' the Bureau believes it is reasonable to interpret HMDA as not requiring modifications of itemized information to protect the privacy interests of mortgage loan originators, and that that interpretation best effectuates the purposes of HMDA.[151] Rather, under the balancing test, the Bureau evaluates the risks to applicant and borrower privacy interests and the benefits of public disclosure in light of the statutory purposes. Because the NMLSR ID conveys no sensitive information about applicants or borrowers, the Bureau believes that disclosure of this data field would create minimal, if any, risk of harm or sensitivity under the balancing test. However, because the Bureau believes that disclosing the NMLSR ID in the loan-level HMDA data released to the public would likely substantially facilitate the re-identification of an applicant or borrower and that this risk would not be justified by the benefits of the disclosure, the Bureau proposes not to disclose in the loan-level HMDA data the NMLSR ID.

The Bureau has considered whether a modification to the public loan-level HMDA dataset other than exclusion of the NMLSR ID would appropriately reduce the privacy risks created by disclosure while maintaining some utility for HMDA's purposes. For example, as with the ULI, the Bureau has considered whether it could, in the loan-level HMDA data disclosed to the public, replace the NMLSR ID reported to the regulators with a different unique number, such as a hashed value. The Bureau is unable to identify a feasible modification at this time, however. The Bureau believes at this time that, under the balancing test, excluding the NMLSR ID is a modification to the public loan-level HMDA data that appropriately balances the risks to applicant and borrower privacy and the

[147] 12 CFR 1003.4(a)(34) (effective Jan. 1, 2018).

[148] *Supra* note 83, at 75.

[149] Dodd-Frank Act section 1094(3)(A)(iv), 12 U.S.C. 2803(b)(6)(F).

[150] 12 CFR 1026.36(g).

[151] 80 FR 66128, 66232 (Oct. 28, 2015).

benefits of disclosure. The Bureau seeks comment on this proposal.

Automated Underwriting System Result

The 2015 HMDA Final Rule requires that, except for purchased covered loans, financial institutions report ''the name of the automated underwriting system used by the financial institution to evaluate the application and the result generated by that automated underwriting system.'' [152] The 2015 HMDA Final Rule defines ''automated underwriting system'' for the purposes of this requirement as ''an electronic tool developed by a securitizer, Federal government insurer, or Federal government guarantor that provides a result regarding the credit risk of the applicant and whether the covered loan is eligible to be originated, purchased, insured, or guaranteed by that securitizer, Federal government insurer, or Federal government guarantor.'' [153] A financial institution will submit a code from a specified list to indicate the result or results generated by the AUS or AUSs used.[154] Up to five AUS names and five AUS results may be reported.[155] The Bureau added these requirements in the 2015 HMDA Final Rule using its discretionary authority to require the reporting of ''such other information as the Bureau may require'' provided by the Dodd-Frank Act's amendment to HMDA.[156]

For the reasons given below, the Bureau believes that disclosing in the loan-level HMDA data released to the public the AUS result field would likely disclose information about the applicant or borrower that is not otherwise public and may be harmful or sensitive and that this risk would not be justified by the benefits of the disclosure. Therefore, the Bureau proposes to modify the public loan-level HMDA dataset by excluding the AUS result field.[157]

The AUS result would assist users in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes. The AUS result would assist in understanding a financial institution's underwriting decision-making and would help ensure that users are comparing applicants and borrowers with similar profiles, thereby controlling for factors that might provide a legitimate explanation for disparities in credit and pricing decisions.

The Bureau believes that, if the HMDA data were re-identified, disclosure of AUS result would likely disclose information about the applicant or borrower that is not otherwise public and may be harmful or sensitive. Applicants' AUS results are not available to the general public. An AUS result is based on a complex set of factors used to evaluate the credit risk associated with a loan. The traditional underwriting process often uses, among other things, loan-to-value ratio to evaluate collateral, credit score to evaluate creditworthiness and willingness to pay, and debt-to-income ratio to evaluate ability to pay. The result from an AUS reflects in a single indicator these and other factors used to evaluate the risk of the borrower and the eligibility of the loan to be purchased, insured, or guaranteed. The Bureau believes that, if a HMDA record were associated with an identifiable applicant or borrower, disclosure of a ''negative'' AUS result [158] would reveal information that would likely be perceived as reflecting negatively on the applicant or borrower's willingness or ability to pay. The Bureau believes that most consumers would consider such information sensitive and that disclosure of this information could lead to dignity harm or embarrassment. The Bureau believes that this field also could be used to target marketing to applicants or borrowers, including marketing of products and services that may pose risks that are not apparent.

The Bureau believes that disclosure in the loan-level HMDA data of AUS result would create minimal, if any, risk of facilitating the re-identification of applicants and borrowers in the HMDA data. The Bureau believes that AUS results are not included in any public records or found in other datasets available to the public and that an adversary would face substantial difficulty attempting to re-identify an applicant or borrower by using AUS result to match HMDA records to other identified records.

The Bureau has considered whether modifications to the public loan-level HMDA data other than the exclusion of AUS result would appropriately reduce the privacy risks created by the disclosure of the AUS result while maintaining some utility for HMDA's purposes. However, the Bureau does not believe that AUS result can be modified in a manner that appropriately protects privacy and that also preserves utility. AUS result is a categorical field, as opposed to a numerical one, and thus cannot be binned or rounded. The Bureau believes at this time that, under the balancing test, excluding AUS result is a modification to the public loan-level HMDA data that appropriately balances the risks to applicant and borrower privacy and the benefits of disclosure. The Bureau seeks comment on this proposal.

Free-Form Text Fields

The 2015 HMDA Final Rule requires financial institutions to use free-form text fields to report certain data. For example, the 2015 HMDA Final Rule requires financial institutions to report, except for purchased covered loans, the credit score or scores relied on in making the credit decision and the name and version of the scoring model used to generate each credit score.[159] A financial institution will submit a code from a specified list to indicate the name and version of the scoring model used to generate each credit score reported.[160] If the name and version of the scoring model used to generate a credit score is not listed, the financial institution will submit the code for ''other credit scoring model'' and will report in a free-form text field the name and version of the scoring model used.[161] Free-form text fields may also be used to report race,[162] ethnicity,[163] reason for denial,[164] and AUS system name.[165] The maximum number of characters for the AUS system name free-form text field and for the reason for denial free-form text field, including spaces, is 255; the maximum number of characters including spaces for all other free-form text fields is 100. Free-form text fields used to report race and ethnicity will be completed by

[152] 12 CFR 1003.4(a)(35)(i) (effective Jan. 1, 2018).

[153] 12 CFR 1003.4(a)(35)(ii) (effective Jan. 1, 2018).

[154] *Supra* note 8, at 74–75. AUS result will be reported using the following codes: Code 1—Approve/Eligible; Code 2—Approve/Ineligible; Code 3—Refer/Eligible; Code 4—Refer/Ineligible; Code 5—Refer with Caution; Code 6—Out of Scope; Code 7—Error; Code 8—Accept; Code 9—Caution; Code 10—Ineligible; Code 11—Incomplete; Code 12—Invalid; Code 13—Refer; Code 14—Eligible; Code 15—Unable to Determine; Code 16—Other; Code 17—Not applicable. If the AUS result is not listed, the financial institution will submit code 16 for ''other'' and will report in a free-form text field the name and version of the scoring model used.

[155] Comment 4(a)(35)–3 (concerning reporting of multiple AUS results); *supra* note 83, at 37–39, 73.

[156] HMDA section 304(b)(6).

[157] As discussed above, the Bureau proposes to disclose AUS name.

[158] For example, a ''refer with caution'' result would indicate that the loan would need to be manually underwritten.

[159] 12 CFR 1003.4(a)(15)(i) (effective Jan. 1, 2018).

[160] *Supra* note 83, at 33–34, 63–64.

[161] *Id.*

[162] 12 CFR 1003.4(a)(10)(i); *supra* note 83, at 21–31.

[163] 12 CFR 1003.4(a)(10)(i); *supra* note 83, at 17–20.

[164] 12 CFR 1003.4(a)(16); *supra* note 83, at 35–36.

[165] 12 CFR 1003.4(a)(35)(i); *supra* note 83, at 38–40.

applicants;[166] all other free-form text fields will be completed by the financial institution.

Free-form text fields will allow the reporting of any information, including information that creates risks to applicant and borrower privacy. Given the volume of HMDA data reported each year, it will not be feasible for the Bureau to review the contents of each free-form text field submitted before disclosing the loan-level HMDA data to the public. The Bureau believes at this time that, under the balancing test, excluding free-form text fields is a modification to the public loan-level HMDA data that appropriately balances the risks to applicant and borrower privacy and the benefits of disclosure. The Bureau seeks comment on this proposal.

IV. Other Considerations Related to Disclosure

A. Additional Data

Current Regulation C requires financial institutions to report the location of the property to which the loan or application relates, by MSA or by Metropolitan Division, by State, by county, and by census tract, if the institution has a home or branch office in that MSA or Metropolitan Division.[167] To reduce burden on financial institutions, the 2015 HMDA Final Rule eliminates from this provision the requirement to report the MSA or Metropolitan Division in which the property is located.[168] The Bureau proposes to identify for each loan and application subject to this provision the MSA or Metropolitan Division in which the property securing or proposed to secure the loan is located and to include this information in the loan-level HMDA data disclosed to the public so that the utility of these currently disclosed data fields are preserved. The Bureau seeks comment on this proposal.

The FFIEC currently includes with the agencies' loan-level release the following census and income data: Population (total population in tract); Minority Population Percent (percentage of minority population to total population for tract, carried to two decimal places); FFIEC Median Family Income (FFIEC Median family income in dollars for the MSA/MD in which the tract is located (adjusted annually by FFIEC)); Tract to MSA/MD Median Family Income Percentage (percentage of tract median family income compared to MSA/MD median family income, carried to two decimal places); Number of Owner Occupied Units (number of dwellings, including individual condominiums, that are lived in by the owner); and Number of 1- to 4-Family units (dwellings that are built to house fewer than five families).[169] These data are intended to provide additional context to the reported HMDA data. The Bureau proposes to continue to include these data in the loan-level HMDA data disclosed to the public. The Bureau seeks comment on this proposal.

The FFIEC also currently includes with the agencies' loan-level release an application date indicator reflecting whether the application date was before January 1, 2004, on or after January 1, 2004, or not available. The Bureau believes that this indicator is no longer useful to analysis of the HMDA data and proposes to no longer include the application date indicator in the loan-level HMDA data disclosed to the public. The Bureau seeks comment on this proposal.

B. The Modified LAR and the Agencies' Loan-Level Release

As discussed above, HMDA requires that financial institutions make available to the public, upon request, ''loan application register information'' as defined by the Bureau and in the form required under regulations prescribed by the Bureau.[170] This information must be made available as early as March 31 following the calendar year for which the information was compiled.[171] In addition to the loan-level data made available by each financial institution on its modified loan/application register, the FFIEC currently makes available in September of each year the agencies' loan-level release, which is a loan-level dataset containing all reported HMDA data for the preceding calendar year.

Under the 2015 HMDA Final Rule, financial institutions will no longer be required to provide their modified loan/application registers directly to the public and will be required instead to provide a notice advising members of the public seeking their data that it may be obtained on the Bureau's Web site.[172] By March 31 following the calendar year for which the data was compiled, the Bureau will make available on the Bureau's Web site a modified loan/application register for each financial institution that timely submits its HMDA data.[173] With respect to data compiled in 2018 or later, this proposed Policy Guidance describes the modifications the Bureau proposes to apply to each financial institution's modified loan/application register as well as to the agencies' loan-level release, with the possible exception of modifications to reflect whether the loan amount is above the applicable GSE conforming loan limit, which may be released later than March 31.[174]

C. Aggregate and Disclosure Reports

HMDA and Regulation C require the FFIEC to make available a disclosure statement for each financial institution each year.[175] The statute and regulation also require the FFIEC to compile aggregate data by census tract for all financial institutions reporting under HMDA and to produce tables indicating aggregate lending patterns for various categories of census tracts grouped according to location, age of housing stock, income level, and racial characteristics.[176] The FFIEC currently makes these aggregate data products available in September of each year reflecting HMDA data reported for the preceding calendar year.

The FFIEC, the Bureau, and the other agencies continue to evaluate options for making available the disclosure statements and aggregate data required by HMDA and the 2015 HMDA Final Rule. The Bureau may also consider making available other data products to enhance understanding of the HMDA data and otherwise further the goals of the statute.

D. Restricted Access Program

As indicated in the supplementary information to the 2014 HMDA Proposed Rule and the 2015 HMDA Final Rule, the Bureau believes that HMDA's public disclosure purposes may be furthered by allowing academics

[166] Appendix B, paragraph 8 (effective Jan. 1, 2018).

[167] 12 CFR 1003.4(a)(9).

[168] 12 CFR 1003.4(a)(9)(ii) (effective Jan. 1, 2018); 80 FR 66128, 66187 (Oct. 28, 2015).

[169] For more information concerning these data, including the sources of these data, *see* Federal Financial Institutions Examination Council, ''FFIEC Census and Demographic Data,'' *https://www.ffiec.gov/censusproducts.htm (last visited Mar. 20, 2017).*

[170] HMDA section 304(j)(1). This requirement is implemented in 12 CFR 1003.5(c), which requires that each financial institution make available to the public its modified loan/application register, sometimes referred to as a ''modified LAR.''

[171] HMDA section 304(j)(5).

[172] 12 CFR 1003.5(c) (effective Jan. 1, 2018).

[173] With respect to data that is submitted late, the Bureau intends to make available a modified loan/application register by March 31 whenever possible, or as soon thereafter as is feasible.

[174] As noted above, HMDA data is reported by March 1 of the year following the calendar year for which the information was compiled, leaving the Bureau as little as 30 days to prepare each financial institution's modified loan/application register. The Bureau is exploring how best to provide the public with information concerning whether a loan is above the applicable GSE conforming loan limit.

[175] 12 U.S.C. 2803(k); 12 CFR 1003.5(b)(1) (effective Jan. 1, 2018).

[176] 12 U.S.C. 2809(a); 12 CFR 1003.5(f) (effective Jan. 1, 2018).

and industry and community researchers to access the unmodified HMDA dataset through a restricted access program, for research purposes. The Bureau continues to evaluate whether access to unmodified HMDA data should be permitted through such a program, the options for such a program, and the risks and costs that may be associated with such a program.

V. Regulatory Requirements

The Bureau concludes that the proposed Policy Guidance on Disclosure of Loan-Level HMDA Data is a non-binding general statement of policy and/or a rule of agency organization, procedure, or practice exempt from notice and comment rulemaking requirements under the Administrative Procedure Act pursuant to 5 U.S.C. 553(b). Notwithstanding this conclusion, the Bureau invites public comment on the proposed Policy Guidance. Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[177] The existing information collections contained in Regulation C have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 3170–0008. The Bureau has determined that this proposed Policy Guidance does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* The Bureau has a continuing interest in the public's opinions regarding this determination. At any time, comments regarding this determination may be sent to the Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, or by email to *CFPB_Public_PRA@cfpb.gov.*

VI. Proposed Policy Guidance on Disclosure of Loan-Level HMDA Data

The text of the proposed Policy Guidance is as follows:

Policy Guidance on Disclosure of Loan-Level HMDA Data

A. Background

The Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801 *et seq.,* requires certain financial institutions to collect, report, and disclose data about their mortgage lending activity. HMDA is implemented by Regulation C, 12 CFR part 1003. HMDA identifies its purposes as providing the public and public officials with sufficient information to enable them to determine whether financial institutions are serving the housing needs of the communities in which they are located, and to assist public officials in their determination of the distribution of public sector investments in a manner designed to improve the private investment environment.[178] In 1989, the Board of Governors of the Federal Reserve System (Board) recognized a third HMDA purpose of identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes, which now appears with HMDA's other purposes in Regulation C.[179]

In 2010, Congress enacted the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).[180] Among other changes, the Dodd-Frank Act expanded the scope of information relating to mortgage applications and loans that must be collected, reported, and disclosed under HMDA and authorized the Bureau to require financial institutions to collect, report, and disclose additional information. The Dodd-Frank Act amendments to HMDA also added new section 304(h)(1)(E), which directs the Bureau to develop regulations, in consultation with the agencies identified in section 304(h)(2),[181] that ''modify or require modification of itemized information, for the purpose of protecting the privacy interests of the mortgage applicants or mortgagors, that is or will be available to the public.'' Section 304(h)(3)(B), also added by the Dodd-Frank Act, directs the Bureau to ''prescribe standards for any modification under paragraph (1)(E) to effectuate the purposes of [HMDA], in light of the privacy interests of mortgage applicants or mortgagors. Where necessary to protect the privacy interests of mortgage applicants or mortgagors, the Bureau shall provide for the disclosure of information . . . in aggregate or other reasonably modified form, in order to effectuate the purposes of [HMDA].'' [182]

On October 28, 2015, the Bureau published a final rule amending Regulation C (2015 HMDA Final Rule) to implement the Dodd-Frank Act amendments and make other changes.[183] Most provisions of the 2015 HMDA Final Rule go into effect on January 1, 2018,[184] and apply to data financial institutions will collect beginning in 2018 and will report beginning in 2019.

B. The Balancing Test

In the 2015 HMDA Final Rule, in consultation with the agencies and after notice and comment, the Bureau interpreted HMDA, as amended by the Dodd-Frank Act, to require that the Bureau use a balancing test to determine whether and how HMDA data should be modified prior to its disclosure to the public in order to protect applicant and borrower privacy while also fulfilling HMDA's public disclosure purposes. The Bureau interpreted HMDA to require that public HMDA data be modified when the release of the unmodified data creates risks to applicant and borrower privacy interests that are not justified by the benefits of such release to the public in light of the statutory purposes. In such circumstances, the need to protect the privacy interests of mortgage applicants or mortgagors requires that the itemized information be modified. This binding interpretation implemented HMDA sections 304(h)(1)(E) and 304(h)(3)(B) because it prescribed standards for requiring modification of itemized information, for the purpose of protecting the privacy interests of mortgage applicants and borrowers, that is or will be available to the public.[185]

The Bureau has applied the balancing test to determine whether and how to modify the HMDA data reported under the 2015 HMDA Final Rule before it is disclosed on the loan level to the public. This Policy Guidance describes the loan-level HMDA data that the Bureau intends to make available to the public beginning in 2019, with respect to data compiled by financial institutions in or after 2018, including modifications that

[177] 5 U.S.C. 603(a), 604(a).

[178] 12 U.S.C. 2801(b).

[179] 54 FR 51356, 51357 (Dec. 15, 1989) (codified at 12 CFR 1003.1(b)(1)) (Bureau's post-Dodd-Frank Act Regulation C).

[180] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376, 1980, 2035–38, 2097–101 (2010).

[181] These agencies are the prudential regulators—the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of the Comptroller of the Currency—and the Department of Housing and Urban Development. Together with the Bureau, these agencies are referred to herein as ''the agencies.''

[182] Section 304(h)(3)(A) provides that a modification under section 304(h)(1)(E) shall apply to information concerning ''(i) credit score data . . . in a manner that is consistent with the purpose described in paragraph (1)(E); and (ii) age or any other category of data described in paragraph (5) or (6) of subsection (b), as the Bureau determines to be necessary to satisfy the purpose described in paragraph (1)(E), and in a manner consistent with that purpose.''

[183] 80 FR 66128 (Oct. 28, 2015); *see also* 80 FR 69567 (Nov. 10, 2015) (making technical corrections).

[184] Certain amendments to the definition of financial institution went into effect on January 1, 2017. *See* 12 CFR 1003.2 (effective Jan. 1, 2017); 80 FR 66128, 66308 (Oct. 28, 2015).

[185] 80 FR 66128, 66134 (Oct. 28, 2015).

the Bureau intends to apply to the data. The Bureau intends to continue to monitor developments affecting the application of the balancing test to the HMDA data and may reconsider whether and how to modify the HMDA data, based on the application of the balancing test, in order to ensure the appropriate protection of applicant and borrower privacy in light of HMDA's purposes. This Policy Guidance is non-binding in part because flexibility to revise the modifications to be applied to the public loan-level HMDA data is necessary to maintain a proper balancing of the privacy risks and benefits of disclosure.

C. Loan-Level HMDA Data To Be Disclosed to the Public

The Bureau intends to publicly disclose loan-level HMDA data reported pursuant to the 2015 HMDA Rule as follows:

1. Except as provided in paragraphs 2 through 6 below, the Bureau intends to disclose all data as reported, without modification.

2. The Bureau intends to exclude the following from the public loan-level HMDA data:

a. Universal loan identifier, collected pursuant to 12 CFR 1003.4(a)(1)(i);

b. The date the application was received or the date shown on the application form, collected pursuant to 12 CFR 1003.4(a)(1)(ii);

c. The date of action taken by the financial institution on a covered loan or application, collected pursuant to 12 CFR 1003.4(a)(8)(ii);

d. The address of the property securing the loan or, in the case of an application, proposed to secure the loan, collected pursuant to 12 CFR 1003.4(a)(9)(i);

e. The credit score or scores relied on in making the credit decision, collected pursuant to 12 CFR 1003.4(a)(15)(i);

f. The unique identifier assigned by the Nationwide Mortgage Licensing System and Registry for the mortgage loan originator, as defined in Regulation G, 12 CFR 1007.102, or Regulation H, 12 CFR 1008.23, as applicable, collected pursuant to 12 CFR 1003.4(a)(34);

g. The result generated by the automated underwriting system used by the financial institution to evaluate the application, collected pursuant to 12 CFR 1003.4(a)(35)(i); and

h. Free-form text fields used to report the following data: Applicant or borrower race, collected pursuant to 12 CFR 1003.4(a)(10)(i); applicant or borrower ethnicity, collected pursuant to 12 CFR 1003.4(a)(10)(i); name and version of the credit scoring model used to generate each credit score or credit scores relied on in making the credit decision, collected pursuant to 12 CFR 1003.4(a)(15)(i); the principal reason or reasons the financial institution denied the application, if applicable, collected pursuant to 12 CFR 1003.4(a)(16); and automated underwriting system name, collected pursuant to 12 CFR 1003.4(a)(35)(i).

3. With respect to the amount of the covered loan or the amount applied for, collected pursuant to 12 CFR 1003.4(a)(7), the Bureau intends to:

a. Disclose the midpoint for the $10,000 interval into which the reported value falls, *e.g.,* for a reported value of $117,834, disclose $115,000 as the midpoint between values equal to $110,000 and less than $120,000; and

b. Indicate whether the reported value exceeds the applicable dollar amount limitation on the original principal obligation in effect at the time of application or origination as provided under 12 U.S.C. 1717(b)(2) and 12 U.S.C. 1454(a)(2).

4. With respect to the age of an applicant or borrower, collected pursuant to 12 CFR 1003.4(a)(10)(ii), the Bureau intends to:

a. Bin reported values into the following ranges, as applicable: 25 to 34; 35 to 44; 45 to 54; 55 to 64; and 65 to 74;

b. Bottom-code reported values under 25;

c. Top-code reported values over 74; and

d. Indicate whether the reported value is 62 or higher.

5. With respect to the ratio of the applicant's or borrower's total monthly debt to the total monthly income relied on in making the credit decision, collected pursuant to 12 CFR 1003.4(a)(23), the Bureau intends to:

a. Bin reported values into the following ranges, as applicable: 20 percent to less than 30 percent; 30 percent to less than 40 percent; and 50 percent to less than 60 percent;

b. Bottom-code reported values under 20 percent;

c. Top-code reported values of 60 percent or higher; and

d. Disclose, without modification, reported values greater than or equal to 40 percent and less than 50 percent.

6. With respect to the value of the property securing the covered loan or, in the case of an application, proposed to secure the covered loan, collected pursuant to 12 CFR 1003.4(a)(28), the Bureau intends to disclose the midpoint for the $10,000 interval into which the reported value falls, *e.g.,* for a reported value of $117,834, disclose $115,000 as the midpoint between values equal to $110,000 and less than $120,000.

Dated: September 8, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2017–20409 Filed 9–22–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–9966–90–ORD]

Ambient Air Monitoring Reference and Equivalent Methods: Designation of Three New Reference Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has designated three new reference methods for measuring concentrations of $PM_{2.5}$, PM_{10}, and $PM_{10\text{-}2.5}$ in the ambient air.

FOR FURTHER INFORMATION CONTACT: Robert Vanderpool, Exposure Methods and Measurement Division (MD–D205–03), National Exposure Research Laboratory, U.S. EPA, Research Triangle Park, North Carolina 27711. Phone: 919–541–7877. Email: *Vanderpool.Robert@epa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with regulations at 40 CFR part 53, the EPA evaluates various methods for monitoring the concentrations of those ambient air pollutants for which EPA has established National Ambient Air Quality Standards (NAAQSs) as set forth in 40 CFR part 50. Monitoring methods that are determined to meet specific requirements for adequacy are designated by the EPA as either reference methods or equivalent methods (as applicable), thereby permitting their use under 40 CFR part 58 by States and other agencies for determining compliance with the NAAQSs.

The EPA hereby announces the designation of three new reference methods for measuring concentrations of $PM_{2.5}$, PM_{10}, and $PM_{10\text{-}2.5}$ in the ambient air. These designations are made under the provisions of 40 CFR part 53, as amended on August 31, 2011 (76 FR 54326- 54341).

The new reference method for $PM_{2.5}$ is a manual monitoring method based on a specific $PM_{2.5}$ sampler and is identified as follows:

RFPS–0717–245, ''Met One Instruments, Inc. E–SEQ–FRM,'' sequential sampler configured for multi-event filter sampling of ambient

particulate matter using the U.S. EPA PM_{10} inlet specified in 40 CFR part 50, Appendix L, Figs. L–2 thru L–19, equipped with either a Mesa Laboratories VSCC™ cyclone or WINS $PM_{2.5}$ fractionator, with a flow rate of 16.67 L/min, using 47 mm PTFE membrane filter media, and operating with firmware version R1.1.0 and later, and operated in accordance with the Met One E–SEQ–FRM $PM_{2.5}$ operating manual. This designation applies to $PM_{2.5}$ measurements only.

The new reference method for PM_{10} is a manual monitoring method based on a specific PM_{10} sampler and is identified as follows:

RFPS–0717–246, ''Met One Instruments, Inc. E–SEQ–FRM,'' sequential sampler configured for multi-event filter sampling of ambient particulate matter using the U.S. EPA PM_{10} inlet specified in 40 CFR part 50, Appendix L, Figs. L–2 thru L–19, equipped with either a Mesa Laboratories VSCC™ cyclone or WINS $PM_{2.5}$ fractionator, with a flow rate of 16.67 L/min, using 47 mm PTFE membrane filter media, and operating with firmware version R1.1.0 and later, and operated in accordance with the Met One E–SEQ–FRM PM_{10} operating manual. This designation applies to PM_{10} measurements only.

The new $PM_{10\text{-}2.5}$ reference method utilizes a pair of filter samplers that have been designated individually as reference methods, one for $PM_{2.5}$ and the other one for PM_{10}, and have been shown to meet the requirements specified in appendix O of 40 CFR part 50. The $PM_{2.5}$ and PM_{10} samplers are designated as reference methods RFPS–0717–245 and RFPS–0717–246, respectively. The newly designated $PM_{10\text{-}2.5}$ sampler is identified as follows:

RFPS–0717–247, ''Met One Instruments, Inc. E–SEQ–FRM PM_{10} and E–SEQ–FRM $PM_{2.5}$ Sampler Pair'' for the determination of coarse particulate matter as $PM_{10\text{-}2.5}$, consisting of a pair of Met One Instruments, Inc. E–SEQ–FRM samplers, with one being the E–SEQ–FRM $PM_{2.5}$ sampler (RFPS–0717–245) and the other being the E–SEQ–FRM PM_{10} sampler (RFPS–0717–246). The units are to be collocated to within 1–4 meters of one another and sample concurrently. Both units are operated in accordance with the associated E–SEQ–FRM instruction manual. This designation applies to $PM_{10\text{-}2.5}$ measurements only.

The application for reference method determination for the $PM_{2.5}$ method was received by the Office of Research and Development on May 17, 2017, the PM_{10} method application was received on June 5, 2017, and the $PM_{10\text{-}2.5}$ method was received on July 25, 2017. These monitors are commercially available from the applicant, Met One Instruments, Inc., 1600 Washington Blvd., Grants Pass, OR 97526.

Test monitors representative of these methods have been tested in accordance with the applicable test procedures specified in 40 CFR part 53, as amended on August 31, 2011. After reviewing the results of those tests and other information submitted in the applications, EPA has determined, in accordance with part 53, that these methods should be designated as reference methods. The information in the applications will be kept on file, either at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711 or in an approved archive storage facility, and will be available for inspection (with advance notice) to the extent consistent with 40 CFR part 2 (EPA's regulations implementing the Freedom of Information Act).

As designated reference methods, these methods are acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, the methods must be used in strict accordance with the operation or instruction manuals associated with the methods and subject to any specifications and limitations (*e.g.,* configuration or operational settings) specified in the applicable designated descriptions (see the identification of the methods above).

Use of the methods also should be in general accordance with the guidance and recommendations of applicable sections of the ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I,'' EPA/600/R–94/038a and ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Quality Monitoring Program'' EPA–454/B–08–003, December, 2008. Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR part 58.

Consistent or repeated noncompliance should be reported to: Director, Exposure Methods and Measurement Division (MD–E205–01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of these new reference methods is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR part 58. Questions concerning the commercial availability or technical aspects of the methods should be directed to the applicant.

Dated: August 16, 2017.

Timothy H. Watkins,

Deputy Director, National Exposure Research Laboratory.

[FR Doc. 2017–20447 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[9967–91–Region 3]

Notice of Administrative Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), notice is hereby given that a proposed administrative settlement agreement for recovery of response costs (''Proposed Agreement'') associated with the New Jersey Fireworks Superfund Site, Elkton, Cecil County, Maryland was executed by the Environmental Protection Agency (''EPA'') and is now subject to public comment, after which EPA may modify or withdraw its consent if comments received disclose facts or considerations that indicate that the Proposed Agreement is inappropriate, improper, or inadequate. The Proposed Agreement would resolve potential EPA claims against the Estate of Louis Casale (''Settling Party''). The Proposed Agreement would require Settling Party to reimburse EPA $50,000 for response costs incurred by EPA for the Site.

For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the Proposed Agreement. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103.

DATES: Comments must be submitted on or before October 25, 2017.

ADDRESSES: The Proposed Agreement and additional background information relating to the Proposed Agreement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the

Proposed Agreement may be obtained from Andrew S. Goldman (3RC41), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103. Comments should reference the ''New Jersey Fireworks Superfund Site, Proposed Settlement Agreement'' and ''EPA CERCLA Docket No. CERC–03–2017–0138CR,'' and should be forwarded to Andrew S. Goldman at the above address.

FOR FURTHER INFORMATION CONTACT: Andrew S. Goldman (3RC41), U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103, Phone: (215) 814–2487; *Goldman.andrew@epa.gov.*

Dated: August 31, 2017.

Karen Melvin,

Director, Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III.

[FR Doc. 2017–20313 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0180; FRL–9967–59]

FIFRA Scientific Advisory Panel; Notice of Public Meeting for the Clarification of Charge Questions on PBPK

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a three-hour meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to review and consider the scope and clarity of the draft charge questions for the October 24–27, 2017 SAP Meeting on physiologically-based pharmacokinetic (PBPK) modeling to address pharmacokinetic differences between and within species.

DATES: The meeting will be held on October 2, 2017, from approximately 2 p.m. to 5 p.m. (EST). This is an open public meeting that will be conducted via webcast using Adobe Connect and telephone. Registration is required to attend this meeting. Please visit: *http://www.epa.gov/sap* to register.

Comments. Written comments on the scope and clarity of the draft charge questions should be submitted by noon on September 27, 2017. FIFRA SAP may not be able to fully consider written comments submitted after noon on September 27, 2017. Requests to make oral comments at the meeting should be submitted on or before noon on September 27, 2017 by registering at *http://www.epa.gov/sap.* For additional instructions, see Unit I.C. of the **SUPPLEMENTARY INFORMATION** or contact the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT**.

Webcast. This meeting will be webcast only. Please refer to the FIFRA SAP Web site at *http://www.epa.gov/sap* for information on how to access the webcast.

Special accommodations. For information on access or services for individuals with disabilities, and to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to allow EPA time to process your request.

ADDRESSES: *Meeting:* This meeting will be webcast only. Please refer to the following Web site to register and for information on how to access the webcast: *http://www.epa.gov/sap.*

Comments. Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2017–0180, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

Requests for special accommodations. Submit requests for special accommodations to the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Dr. Marquea D. King, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 202–564–3626; email address: *king.marquea@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) and FIFRA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI information to EPA through *regulations.gov* or email. If your comments contain any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

C. How may I participate in this meeting?

You may participate in this meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–OPP–2017–0180 in the subject line on the first page of your request.

1. *Written comments.* Written comments should be submitted, using the instructions in **ADDRESSES** and Unit I.B., on or before noon on September 27, 2017, to provide FIFRA SAP the time necessary to consider and review the written comments. FIFRA SAP may not be able to fully consider written comments submitted after noon on September 27, 2017.

2. *Oral comments.* Registration is required to attend this meeting. Please visit: *http://www.epag.gov/sap* to register. Each individual or group wishing to make brief oral comments to FIFRA SAP may submit their request by registering on or before noon September 27, 2017. Oral comments before FIFRA SAP are limited to approximately 5 minutes due to the time constraints of this webcast.

II. Background

A. Purpose of FIFRA SAP Virtual Meeting on PBPK Charge Questions

FIFRA SAP serves as the primary scientific peer review mechanism of EPA's Office of Chemical Safety and

Pollution Prevention (OCSPP) and is structured to provide scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the impact of regulatory actions on health and the environment. FIFRA SAP is a Federal advisory committee established in 1975 pursuant to FIFRA and operates in accordance with requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix). FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health and the National Science Foundation. The FIFRA SAP is assisted in their reviews by ad hoc participation from the Science Review Board (SRB). As a scientific peer review mechanism, FIFRA SAP provides comments, evaluations, and recommendations to improve the effectiveness and quality of analyses made by Agency scientists. The FIFRA SAP strives to reach consensus however, is not required to reach consensus in its recommendations to the Agency.

B. Public Meeting

During the meeting scheduled for October 2, 2017, the FIFRA SAP will review and consider the Charge Questions for the Panel's October 24–27, 2017 Meeting on Physiologically Based Pharmacokinetic (PBPK) Modeling. The SAP will receive a short background briefing including the EPA's history and current position on the use of PBPK modeling. In addition, the panel members will have the opportunity to comment on the scope and clarity of the draft charge questions. Subsequent to this meeting, final charge questions will be provided for the FIFRA SAP's deliberation on the white papers and supplemental information during the in-person meeting to be held on October 24–27, 2017.

C. FIFRA SAP Documents and Meeting Minutes

EPA's background documents, charge questions to the FIFRA SAP, and the meeting agenda will be available before or on September 13, 2017. In addition, the Agency may provide additional background documents as additional materials become available. You may obtain electronic copies of most meeting documents, including FIFRA SAP composition (*i.e.,* members and ad hoc members for this meeting) and the meeting agenda, at *http://www.regulations.gov* and the FIFRA SAP Web site at *http://www.epa.gov/sap.*

FIFRA SAP will prepare meeting minutes approximately 90 calendar days after the meeting. The meeting minutes will be posted on the FIFRA SAP Web site: *http://www.epa.gov/sap* and may be accessed in the docket at *http://www.regulations.gov.*

Authority: 7 U.S.C. 136 *et seq.;* 21 U.S.C. 301 *et seq.*

Dated: September 11, 2017.

Inza Graves,

Acting, Director, Office of Science Coordination and Policy.

[FR Doc. 2017–20430 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9967–74–OLEM]

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 128(a); Notice of Grant Funding Guidance for State and Tribal Response Programs for FY2018

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) will accept requests, from October 15, 2017 through December 15, 2017, for grants to establish and enhance State and Tribal Response Programs. This notice provides guidance on eligibility for funding, use of funding, grant mechanisms and process for awarding funding, the allocation system for distribution of funding, and terms and reporting under these grants. EPA has consulted with state and tribal officials in developing this guidance.

The primary goal of this funding is to ensure that state and tribal response programs include, or are taking reasonable steps to include, certain elements of a response program and establishing a public record. Another goal is to provide funding for other activities that increase the number of response actions conducted or overseen by a state or tribal response program. This funding is not intended to supplant current state or tribal funding for their response programs. Instead, it is to supplement their funding to increase their response capacity.

For fiscal year 2018, EPA will consider funding requests up to a maximum of $1.0 million per state or tribe. Subject to the availability of funds, EPA regional personnel will be available to provide technical assistance to states and tribes as they apply for and carry out these grants.

DATES: This action is applicable as of October 15, 2017. EPA expects to make non-competitive grant awards to states and tribes which apply during fiscal year 2018.

ADDRESSES: Mailing addresses for EPA Regional Offices and EPA Headquarters can be found at *www.epa.gov/brownfields* and at the end of this Notice. Funding requests may be submitted electronically to the EPA Regional Offices.

FOR FURTHER INFORMATION CONTACT: EPA's Office of Land and Emergency Management, Office of Brownfields and Land Revitalization, (202) 566–2745 or the applicable EPA Regional Office listed at the end this Notice.

SUPPLEMENTARY INFORMATION:

I. General Information

Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, authorizes a noncompetitive $50 million grant program to establish and enhance state [1] and tribal [2] response programs. CERCLA section 128(a) response program grants are funded with categorical [3] State and Tribal Assistance Grant (STAG) appropriations. Section 128(a) cooperative agreements are awarded and administered by the EPA regional offices. Generally, these response programs address the assessment, cleanup, and redevelopment of brownfields sites and other sites with actual or perceived contamination. This document provides guidance that will enable states and tribes to apply for and use Fiscal Year 2018 section 128(a) funds.[4]

The Catalogue of Federal Domestic Assistance entry for the section 128(a) State and Tribal Response Program cooperative agreements is 66.817. This grant program is eligible to be included in state and tribal Performance Partnership Grants under 40 CFR part 35 Subparts A and B, with the exception of funds used to capitalize a revolving loan fund for brownfield remediation

[1] The term ''state'' is defined in this document as defined in CERCLA section 101(27).

[2] The term ''Indian tribe'' is defined in this document as it is defined in CERCLA section 101(36). Intertribal consortia, as defined in the **Federal Register** Notice at 67 FR 67181, November 4, 2002, are also eligible for funding under CERCLA section 128(a).

[3] Categorical grants are issued by the U.S. Congress to fund state and local governments for narrowly defined purposes.

[4] The Agency may waive any provision of this guidance that is not required by statute, regulation, Executive Order or overriding Agency policies.

under section 104(k)(3); or purchase environmental insurance or developing a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State or Tribal response program.

Requests for funding will be accepted from October 15, 2017 through December 15, 2017. Requests EPA receives after December 15, 2017 will not be considered for FY2018 funding. Information that must be submitted with the funding request is listed in Section IX of this guidance. States or tribes that do not submit the request in the appropriate manner may forfeit their ability to receive funds. First time requestors are strongly encouraged to contact their Regional EPA Brownfields contacts, listed at the end of this guidance, prior to submitting their funding request. EPA will consider funding requests up to a maximum of $1.0 million per state or tribe for FY2018.

Requests submitted by the December 15, 2017 request deadline are preliminary; final cooperative agreement work plans and budgets will be negotiated with the regional offices once final funding allocation determinations are made. As in previous years, EPA will place special emphasis on reviewing a cooperative agreement recipient's use of prior section 128(a) funding in making allocation decisions and unexpended balances are subject to 40 CFR 35.118 and 40 CFR 35.518 to the extent consistent with this guidance. Also, EPA will prioritize funding for recipients establishing their response programs.

States and tribes requesting funds are required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number with their cooperative agreement's final package. For more information, please go to *www.grants.gov.*

II. Background

State and tribal response programs oversee assessment and cleanup activities at brownfield sites across the country. The depth and breadth of these programs vary. Some focus on CERCLA related activities, while others are multi-faceted, addressing sites regulated by both CERCLA and the Resource Conservation and Recovery Act (RCRA). Many states also offer accompanying financial incentive programs to spur cleanup and redevelopment. In enacting CERCLA section 128(a),[5] Congress recognized the value of state and tribal response programs in cleaning up and redeveloping brownfield sites. Section 128(a) strengthens EPA's partnerships with states and tribes, and recognizes the response programs' critical role in overseeing cleanups.

This funding is intended for those states and tribes that have the required management and administrative capacity within their government to administer a federal grant. The primary goal of this funding is to ensure that state and tribal response programs include, or are taking reasonable steps to include, certain elements of an environmental response program and that the program establishes and maintains a public record of sites addressed.

Subject to the availability of funds, EPA regional personnel will provide technical assistance to states and tribes as they apply for and carry out section 128(a) cooperative agreements.

III. Eligibility for Funding

To be eligible for funding under CERCLA section 128(a), a state or tribe must:

1. Demonstrate that its response program includes, or is taking reasonable steps to include, the four elements of a response program described in Section V of this guidance; *or* be a party to a voluntary response program Memorandum of Agreement (VRP MOA)[6] with EPA; AND

2. Maintain and make available to the public a record of sites at which response actions have been completed in the previous year and are planned to be addressed in the upcoming year (see CERCLA section 128(b)(1)(C)).

IV. Matching Funds/Cost-Share

States and tribes are *not* required to provide matching funds for cooperative agreements awarded under section 128(a), with the exception of section 128(a) funds a state or tribe uses to capitalize a Brownfields Revolving Loan Fund (RLF), for which there is a 20% cost share requirement. Section 128(a) funds uses to capitalize a RLF must be operated in accordance with CERCLA section 104(k)(3).

V. The Four Elements—Section 128(a)(2)

Section 128(a) recipients that do not have a VRP MOA with EPA must demonstrate that their response program includes, or is taking reasonable steps to include, the four elements described below. Achievement of the four elements should be viewed as a priority. Section 128(a) authorizes funding for activities necessary to establish and enhance the four elements, and to establish and maintain the public record requirement.

The four elements of a response program are described below:

1. *Timely survey and inventory of brownfield sites in state or tribal land.* The goal for this element is to enable the state or tribe to establish or enhance a system or process that will provide a reasonable estimate of the number, likely locations, and the general characteristics of brownfields sites in their state or tribal lands.

EPA recognizes the varied scope of state and tribal response programs and will not require states and tribes to develop a ''list'' of brownfield sites. However, at a minimum, the state or tribe should develop and/or maintain a system or process that can provide a reasonable estimate of the number, likely location, and general characteristics of brownfield sites within their state or tribal lands. Inventories should evolve to a prioritization of sites based on community needs, planning priorities, and protection of human health and the environment. Inventories should be developed in direct coordination with communities, and particular attention should focus on communities with limited capacity to compete for and manage a competitive brownfield assessment, revolving loan, or cleanup cooperative agreement.

Given funding limitations, EPA will negotiate work plans with states and tribes to achieve this goal efficiently and effectively, and within a realistic time frame. For example, many of EPA's Brownfields Assessment cooperative agreement recipients conduct inventories of brownfields sites in their communities or jurisdictions. EPA encourages states and tribes to work with these cooperative agreement recipients to obtain the information that they have gathered and include it in their survey and inventory.

2. *Oversight and enforcement authorities or other mechanisms and resources.* The goal for this element is to have state and tribal response programs that include oversight and enforcement authorities or other mechanisms, and resources to ensure that:

a. A response action will protect human health and the environment, and be conducted in accordance with applicable laws; and

b. The state or tribe will complete the necessary response activities if the person conducting the response fails to

[5] Section 128(a) was added to CERCLA in 2002 by the Small Business Liability Relief and Brownfields Revitalization Act (Brownfield Amendments).

[6] States or tribes that are parties to VRP MOAs and that maintain and make available a public record are automatically eligible for section 128(a) funding.

complete them (this includes operation and maintenance and/or long-term monitoring activities).

3. *Mechanisms and resources to provide meaningful opportunities for public participation.*[7] The goal for this element is to have states and tribes include in their response program mechanisms and resources for meaningful public participation, at the local level, including, *at a minimum:*

a. Public access to documents and related materials that a state, tribe, or party conducting the cleanup is relying on or developing to make cleanup decisions or conduct site activities;

b. Prior notice and opportunity for meaningful public comment on cleanup plans and site activities, including the input into the prioritization of sites; and

c. A mechanism by which a person who is, or may be, affected by a release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfield site—located in the community in which the person works or resides—may request that a site assessment be conducted. The appropriate state or tribal official must consider this request and appropriately respond.

4. *Mechanisms for approval of cleanup plans, and verification and certification that cleanup is complete.* The goal for this element is to have states and tribes include in their response program mechanisms to approve cleanup plans and to verify that response actions are complete, including a requirement for certification or similar documentation from the state, the tribe, or a licensed site professional that the response action is complete. Written approval by a state or tribal response program official of a proposed cleanup plan is an example of an approval mechanism.

VI. Public Record Requirement

In order to be eligible for section 128(a) funding, states and tribes (including those with MOAs) must establish and maintain a public record system, as described below, to enable meaningful public participation (refer to Section V.3 above). Specifically, under section 128(b)(1)(C), states and tribes must:

1. Maintain and update, at least annually or more often as appropriate, a public record that includes the name and location of sites at which response actions have been completed during the previous year;

2. Maintain and update, at least annually or more often as appropriate, a public record that includes the name and location of sites at which response actions are planned in the next year; and

3. Identify in the public record whether or not the site, upon completion of the response action, will be suitable for unrestricted use. If not, the public record must identify the institutional controls relied on in the remedy and include relevant information concerning the entity responsible for oversight, monitoring, and/or maintenance of the institutional and engineering controls; and how the responsible entity is implementing those activities (see Section VI.C).

Section 128(a) funds may be used to maintain and make available a public record system that meets the requirements discussed above.

A. Distinguishing the ''Survey and Inventory'' Element From the ''Public Record''

It is important to note that the public record requirement differs from the ''timely survey and inventory'' element described in the ''Four Elements'' section above. The public record addresses sites at which response actions have been completed in the previous year or are planned in the upcoming year. In contrast, the ''timely survey and inventory'' element, described above, refers to identifying brownfield sites regardless of planned or completed actions.

B. Making the Public Record Easily Accessible

EPA's goal is to enable states and tribes to make the public record and other information, such as information from the ''survey and inventory'' element, easily accessible. For this reason, EPA will allow states and tribes to use section 128(a) funding to make such information available to the public via the internet or other avenues. For example, the Agency would support funding state and tribal efforts to include detailed location information in the public record such as the street address, and latitude and longitude information for each site.[8] States and tribes should ensure that all affected communities have appropriate access to the public record by making it available on-line, in print at libraries, or at other community gathering places.

In an effort to reduce cooperative agreement reporting requirements and increase public access to the public record, EPA encourages states and tribes to place their public record on the internet. If a state or tribe places the public record on the internet, maintains the substantive requirements of the public record, and provides EPA with the link to that site, EPA will, for purposes of cooperative agreement funding only, deem the public record reporting requirement met.

C. Long-Term Maintenance of the Public Record

EPA encourages states and tribes to maintain public record information, including data on institutional controls, on a long-term basis (more than one year) for sites at which a response action has been completed. Subject to EPA regional office approval, states or tribes may include development and operation of systems that ensure long-term maintenance of the public record, including information on institutional controls (such as ensuring the entity responsible for oversight, monitoring, and/or maintenance of the institutional and engineering controls is implementing those activities) in their work plans.[9]

VII. Use of Funding

A. Overview

Section 128(a)(1)(B) describes the eligible uses of cooperative agreement funds by states and tribes. In general, a state or tribe may use funding to ''establish or enhance'' its response program. Specifically, a state or tribe may use cooperative agreement funds to build response programs that include the four elements outline in section 128(a)(2). Eligible activities include, but are not limited to, the following:

- Developing legislation, regulations, procedures, ordinances, guidance, etc. that establish or enhance the administrative and legal structure of a response program;
- Establishing and maintaining the required public record described in Section VI of this guidance;
- Operation, maintenance and long-term monitoring of institutional controls and engineering controls;
- Conducting site-specific activities, such as assessment or cleanup, provided such activities establish and/or enhance the response program and are tied to the

[7] States and tribes establishing this element may find useful information on public participation on EPA's community involvement Web site at *https://www.epa.gov/superfund/superfund-community-involvement.*

[8] For further information on data quality requirements for latitude and longitude information, please see EPA's data standards Web site available at *https://www.epa.gov/sites/production/files/2015-06/documents/latlongstandard-v2a_10022014.pdf.*

[9] States and tribes may find useful information on institutional controls on the EPA's institutional controls Web site at *http://www.epa.gov/superfund/policy/ic/index.htm.*

four elements. In addition to the requirement under CERCLA section 128(a)(2)(C)(ii) to provide for public comment on cleanup plans and site activities, EPA strongly encourages states and tribes to seek public input regarding the priority of sites to be addressed-especially from local communities with health risks related to exposure to hazardous waste or other public health concerns, those in economically disadvantaged or remote areas, and those with limited experience working with government agencies. EPA will not provide section 128(a) funds solely for assessment or cleanup of specific brownfield sites; site-specific activities must be part of an overall section 128(a) work plan that includes funding for other activities that establish or enhance the four elements;

• Capitalizing a revolving loan fund (RLF) for brownfields cleanup as authorized under CERCLA section 104(k)(3). These RLFs are subject to the same statutory requirements and cooperative agreement terms and conditions applicable to RLFs awarded under section 104(k)(3). Requirements include a 20 percent match (in the form of money, labor, material, or services from a non-federal source) on the amount of section 128(a) funds used for the RLF, a prohibition on using EPA cooperative agreement funds for administrative costs relating to the RLF, and a prohibition on using RLF loans or subgrants for response costs at a site for which the recipient may be potentially liable under section 107 of CERCLA. Other prohibitions relevant to CERCLA section 104(k)(4) also apply; and

• Purchasing environmental insurance or developing a risk-sharing pool, indemnity pool, or insurance mechanism to provide financing for response actions under a state or tribal response program.

B. Uses Related to Establishing a State or Tribal Response Program

Under CERCLA section 128(a), establish includes activities necessary to build the foundation for the four elements of a state or tribal response program and the public record requirement. For example, a state or tribal response program may use section 128(a) funds to develop regulations, ordinances, procedures, guidance, and a public record.

States and tribes also need to comply with Grants Policy Issuance (GPI) 17–01 Sustainability in EPA Cooperative Agreements.

C. Uses Related to Enhancing a State or Tribal Response Program

Under CERCLA section 128(a), enhancing a state or tribal response program includes related to activities that add to or improve a state or tribal response program or increase the number of sites at which response actions are conducted under such programs.

The exact enhancement activities that may be allowable depend upon the work plan negotiated between the EPA regional office and the state or tribe. For example, regional offices and states or tribes may agree that section 128(a) funds may be used for outreach and training directly related to increasing awareness of its response program, and improving the skills of program staff. It may also include developing better coordination and understanding of other state response programs, (*e.g.,* RCRA or Underground Storage Tanks (USTs)). As another example, states and tribal response program enhancement activities can also include outreach to local communities to increase awareness about brownfields, building a sustainable brownfields program, federal brownfields technical assistance opportunities [10] (*e.g.,* holding workshops to assist communities to apply for federal Brownfields grant funding), and knowledge regarding the importance of monitoring engineering and institutional controls. Additionally, enhancement activities can include facilitating the participation of the state and local agencies (*e.g.,* transportation, water, other infrastructure) in implementation of brownfields projects. States and tribes can also help local communities collaborate with local workforce development entities or Brownfields Environmental Workforce Development Job training recipients on the assessment and cleanup of brownfield sites.[11] States and tribes also need to comply with Grants Policy Issuance (GPI) 17–01 Sustainability in EPA Cooperative Agreements. Other enhancement uses may be allowable as well.

D. Uses Related to Site-Specific Activities

1. Eligible Uses of Funds for Site-Specific Activities

Site-specific assessment and cleanup activities should establish and/or enhance the response program and be tied to the four elements. Site-specific assessments and cleanups can be both eligible and allowable if the activities are included in the work plan negotiated between the EPA regional office and the state or tribe, but activities must comply with all applicable laws and are subject to the following restrictions:

a. Section 128(a) funds can only be used for assessments or cleanups at sites that meet the definition of a brownfields site at CERCLA section 101(39). EPA encourages states and tribes to use site-specific funding to perform assessment (*e.g.,* phase I, phase II, supplemental assessments and cleanup planning) and cleanup activities that will expedite the reuse and redevelopment of sites, and prioritize sites based on need.[12] Furthermore, states and tribes that perform site-specific activities should plan to directly engage with and involve affected communities. For example, a Community Relations Plan (CRP) could be developed to provide reasonable notice about a planned cleanup, as well as opportunities for the public to comment on the cleanup. States and tribes should work towards securing additional funding for site-specific activities by leveraging resources from other sources such as businesses, non-profit organizations, education and training providers, and/or federal, state, tribal, and local governments;

b. Absent EPA approval, no more than $200,000 per site assessment can be funded with section 128(a) funds, and no more than $200,000 per site cleanup can be funded with section 128(a) funds;

c. Absent EPA approval, the state/tribe may not use funds awarded under this agreement to assess and/or clean-up sites owned or operated by the recipient

[10] EPA expects states and tribes will familiarize themselves with US EPA's brownfields technical assistance opportunities for brownfields communities. For more information on technical assistance opportunities, please visit: *https://www.epa.gov/brownfields.*

[11] For more information about EPA's Brownfields Environmental Workforce Development and Job Training Program, please visit: *https://www.epa.gov/brownfields/types-brownfields-grant-funding.*

[12] An example of prioritizing sites based on need can be focusing on environmental justice. EPA defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across the nation. Environmental justice will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work. For more information, please visit *www.epa.gov/environmentaljustice.*

or held in trust by the United States Government for the recipient; and

d. Assessments and cleanups cannot be conducted at sites where the state/tribe is a potentially responsible party pursuant to CERCLA section 107, except:

• At brownfield sites contaminated by a controlled substance as defined in CERCLA section 101(39)(D)(ii)(I); or

• When the recipient would satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser, or would satisfy all elements 101(40), except where the date of acquisition of the property was on or before January 11, 2002.

Subawards are defined at 2 CFR 200.92 and may not be awarded to for-profit organizations. If the recipient plans on making any subawards under the cooperative agreement, then they become a pass-through entity. As the pass-through entity, the recipient must report on its subaward monitoring activities under 2 CFR 200.331(d). Additional reporting requirements for these activities will be included in the cooperative agreement. In addition, subawards cannot be provided to entities that may be potentially responsible parties (pursuant to CERCLA section 107) at the site for which the assessment or cleanup activities are proposed to be conducted, except:

1. At brownfields sites contaminated by a controlled substance as defined in CERCLA section 101(39)(D)(ii)(I); or

2. When the recipient would satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser, or would satisfy all elements of CERCLA 101(40)(D) except where the date of acquisition of the property was on or before January 11, 2002.

2. Limitations on the Amount of Funds Used for Site-Specific Activities and Waiver Process

States and tribes may use section 128(a) funds for site-specific activities that improve state or tribal capacity. However, the amount recipients may request for site-specific assessments and cleanups may not exceed 50% of the total amount of funding.[13] In order to exceed the 50% site-specific funding limit, a state or tribe must submit a waiver request. The total amount of the site-specific request may not exceed the recipient's total funding level for the previous year. The funding request must include a brief justification describing the reason(s) for spending more than 50% of an annual allocation on site-specific activities. An applicant, when requesting a waiver, must include the following information in the written justification:

• Total amount requested for site-specific activities;

• Percentage of the site-specific activities (assuming waiver is approved) in the total budget;

• Site-specific activities that will be covered by this funding. If known, provide site specific information and describe how work on each site contributes to the development or enhancement of your state/tribal site response program. Explain how the community will be (or has been) involved in prioritization of site work and especially those sites where there is a potential or known significant environmental impact to the community;

• An explanation of how this shift in funding will not negatively impact the core programmatic capacity (*i.e.,* the ability to establish/enhance the four required elements of a response program) and how the core program activities will be maintained in spite of an increase in site-specific work. Recipients must demonstrate that they have adequate funding from other sources to effectively carry out work on the four elements for EPA to grant a waiver of the 50% limit on using 128(a) funds for site-specific activities; and

• An explanation as to whether the sites to be addressed are those for which the affected community(ies) has requested work be conducted (refer to Section VII.A Overview of Funding for more information).

EPA Headquarters will review waiver requests based on the information in the justification and other information available to the Agency. EPA will inform recipients whether the waiver is approved.

3. Uses Related to Site-Specific Activities at Petroleum Brownfield Sites

States and tribes may use section 128(a) funds for activities that establish and enhance response programs addressing petroleum brownfield sites. Subject to the restrictions listed above (see Section VII.D.1) for all site-specific activities, the costs of site-specific assessments and cleanup activities at petroleum contaminated brownfield sites, as defined in CERCLA section 101(39)(D)(ii)(II), are both eligible and allowable if the activity is included in the work plan negotiated between the EPA regional office and the state or tribe. Section 128(a) funds used to capitalize a Brownfields RLF may be used at brownfield sites contaminated by petroleum to the extent allowed under CERCLA section 104(k)(3).

4. Additional Examples of Eligible Site-Specific Activities

Other eligible uses of funds for site-specific related include, but are not limited to, the following activities:

• Technical assistance to federal brownfields cooperative agreement recipients;

• Development and/or review of quality assurance project plans (QAPPs); and

• Entering data into the Assessment Cleanup and Redevelopment Exchange System (ACRES) database

E. Uses Related to Activities at ''Non-Brownfield'' Sites

Other uses not specifically referenced in this guidance may also be eligible and allowable. Recipients should consult with their regional state or tribal contact for additional guidance. Costs incurred for activities at non-brownfield sites may be eligible and allowable if such activities are included in the state's or tribe's work plan. *Direct assessment and cleanup activities may only be conducted on eligible brownfield sites, as defined in CERCLA section 101(39).*

VIII. General Programmatic Guidelines for 128(a) Grant Funding Requests

Funding authorized under CERCLA section 128(a) is awarded through a cooperative agreement[14] between EPA and a state or a tribe. The program administers cooperative agreements under the Uniform Administrative Requirements, Cost Principles and Audit requirements for Federal Awards regulations for all entity types including states, tribes, and local governments found in the Code of Federal Regulations at 2 CFR part 200 and any applicable EPA regulations in Title 2 CFR Subtitle B—Federal Agency Regulations for Grants and Agreements Chapter 15 as well as applicable provisions of 40 CFR part 35 Subparts A and B. Under these regulations, the cooperative agreement recipient for a section 128(a) grant is the government to which a cooperative agreement is awarded and which is accountable for use of the funds provided. The cooperative agreement recipient is the legal entity even if only a particular component of the entity is designated in the cooperative agreement award

[13] Oversight of assessment and cleanup activities performed by responsible parties (other than the state or tribe) does not count toward the 50% limit.

[14] A cooperative agreement is an agreement to a state/tribe that includes substantial involvement by EPA on activities described in the work plan which may include technical assistance, collaboration on program priorities, etc.

document. Further, unexpended balances of cooperative agreement funds are subject to restrictions under 40 CFR 35.118 and 40 CFR 35.518. EPA allocates funds to state and tribal response programs consistent with 40 CFR 35.420 and 40 CFR 35.737.

A. One Application per State or Tribe

Subject to the availability of funds, EPA regional offices will negotiate and enter into section 128(a) cooperative agreements with eligible and interested states or tribes. *EPA will accept only one application from each eligible state or tribe.*

B. Maximum Funding Request

For Fiscal Year 2018, EPA will consider funding requests up to a maximum of $1.0 million per state or tribe. Please note that demand for this program continues to increase. Due to the increasing number of entities requesting funding, it is likely that the FY18 states and tribal individual funding amounts will be less than the FY17 individual funding amounts.

C. Define the State or Tribal Response Program

States and tribes must define in their work plan the ''section 128(a) response program(s)'' to which the funds will be applied, and may designate a component of the state or tribe that will be EPA's primary point of contact. When EPA funds the section 128(a) cooperative agreement, states and tribes may distribute these funds among the appropriate state and tribal agencies that are part of the section 128(a) response program. This distribution must be clearly outlined in their annual work plan.

D. Separate Cooperative Agreements for the Capitalization of RLFs Using Section 128(a) Funds

If a portion of the section 128(a) grant funds requested will be used to capitalize a revolving loan fund for cleanup, pursuant to section 104(k)(3), two separate cooperative agreements must be awarded (*i.e.,* one for the RLF and one for non-RLF uses). States and tribes must, however, submit one initial request for funding, delineating the RLF as a proposed use. Section 128(a) funds used to capitalize an RLF are not eligible for inclusion into a Performance Partnership Grant (PPG).

E. Authority To Manage a Revolving Loan Fund Program

If a state or tribe chooses to use its section 128(a) funds to capitalize a revolving loan fund program, the state or tribe must have the lead authority to manage the program (*e.g.,* hold loans, make loans, enter into loan agreements, collect repayment, access and secure the site in event of an emergency or loan default). If the agency/department listed as the point of contact for the section 128(a) cooperative agreement does not have this authority, it must be able to demonstrate that another agency within that state or tribe has the authority to manage the RLF and is willing to do so.

F. Section 128(a) Cooperative Agreements Can Be Part of a Performance Partnership Grant (PPG)

States and tribes may include section 128(a) cooperative agreements in their PPG as described in 69 FR 51756, August 20, 2004. Section 128(a) funds used to capitalize an RLF or purchase environmental insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a state or tribal response program are not eligible for inclusion in the PPG.

G. Project Period

EPA regional offices will determine the project period for each cooperative agreement. These may be for multiple years depending on the regional office's cooperative agreement policies. Each cooperative agreement must have an annual budget period tied to an annual work plan. While not prohibited, pre-award costs are subject to 40 CFR 35.113 and 40 CFR 35.513.

H. Demonstrating the Four Elements

As part of the annual work plan negotiation process, states or tribes that do *not* have VRP MOAs must demonstrate that their program includes, or is taking reasonable steps to include, the four elements described in Section V. EPA will not fund state or tribal response program annual work plans if EPA determines that these elements are not met or reasonable progress is not being made. EPA may base this determination on the information the state or tribe provides to support its work plan, on progress reports, or on EPA's review of the state or tribal response program.

I. Establishing and Maintaining the Public Record

Prior to funding a state's or tribe's annual work plan, EPA regional offices will verify and document that a public record, as described in Section VI and below, exists and is being maintained.[15] Specifically for:

- States or tribes that received initial funding prior to FY17: Requests for FY18 funds will not be accepted from states or tribes that fail to demonstrate, by the December 15, 2017 request deadline, that they established and are maintaining a public record. (*Note,* this would potentially impact any state or tribe that had a term and condition placed on their FY17 cooperative agreement that prohibited drawdown of FY17 funds prior to meeting the public record requirement). States or tribes in this situation will not be prevented from drawing down their prior year funds once the public record requirement is met; and
- States or tribes that received initial funding in FY17: By the time of the actual FY18 award, the state or tribe must demonstrate that they established and maintained the public record (those states and tribes that do not meet this requirement will have a term and condition placed on their FY18 cooperative agreement that prohibits the drawdown of FY18 funds until the public record requirement is met).

J. Demonstration of Significant Utilization of Prior Years' Funding

States and tribes should be aware that EPA and its Congressional appropriations committees place significant emphasis on the utilization of prior years' funding. Unused funds prior to FY17 will be considered in the allocation process. Existing balances of cooperative agreement funds as reflected in EPA's Financial Data Warehouse as of January 1, 2018 may result in an allocation amount below a recipient's FY17 allocation amount or, if appropriate the deobligation and reallocation of prior funding by EPA Regions as provided for in 40 CFR 35.118 and 40 CFR 35.518.

EPA Regional staff will review EPA's Financial Database Warehouse to identify the amount of remaining prior year(s) funds. The requestor should work, as early as possible, with both their own finance department, and with their Regional Project Officer to reconcile any discrepancy between the amount of unspent funds showing in EPA's system, and the amount reflected in the recipient's records. The recipient should obtain concurrence from the Region on the amount of unspent funds requiring justification by the deadline for this request for funding.

K. Allocation System and Process for Distribution of Funds

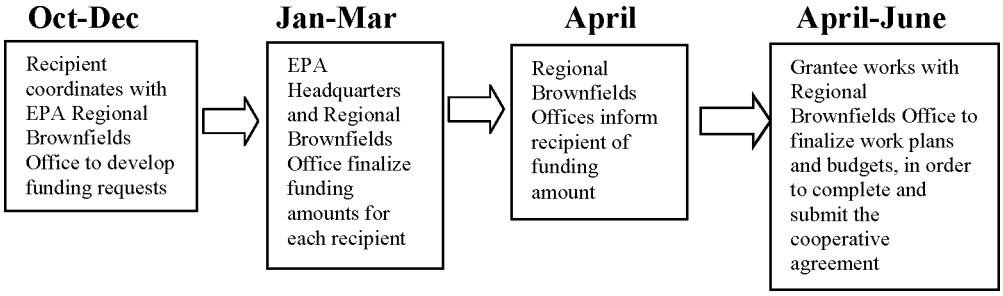
After the December 15, 2017, request deadline, EPA's Regional Offices will submit summaries of state and tribal requests to EPA Headquarters. Before

[15] For purposes of 128(a) funding, the state's or tribe's public record applies to that state's or tribe's response program(s) that utilized the section 128(a) funding.

doing so, regional offices may take into account additional factors when determining recommended allocation amounts. Such factors include, but are not limited to, the depth and breadth of the state or tribal program, and scope of the perceived need for funding (*e.g.,* size of state or tribal jurisdiction or the proposed work plan balanced against capacity of the program, amount of current year funding, funds remaining from prior years, etc.).

After receipt of the regional recommendations, EPA Headquarters will consolidate requests and make decisions on the final funding allocations.

EPA regional offices will work with interested states and tribes to develop their preliminary work plans and funding requests. Final cooperative agreement work plans and budgets will be negotiated with the regional office once final allocation determinations are made. Please refer to process flow chart below (dates are estimates and subject to change):



IX. Information To Be Submitted With the Funding Request

A. Summary of Planned Use of FY18 Funding

All states and tribes requesting FY18 funds must submit (to their regional brownfields contact, shown on the last page of this guidance) a draft work plan of the funds with associated dollar amounts to their regional brownfields contact listed on the last page. Please contact your regional brownfields contact or visit *www.epa.gov/brownfields/brownfields-comprehensive-environmental-response-compensation-and-liability-act-cercla* for a sample draft work plan.

For *entities which received CERCLA 128(a) funding in previous years,* respond to the following:

1. Funding Request.

a. Prepare a draft work plan and budget for your FY18 funding request. The funding requested should be reasonably spent in one year. The requestor should work, as early as possible, with their EPA regional program contact to ensure that the funding amount requested and related activities are reasonable.

b. In your funding request, include the prior years' funding amount. Include any funds that you, the recipient, have not received or drawn down in payments (*i.e.,* funds EPA has obligated for grants that remain in EPA's Financial Data Warehouse). EPA will take into account these funds in the allocation process when determining the recipient's programmatic needs. The recipient should include a detailed explanation and justification of prior year funds that remain in EPA's Financial Data Warehouse. The recipient should consult with the region regarding the amount of unspent funds which require explanation to ensure they have addressed the full amount of any remaining balance.

If you do not have an MOA with EPA, demonstrate how your program includes, or is taking reasonable steps to include, the four elements described in Section VI.

Note: Programmatic Capability—[Only Respond if Specifically Requested by Region]

EPA Regions may request demonstration of Programmatic Capability if the returning grantee has experienced key staff turnover or if the grantee has open programmatic review findings. An entity's corresponding EPA Region will notify returning recipients if the information below is required, and it must be included with your funding request. Describe the organizational structure you will utilize to ensure sound program management to guarantee or confirm timely and successful expenditure of funds, and completion of all technical, administrative and financial requirements of the program and cooperative agreement.

a. Include a brief description of the key qualifications of staff to manage the response program and/or the process you will follow to hire staff to manage the response program. If key staff is already in place, include their roles, expertise, qualifications, and experience.

b. Discuss how this response program fits into your current environmental program(s). If you do not have an environmental program, describe your process to develop, or interest to start one.

c. Describe if you have had adverse audit findings. If you had problems with the administration of any grants or cooperative agreements, describe how you have corrected, or are correcting, the problems.

For *tribal entities which have never received CERCLA 128(a) funding,* respond to the following:

2. Funding Request.

a. Describe your plan to establish a response program, why it is a priority for your tribe, and why CERCLA 128(a) funding will be beneficial to your program. If your tribe is already supported by a tribal consortia receiving CERCLA 128(a) funding, explain why additional resources are necessary.

b. Prepare a draft work plan and budget for your first funding year. The funding requested should be reasonably spent in one year. For budget planning purposes, it is recommended that you assume funding sufficient to support 0.5 staff to establish a response program and some travel to attend regional and national trainings or events.

3. Programmatic Capability.

a. Describe the organizational structure you will utilize to ensure sound program management to guarantee or confirm timely and successful expenditure of funds, and completion of all technical, administrative and financial requirements of the program and cooperative agreement.

b. Include a brief description of the key qualifications of staff to manage the response program and/or the process you will follow to hire staff to manage the response program. If key staff is already in place, include their roles,

expertise, qualifications, and experience.

c. Discuss how this response program fits into your current environmental program(s). If you don't have an environmental program, describe your process to develop, or interest to start one.

d. Describe if you have had adverse audit findings. If you had problems with the administration of any grants or cooperative agreements, describe how you have corrected, or are correcting, the problems.

X. Terms and Reporting

Cooperative agreements for state and tribal response programs will include programmatic and administrative terms and conditions. These terms and conditions will describe EPA's substantial involvement including technical assistance and collaboration on program development and site-specific activities. Each of the subsections below summarizes the basic terms and conditions, and related reporting that will be incorporated into your cooperative agreement.

A. Progress Reports

In accordance with 2 CFR 200.328 and any EPA specific regulations, state and tribes must provide progress reports meeting the terms and conditions of the cooperative agreement negotiated. State and tribal costs for complying with reporting requirements are an eligible expense under the section 128(a) cooperative agreement. As a minimum, state or tribal progress reports must include both a narrative discussion and performance data relating to the state or tribe accomplishments and environmental outputs associated with the approved budget and work plan. Reports should also provide an accounting of section 128(a) funding. If applicable, the state or tribe must include information on activities related to establishing or enhancing the four elements of the state's or tribe's response program. All recipients must provide information related to establishing or, if already established, maintaining the public record. Depending upon the activities included in the state's or tribe's work plan, the recipient may also need to report on the following:

1. *Interim and final progress reports.* Reports must prominently display the following information as reflected in the current EPA strategic plan: *Strategic Plan Goal 3:* Cleaning Up Communities and Advancing Sustainable Development; *Strategic Plan Objective 3.1:* Promote Sustainable and Livable Communities; and *Work plan Commitments and Timeframes.* EPA's strategic plan can be found on the internet at *http://www.epa.gov/planandbudget/strategicplan.html.*

2. *Reporting for Non-MOA states and tribes.* All recipients *without* a VRP MOA must report activities related to establishing or enhancing the four elements of the state's or tribe's response program. For each element state/tribes must report how they are maintaining the element or how they are taking reasonable steps to establish or enhance the element as negotiated in individual state/tribal work plans. For example, pursuant to CERCLA section 128(a)(2)(B), reports on the oversight and enforcement authorities/mechanisms element *may* include:

- A narrative description and copies of applicable documents developed or under development to enable the response program to conduct enforcement and oversight at sites. For example:
  - Legal authorities and mechanisms (*e.g.,* statutes, regulations, orders, agreements); and
  - policies and procedures to implement legal authorities; and other mechanisms;
- A description of the resources and staff allocated/to be allocated to the response program to conduct oversight and enforcement at sites as a result of the cooperative agreement;
- A narrative description of how these authorities or other mechanisms, and resources, are adequate to ensure that:
  - A response action will protect human health and the environment; and be conducted in accordance with applicable federal and state law; and if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed; and
- A narrative description and copy of appropriate documents demonstrating the exercise of oversight and enforcement authorities by the response program at a brownfields site.

3. *Reporting for site-specific assessment or cleanup activities.* Recipients with work plans that include funding for *brownfields site assessment or cleanup* must input information required by the OMB-approved Property Profile Form into the ACRES database for each site assessment and cleanup. In addition, recipients must report how they provide the affected community with prior notice and opportunity for meaningful participation as per CERCLA section 128(a)(2)(C)(ii), on proposed cleanup plans and site activities. For example, EPA strongly encourages states and tribes to seek public input regarding the priority of sites to be addressed and to solicit input from local communities, especially potential environmental justice communities, communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged or remote communities, and communities with limited experience working with government agencies.

4. *Reporting for other site-specific activities.* Recipients with work plans that include funding for *other site-specific related activities* must include a description of the site-specific activities and the number of sites at which the activity was conducted. For example:

- Number and frequency of oversight audits of licensed site professional certified cleanups;
- Number and frequency of state/tribal oversight audits conducted;
- Number of sites where staff conducted audits, provided technical assistance, or conducted other oversight activities; and
- Number of staff conducting oversight audits, providing technical assistance, or conducting other oversight activities.

5. *Reporting required when using funding for an RLF.* Recipients with work plans that include funding for a revolving loan fund must include the information required by the terms and conditions for progress reporting under CERCLA section 104(k)(3) RLF cooperative agreements.

6. *Reporting environmental insurance.* Recipients with work plans that include funding for *environmental insurance* must report:

- Number and description of insurance policies purchased (*e.g.,* name of insurer, type of coverage provided, dollar limits of coverage, any buffers or deductibles, category and identity of insured persons, premium, first dollar or umbrella, whether site specific or blanket, occurrence or claims made, etc.);
- The number of sites covered by the insurance;
- The amount of funds spent on environmental insurance (*e.g.,* amount dedicated to insurance program, or to insurance premiums); and
- The amount of claims paid by insurers to policy holders.

The regional offices may also request that information be added to the progress reports, as appropriate, to properly document activities described by the cooperative agreement work plan.

EPA regions may allow states or tribes to provide performance data in appropriate electronic format.

The regional offices will forward progress reports to EPA Headquarters, if requested. This information may be used to develop national reports on the outcomes of CERCLA section 128(a) funding to states and tribes.

B. Reporting of Program Activity Levels

States and tribes must report, by December 15, 2017, a summary of the *previous federal fiscal year's* work (October 1, 2016 through September 30, 2017). The following information must be submitted to your regional project officer:

• Environmental programs where CERCLA section 128(a) funds are used to support capacity building (general program support, non-site-specific work). Indicate as appropriate from the following:

____Brownfields
____Underground Storage Tanks/ Leaking Underground Storage Tanks
____Federal Facilities
____Solid Waste
____Superfund
____Hazardous Waste Facilities
____VCP (Voluntary Cleanup Program, Independent Cleanup Program, etc.)
____Other_____;

• Number of properties (or sites) enrolled in a response program during FY17;

• Number of properties (or sites) where documentation indicates that cleanup work is complete and all required institutional controls (IC's) are in place, or not required;

• Total number of acres associated with properties (or sites) in the previous bullet;

• Number of properties where assistance was provided, but the property was not enrolled in the response program (OPTIONAL);

• Date that the public record was last updated;

• Estimated total number of properties (or sites) in your brownfields inventory;

• Number of audits/inspections/ reviews/other conducted to ensure engineering controls and institutional controls are still protective; and

• Did you develop or revise legislation, regulations, codes, guidance documents or policies related to establishing or enhancing your Voluntary Cleanup Program/Response Program during FY17? If yes, please indicate the type and whether it was new or revised.

EPA may require states/tribes to report specific performance measures related to the four elements that can be aggregated for national reporting to Congress.

C. Reporting of Public Record

All recipients must report, as specified in the terms and conditions of their cooperative agreement, and in Section VIII.I of this guidance, information related to establishing, or if already established, maintaining the public record, described above. States and tribes can refer to an already existing public record (*e.g.,* Web site or other public database to meet the public record requirement). To meet the reporting requirement, recipients reporting may only be required to demonstrate that the public record (a) exists and is up-to-date, and (b) is adequate. A public record must, as appropriate, include the following information:

A list of sites at which response actions have been completed in the past year including:

• Date the response action was completed;

• site name;

• name of owner at time of cleanup, if known;

• location of the site (street address, and latitude and longitude);

• whether an institutional control is in place;

• type of institutional control(s) in place (*e.g.,* deed restriction, zoning restriction, local ordinance, state registries of contaminated property, deed notices, advisories, etc.);

• nature of the contamination at the site (*e.g.,* hazardous substances, contaminants or pollutants, petroleum contamination, etc.); and

• size of the site in acres.

A list of sites planned to be addressed by the state or tribal response program in the coming year including:

• Site name and the name of owner at time of cleanup, if known;

• location of the site (street address, and latitude and longitude);

• to the extent known, whether an institutional control is in place;

• type of the institutional control(s) in place (*e.g.,* deed restriction, zoning restriction, local ordinance, state registries of contaminated property, deed notices, advisories, etc.);

• to the extent known, the nature of the contamination at the site (*e.g.,* hazardous substances, contaminants, or pollutants, petroleum contamination, etc.); and

• size of the site in acres

D. Award Administration Information

1. Subaward and Executive Compensation Reporting

Applicants must ensure that they have the necessary processes and systems in place to comply with the subaward and executive total compensation reporting requirements established under OMB guidance at 2 CFR part 170, unless they qualify for an exception from the requirements, should they be selected for funding.

2. System for Award Management (SAM) and Data Universal Numbering System (DUNS) Requirements

Unless exempt from these requirements under OMB guidance at 2 CFR part 25 (*e.g.,* individuals), applicants must:

1. Be registered in SAM prior to submitting an application or proposal under this announcement. SAM information can be found at *https://www.sam.gov/portal/public/SAM/;*

2. Maintain an active SAM registration with current information at all times during which they have an active federal award or an application or proposal under consideration by an agency; and

3. Provide their DUNS number in each application or proposal submitted to the agency. Applicants can receive a DUNS number, at no cost, by calling the dedicated toll-free DUNS Number request line at 1–866–705–5711, or visiting the D&B Web site at: *http://www.dnb.com.*

If an applicant fails to comply with these requirements, it will affect their ability to receive the award.

Please note that the Central Contractor Registration (CCR) system has been replaced by the System for Award Management (SAM). To learn more about SAM, go to SAM.gov or *https://www.sam.gov/portal/public/SAM/.*

3. Submitting an Application via Grants.gov

If funding is provided it will be provided through a cooperative agreement award. All cooperative agreement applications for non-competitive assistance agreements must be submitted using *Grants.gov*. Below is the information that the applicant will use to submit their State and Tribal Response Program Grant applications via *Grants.gov*: CDFA number: 66.817, Funding Opportunity Number (FON): EPA–CEP–02, To learn more about the *Grants.gov* submission requirements, go to *http://www.epa.gov/grants/how-apply-grants.*

4. Use of Funds

An applicant that receives an award under this announcement is expected to manage assistance agreement funds efficiently and effectively, and make sufficient progress towards completing the project activities described in the work-plan in a timely manner. The assistance agreement will include terms and conditions related to implementing this requirement.

REGIONAL STATE AND TRIBAL BROWNFIELDS CONTACTS

Region	State	Tribal
1. CT, ME, MA, NH, RI, VT.	James Byrne, 5 Post Office Square, Suite 100 (OSRR07–2), Boston, MA 02109–3912, Phone (617) 918–1389 Fax (617) 918–1294.	AmyJean McKeown, 5 Post Office Square, Suite 100 (OSRR07–2), Boston, MA 02109–3912, Phone (617) 918–1248 Fax (617) 918–1294.
2. NJ, NY, PR, VI.	John Struble, 290 Broadway, 18th Floor, New York, NY 10007–1866, Phone (212) 637–4291 Fax (212) 637–3083.	Phillip Clappin, 290 Broadway, 18th Floor, New York, NY 10007–1866, Phone (212) 637–4431 Fax (212) 637–3083.
3. DE, DC, MD, PA, VA, WV.	Michael Taurino, 1650 Arch Street (3HS51), Philadelphia, PA 19103, Phone (215) 814–3371 Fax (215) 814–3274.	
4. AL, FL, GA, KY, MS, NC, SC, TN.	Cindy Nolan, 61 Forsyth Street SW., 10th Fl (9T25), Atlanta, GA 30303–8960, Phone (404) 562–8425 Fax (404) 562–8788.	Olga Perry, 61 Forsyth Street SW., 10th Fl (9T25), Atlanta, GA 30303–8960, Phone (404) 562–8534 Fax (404) 562–8788.
5. IL, IN, MI, MN, OH, WI.	Jan Pels, 77 West Jackson Boulevard (SB–5J), Chicago, IL 60604–3507, Phone (312) 886–3009 Fax (312) 692–2161.	Kirstin Kuenzi, 77 West Jackson Boulevard (SB–5J), Chicago, IL 60604–3507, Phone (312) 886–6015 Fax (312) 697–2075.
6. AR, LA, NM, OK, TX.	Amber Howard, 1445 Ross Avenue, Suite 1200 (6SF), Dallas, TX 75202–2733, Phone (214) 665–3172 Fax (214) 665–6660.	Freda Hardaway, 1445 Ross Avenue, Suite 1200 (6SF), Dallas, TX 75202–2733, Phone (214) 665–8342 Fax (214) 665–6660.
7. IA, KS, MO, NE.	Susan Klein, 11201 Renner Boulevard (SUPRSTAR), Lenexa, KS 66219, Phone (913) 551–7786 Fax (913) 551–9786.	Jennifer Morris, 11201 Renner Boulevard (SUPRSTAR), Lenexa, KS 66219, Phone (913) 551–7341 Fax (913) 551–9341.
8. CO, MT, ND, SD, UT, WY.	Christina Wilson, 1595 Wynkoop Street (EPR–AR), Denver, CO 80202–1129, Phone (303) 312–6706 Fax (303) 312–6065.	Melisa Devincenzi, 1595 Wynkoop Street (EPR–AR), Denver, CO 80202–1129, Phone (303) 312–6377 Fax (303) 312–6962.
9. AZ, CA, HI, NV, AS, GU, MP.	Eugenia Chow, 75 Hawthorne St. (SFD–6–1), San Francisco, CA 94105, Phone (415) 972–3160 Fax (415) 947–3520.	Jose Garcia, Jr., 600 Wilshire Blvd, Suite 1460, Los Angeles, CA 90017, Phone (213) 244–1811 Fax (213) 244–1850.
10. AK, ID, OR, WA.	Mary K. Goolie, 222 West 7th Avenue #19 (AOO), Anchorage, AK 99513 Phone (907) 271–3414 Fax (907) 271–3424.	Mary K. Goolie, 222 West 7th Avenue #19 (AOO), Anchorage, AK 99513 Phone (907) 271–3414 Fax (907) 271–3424.

XI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). Because this action is not subject to notice and comment requirements under the Administrative Procedures Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or Sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments. This action does not create new binding legal requirements that substantially and directly affect Tribes under Executive Order 13175 (63 FR 67249, November 9, 2000). This action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994). This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. Because this final action does not contain legally binding requirements, it is not subject to the Congressional Review Act.

Dated: September 1, 2017.

David R. Lloyd,

Director, Office of Brownfields and Land Revitalization, Office of Land and Emergency Management.

[FR Doc. 2017–20436 Filed 9–22–17; 8:45 am]

BILLING CODE 6560–50–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 October 20, 2017.

A. Federal Reserve Bank of Minneapolis (Brendan S. Murrin, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Full Service Insurance Agency, Inc.,* Buxton, North Dakota; to acquire 100 percent of the voting shares of First and Farmers Bank Holding Company and thereby indirectly acquire shares of The First and Farmers Bank, both of Portland, North Dakota.

Board of Governors of the Federal Reserve System, September 20, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–20424 Filed 9–22–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4952]

Food and Drug Administration Clinical Trial Requirements, Regulations, Compliance, and Good Clinical Practice; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing an educational conference co-sponsored with the Society of Clinical Research Associates (SOCRA). The public workshop on FDA's clinical trial requirements is designed to aid the clinical research professional's understanding of the mission and authority of FDA and to facilitate interaction with FDA representatives. The program will focus on the relationships among FDA and clinical trial staff, investigators, and institutional review boards (IRBs). Individual FDA representatives will discuss the informed consent process and informed consent documents; regulations relating to drugs, devices, and biologics; and inspections of clinical investigators, IRBs, and research sponsors.

DATES: The public workshop will be held on November 15 and 16, 2017, from 8 a.m. to 5 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held at the Wyndham Lake Buena Vista Resort, 1850 Hotel Plaza Blvd., Lake Buena Vista, FL 32830, 407–828–4444.

FOR FURTHER INFORMATION CONTACT: Kim Prenter, Food and Drug Administration, 15100 NW. 67th Ave., Suite 400, Miami Lakes, FL 33014, 305–816–1474, Fax: 305–816–1536; or Society of Clinical Research Associates (SOCRA), 530 West Butler Ave., Suite 109, Chalfont, PA 18914, 800–762–7292, Fax 215–822–8633, email: *SoCRAmail@aol.com,* Web site: *https://www.socra.org.*

SUPPLEMENTARY INFORMATION:

I. Background

The public workshop helps fulfill the Department of Health and Human Services' and FDA's important mission to protect the public health. The public workshop will provide those engaged in FDA-regulated (human) clinical trials with information on a number of topics concerning FDA requirements related to clinical investigations, informed consent, and inspections of clinical investigators and IRBs.

FDA has made education of the drug and device manufacturing community a high priority to help ensure the quality of FDA-regulated drugs and devices. The public workshop helps to achieve objectives set forth in section 406 of the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 393), which includes working closely with stakeholders and maximizing the availability and clarity of information to stakeholders and the public. The workshop also is consistent with the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), as outreach activities by Government agencies to small businesses.

II. Topics for Discussion

Topics for discussion include the following: (1) What FDA Expects in a Pharmaceutical Clinical Trial; (2) Adverse Event Reporting—Science, Regulation, Error and Safety; (3) Part 11 Compliance—Electronic Signatures; (4) Informed Consent Regulations; (5) IRB Regulations and FDA Inspections; (6) Keeping Informed and Working Together; (7) FDA Conduct of Clinical Investigator Inspections; (8) Meetings with FDA: Why, When, and How; (9) Investigator Initiated Research; (10) Medical Device Aspects of Clinical Research; (11) Working with FDA's Center for Biologics Evaluation and Research; and (12) The Inspection Is Over—What Happens Next? Possible FDA Compliance Actions.

III. Participating in the Public Workshop

Registration: Attendees are responsible for their own accommodations. Please mention SOCRA to receive the hotel room rate of $129 plus applicable taxes (available until October 16, 2017, or until the SOCRA room block is filled). For additional registration and meeting information, visit *https://www.socra.org/* or *https://www.socra.org/conferences-and-education/live-conferences/fda-clinical-trial-requirements-regulations-compliance-and-gcp-conference/register/.*

Registrations fees are as follows: $575 for SOCRA members, $650 for non-members (includes membership), $450 for Federal Government members, $525 for Federal Government non-members, and fee waived for FDA Employees.

The registration fee covers expenses including refreshments, lunch, materials, and speaker expenses. Registration for the conference is open through November 14, 2017.

If you need special accommodations due to a disability, please contact Kim Prenter (see **FOR FURTHER INFORMATION CONTACT**) at least 10 days in advance.

Other Issues for Consideration: Extended periods of question and answer and discussion have been included in the program schedule. This program offers 13.3 hours of Continuing Medical Education (CME) and Continuing Nursing Education (CNE) credit. CME for Physicians: The Society of Clinical Research Associates is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. CNE for Nurses: The Society of Clinical Research Associates is accredited as a provider of continuing nursing education by the American Nurses Credentialing Center's Commission on Accreditation. ANCC/PSNA Provider Reference Number: 205–3–A–09.

Dated: September 19, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20375 Filed 9–22–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2015–M–4474, FDA–2016–M–1915, FDA–2016–M–1837, FDA–2016–M–1916, FDA–2016–M–1914, FDA–2016–M–1917, FDA–2016–M–2182, FDA–2016–M–2183, FDA–2016–M–2184, FDA–2016–M–2185, FDA–2016–M–2332, FDA–2016–M–2334, FDA–2016–M–2333, FDA–2016–M–2485, FDA–2016–M–2498, FDA–2016–M–2499, FDA–2016–M–2500, FDA–2016–M–2649, FDA–2016–M–2650, FDA–2016–M–2651, FDA–2016–M–2735, FDA–2016–M–2974, FDA–2016–M–2971, FDA–2016–M–1972, FDA–2016–M–2973, FDA–2016–M–2975, FDA–2016–M–3430, FDA–2016–M–3431, FDA–2016–M–3913, FDA–2016–M–3653, FDA–2016–M–3914, FDA–2016–M–3915, FDA–2016–M–4046, FDA–2016–M–4344, FDA–2016–M–4458, FDA–2016–M–4459, FDA–2016–M–4483, FDA–2016–M–4657, FDA–2016–M–4530, FDA–2016–M–4653, FDA–2017–M–0180, FDA–2017–M–0181, FDA–2017–M–0229, FDA–2017–M–0560, FDA–2017–M–0831, FDA–2017–M–0661, FDA–2017–M–0971, FDA–2017–M–2652, FDA–2017–M–1121, FDA–2017–M–1122, FDA–2017–M–1228, FDA–2017–M–1845, FDA–2017–M–1227, FDA–2017–M–1713, FDA–2017–M–1714, FDA–2017–M–1950, FDA–2017–M–2594, FDA–2017–M–2766, FDA–2017–M–2767, FDA–2017–M–2768, FDA–2017–M–3103, FDA–2017–M–3200, FDA–2017–M–3430, FDA–2017–M–3579, FDA–2017–M–3580, FDA–2017–M–3778, FDA–2017–M–3839, FDA–2017–M–3928, FDA–2017–M–3982, FDA–2017–M–3990, and FDA–2017–M–3983]

Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of premarket approval applications (PMAs) that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMAs through the Internet and the Agency's Dockets Management Staff.

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 Nos. FDA–2015–M–4474, FDA–2016–M–1915, FDA–2016–M–1837, FDA–2016–M–1916, FDA–2016–M–1914, FDA–2016–M–1917, FDA–2016–M–2182, FDA–2016–M–2183, FDA–2016–M–2184, FDA–2016–M–2185, FDA–2016–M–2332, FDA–2016–M–2334, FDA–2016–M–2333, FDA–2016–M–2485, FDA–2016–M–2498, FDA–2016–M–2499, FDA–2016–M–2500, FDA–2016–M–2649, FDA–2016–M–2650, FDA–2016–M–2651, FDA–2016–M–2735, FDA–2016–M–2974, FDA–2016–M–2971, FDA–2016–M–1972, FDA–2016–M–2973, FDA–2016–M–2975, FDA–2016–M–3430, FDA–2016–M–3431, FDA–2016–M–3913, FDA–2016–M–3653, FDA–2016–M–3914, FDA–2016–M–3915, FDA–2016–M–4046, FDA–2016–M–4344, FDA–2016–M–4458, FDA–2016–M–4459, FDA–2016–M–4483, FDA–2016–M–4657, FDA–2016–M–4530, FDA–2016–M–4653, FDA–2017–M–0180, FDA–2017–M–0181, FDA–2017–M–0229, FDA–2017–M–0560, FDA–2017–M–0831, FDA–2017–M–0661, FDA–2017–M–0971, FDA–2017–M–2652, FDA–2017–M–1121, FDA–2017–M–1122, FDA–2017–M–1228, FDA–2017–M–1845, FDA–2017–M–1227, FDA–2017–M–1713, FDA–2017–M–1714, FDA–2017–M–1950, FDA–2017–M–2594, FDA–2017–M–2766, FDA–2017–M–2767, FDA–2017–M–2768, FDA–2017–M–3103, FDA–2017–M–3200, FDA–2017–M–3430, FDA–2017–M–3579, FDA–2017–M–3580, FDA–2017–M–3778, FDA–2017–M–3839, FDA–2017–M–3928, FDA–2017–M–3982, FDA–2017–M–3990, and FDA–2017–M–3983 for ''Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications.'' 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.

FOR FURTHER INFORMATION CONTACT: Joshua Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1650, Silver Spring, MD 20993–0002, 301–796–6524.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 515(d)(4) and (e)(2) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360e(d)(4) and (e)(2)), notification of an order approving, denying, or withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the FD&C Act. The 30-day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30-day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30-day period will begin when the applicant is notified by FDA in writing of its decision.

The regulations provide that FDA publish a quarterly list of available safety and effectiveness summaries of PMA approvals and denials that were announced during that quarter. The following is a list of approved PMAs for which summaries of safety and effectiveness were placed on the internet from July 1, 2016, through June 30, 2017. There were no denial actions during this period. The list provides the manufacturer's name, the product's generic name or the trade name, and the approval date.

TABLE 1—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMAS MADE AVAILABLE FROM JULY 1, 2016 THROUGH JUNE 30, 2017

PMA No., Docket No.	Applicant	Trade name	Approval date
P130018, FDA–2015–M–4474	Uromedica, Inc	ProACT™ Adjustable Continence Therapy for Men	11/24/15
P140003/S004, FDA–2016–M–1915	Abiomed, Inc	Impella Ventricular Support	4/7/2016
P150034, FDA–2016–M–1837	Revision Optics, Inc	Raindrop Near Vision Inlay	6/29/2016
P150017, FDA–2016–M–1916	Cartiva, Inc	Cartiva Synthetic Cartilage Implant	7/1/2016
P150023, FDA–2016–M–1914	Abbott Vascular	Absorb GT1™ Bioresorbable Vascular Scaffold (BVS) System	7/5/2016
P100020/S017, FDA–2016–M–1917	Roche Molecular Systems, Inc	cobas® HPV Test	7/7/2016
P090029/S003, FDA–2016–M–2182	Medtronic Sofamor Danek USA, Inc	Prestige LP™ Cervical Disc	7/7/2016
P150038, FDA–2016–M–2183	InSightec, Inc	ExAblate Model 4000 Type 1.0 System (ExAblate Neuro)	7/11/2016
P980040/S065, FDA–2016–M–2184	Abbott Medical Optics, Inc	TECNIS® Symfony Extended Range of Vision Intraocular Lens	7/15/2016
P150006, FDA–2016–M–2185	Vasorum, Ltd	Celt ACD Vascular Closure Device	7/20/2016
P160004, FDA–2016–M–2332	W.L. Gore & Associates, Inc	Gore TIGRIS Vascular Stent	7/27/2016
P150003/S003, FDA–2016–M–2334	Boston Scientific Corp	SYNERGY™ Everolimus-Eluting Platinum Chromium Coronary Stent System (Over-The-Wire & Monorail).	7/29/2016
P150037, FDA–2016–M–2333	Alcon Laboratories, Inc	CyPass® System (Model 241–S)	7/29/2016
P150001, FDA–2016–M–2500	Medtronic MiniMed	MiniMed 630G System with SmartGuard	8/10/2016
P150036, FDA–2016–M–2485	Edwards Lifesciences, LLC	Edwards INTUITY Elite Valve System	8/12/2016
P130009/S057, FDA–2016–M–2498	Edwards Lifesciences LLC	Edwards SAPIEN XT Transcatheter Heart Valve	8/18/2016
P140031/S010, FDA–2016–M–2499	Edwards Lifesciences LLC	Edwards SAPIEN 3 Transcatheter Heart Valve	8/18/2016
P020045/S073, 2016–M–2649	Medtronic, Inc	Freezor® *Xtra* Cardiac Cryoablation Catheter	8/31/2016
P140010/S015, FDA–2016–M–2650	Medtronic Vascular, Inc	In Pact™ Admiral™ Paclitaxel-Coated Percutaneous Transluminal Angioplasty Balloon Catheter.	9/7/2016
P160001, FDA–2016–M–2651	Obalon Therapeutics, Inc	Obalon Balloon System	9/8/2016
P150040, FDA–2016–M–2735	Carl Zeiss Meditec, Inc	VisuMax® Femtosecond Laser	9/13/2016
P000025/S084, FDA–2016–M–2974	MED–EL Corp	MED–EL Cochlear Implant System	9/15/2016
P150021, FDA–2016–M–2971	Abbott Diabetes Care, Inc	Freestyle Libre Pro Flash Glucose Monitoring System	9/23/2016
P080020/S020, FDA–2016–M–2975	Seikagaku Corp	Gel-One®	9/27/2016
P160017, FDA–2016–M–1972	Medtronic MiniMed, Inc	MiniMed 670G System	9/28/2016
P150044, FDA–2016–M–2973	Roche Molecular Systems, Inc	cobas® EGFR Mutation Test v2	9/28/2016
P150030, FDA–2016–M–3430	Smith & Nephew, Inc	R3™ delta Ceramic Acetabular System	10/17/2016
P160006, FDA–2016–M–3431	Ventana Medical Systems, Inc	VENTANA PD–L1 (SP142) Assay	10/18/2016
P150013/S001, FDA–2016–M–3913	Dako North America, Inc	PD–L1 IHC 22C3 pharmDX	10/24/2016
P120021, FDA–2016–M–3653	St. Jude Medical, Inc	Amplatzer™ PFO Occluder	10/28/2016
P150043, FDA–2016–M–3914	QView Medical, Inc	QVCAD System	11/9/2016
P930016/S045, FDA–2016–M–3915	AMO Manufacturing USA, LLC	Star S4 IR Excimer Laser System and iDesign Advanced WaveScan Studio.	11/14/2016
P020050/S023, FDA–2016–M–4046	Alcon Laboratories, Inc	WaveLight® EX500 and ALLEGRETTO WAVE® EYE–Q Excimer Laser Systems.	11/21/2016
P140029, FDA–2016–M–4344	Q-Med AB	Restylane® Refyne and Restylane® Defyne	12/9/2016
P130007/S016, FDA–2016–M–4458	Animas Corporation	OneTouch Vibe™ Plus System	12/16/2016
P160018, FDA–2016–M–4459	Foundation Medicine, Inc	FoundationFocus™ CDx_{BRACA} Assay	12/19/2016
P120005/S041, FDA–2016–M–4483	Dexcom, Inc	Dexcom G5 Mobile Continuous Glucose Monitoring System	12/20/2016
P040020/S049, FDA–2016–M–4657	Alcon Laboratories, Inc	Acrysof® IQ ReSTOR® +3.0 D Multifocal Toric Intraocular Lens	12/22/2016
P160019, FDA–2016–M–4530	Roche Diagnostics	Elecsys HBsAg II/Elecsys HBsAg Confirmatory Test/PreciControl HBsAg II.	12/23/2016
P100022/S020, FDA–2016–M–4653	Cook Medical Inc	Zilver PTX Drug-Eluting Peripheral Stent	12/28/2016
H070005, FDA–2017–M–0180	AGA Medical Corp	AMPLATZER™ Post-Infarct Muscular VSD Occluder	1/10/2017
P160031, FDA–2017–M–0181	FUJIFILM Medical Systems U.S.A., Inc.	ASPIRE Cristalle Digital Breast Tomosynthesis Option	1/10/2017
P160008, FDA–2017–M–0229	HeartSine Technologies LLC	HeartSine samaritan® SAM 350P, SAM 360P, and SAM 450P Public Access Automated External Defibrillators, Accessories and Saver EVO® Software Version 1.4.0.	1/12/2017
P160021, FDA–2017–M–0560	W.L. Gore & Associates, Inc	Gore® Viabahn® VBX Balloon Expandable Endoprosthesis	1/27/2017
P130024/S009, FDA–2017–M–0831	Lutonix, Inc	Lutonix® 035 Drug Coated Balloon PTA Catheter	2/7/2017
P140033, FDA–2017–M–0661	St. Jude Medical, Inc	MR Conditional Pacemaker System—Assurity MRI™ and Endurity MRI™ Pacemakers and Tendril MRI™ 1200M LPA Lead.	1/31/2017
P160023, FDA–2017–M–0971	Hologic, Inc	Aptima® HCV Quant Dx Assay	2/13/2017

TABLE 1—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMAS MADE AVAILABLE FROM JULY 1, 2016 THROUGH JUNE 30, 2017—Continued

PMA No., Docket No.	Applicant	Trade name	Approval date
P160003, FDA–2016–M–2652	Biotronik, Inc	PRO-Kinetic Energy Cobalt Chromium Coronary Stent System	2/14/2017
P150039, FDA–2017–M–1121	Tryton Medical, Inc	TRYTON Side Branch Stent	2/21/2017
P160014, FDA–2017–M–1122	CeloNova BioSciences, Inc	COBRA PzF™ NanoCoated Coronary Stent System	2/21/2017
P100044/S023, FDA–2017–M–1228	Intersect ENT	PROPEL® Contour Sinus Implant	2/23/2017
P140017/S005, FDA–2017–M–1227	Medtronic, Inc	Melody™ Transcatheter Pulmonary Valve, Ensemble™ Transcatheter Valve Delivery System and Ensemble™ II Transcatheter Valve Delivery System.	2/24/2017
P160016, FDA–2017–M–1713	Siemens Healthcare Diagnostics, Inc.	VERSANT® HCV GENOTYPE 2.0 Assay (LiPA)	3/14/2017
P110033/S020, FDA–2017–M–1714	Allergan	Juvéderm Vollure™ XC	3/17/2017
P160025, FDA–2017–M–1845	Biotronik, Inc	Astron Pulsar and Pulsar-18 Stent Systems	3/23/2017
P160009, FDA–2017–M–1950	iCAD, Inc	PowerLook® Tomo Detection Software	3/24/2017
P160024, FDA–2017–M–2594	Bard Peripheral Vascular, Inc	LifeStream Balloon Expandable Vascular Covered Stent	4/24/2017
P160043, FDA–2017–M–2767	Medtronic, Inc	Resolute Onyx Zotarolimus- Eluting Coronary Stent System	4/28/2017
P160040, FDA–2017–M–2766	Invivoscribe Technologies, Inc	LeukoStrat® CDx FLT3 Mutation Assay	4/28/2017
P160046, FDA–2017–M–2768	Ventana Medical Systems, Inc	VENTANA PD–L1 (SP263) Assay	5/1/2017
H150003, FDA–2017–M–3103	Wilson-Cook Medical, Inc	Flourish™ Pediatric Esophageal Atresia Device	5/12/2017
P160044, FDA–2017–M–3200	Abbott Molecular, Inc	Abbott RealTime CMV	5/18/2017
P160041, FDA–2017–M–3430	Roche Molecular Systems, Inc	cobas® CMV	6/1/2017
P140031/S028, FDA–2017–M–3579	Edwards Lifesciences LLC	Edwards SAPIEN 3™ Transcatheter Heart Valve and Accessories	6/5/2017
P160035, FDA–2017–M–3580	Berlin Heart, Inc	EXCOR® Pediatric Ventricular Assist Device	6/6/2017
P160047, FDA–2017–M–3778	AEGEA Medical, Inc	AEGEA Vapor System™	6/14/2017
H160002, FDA–2017–M–3839	Pulsar Vascular, Inc	PulseRider® Aneurysm Neck Reconstruction Device (“PulseRider”)	6/19/2017
P160045, FDA–2017–M–3928	Life Technologies Corp	Oncomine™ Dx Target Test	6/22/2017
P150046, FDA–2017–M–3982	SciBase AB	Nevisense	6/28/2017
P150048, FDA–2017–M–3990	Edwards Lifesciences, LLC	Edwards Pericardial Aortic Bioprosthesis and Edwards INSPIRIS RESILIA Aortic Valve.	6/29/2017
P160038, FDA–2017–M–3983	Illumina, Inc	Praxis™ Extended RAS Panel	6/29/2017

II. Electronic Access

Persons with access to the Internet may obtain the documents at *https://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/DeviceApprovalsandClearances/PMAApprovals/default.htm.*

Dated: September 12, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20391 Filed 9–22–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–0121]

Compliance Policy for Required Warning Statements on Small-Packaged Cigars; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ‘‘Compliance Policy for Required Warning Statements on Small-Packaged Cigars.’’ The guidance is intended to assist any person who manufactures, packages, sells, offers to sell, distributes, or imports cigars in small packages with respect to the warning statement requirements in FDA’s regulations deeming other products that meet the statutory definition of a tobacco product to be subject to Chapter IX of the Federal Food, Drug, and Cosmetic Act (the FD&C Act). The guidance describes FDA’s compliance policy for cigars in packaging that is too small or otherwise unable to accommodate a label with sufficient space to bear the required warning statements. The guidance explains that FDA does not intend to take enforcement action with respect to cigars that do not comply with the size and placement requirements in the regulation when the information and specifications required under the regulation appear on the carton or other outer container or wrapper that could accommodate the required warning statements, or on a tag otherwise firmly and permanently affixed to the cigar package.

DATES: The announcement of the guidance is published in the **Federal Register** on September 25, 2017.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ‘‘Written/Paper Submissions’’ and ‘‘Instructions’’).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management

Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–0121 for ''Compliance Policy for Required Warning Statements on Small-Packaged Cigars.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION''. The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Center for Tobacco Products, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a Fax number to which the guidance document may be sent. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Deirdre Jurand, Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Document Control Center, Bldg. 71, Rm. G335, Silver Spring, MD 20993–0002, 1–877–287–1373, *AskCTP@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Compliance Policy for Required Warning Statements on Small-Packaged Cigars.''

On June 22, 2009, the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Pub. L. 111–31) was signed into law. The Tobacco Control Act granted FDA the authority to regulate the manufacture, marketing, and distribution of cigarettes, cigarette tobacco, roll-your-own tobacco (RYO), and smokeless tobacco products to protect the public health and to reduce tobacco use by minors.

The Tobacco Control Act also gave FDA the authority to issue a regulation deeming other products that meet the statutory definition of a tobacco product to be subject to Chapter IX of the FD&C Act (section 901(b) of the FD&C Act). On May 10, 2016, FDA issued that rule, extending FDA's tobacco product authority to cigars, among other products (81 FR 28973). Among the requirements that now apply to cigars are health warning statements prescribed under section 906(d) of the FD&C Act, which permits restrictions on the sale and distribution of tobacco products that are ''appropriate for the protection of the public health.'' The rule specifies the health warning statements that must be displayed on cigar packaging and where those statements must be placed, among other requirements.

The guidance discusses FDA's compliance policy for cigars with packaging too small or otherwise unable to accommodate the warning statements and specifications required under the regulation.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on its compliance policy for cigars in small packaging. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

III. Paperwork Reduction Act of 1995

This guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR part 1143 have been approved under 0910–0768.

IV. Electronic Access

Persons with access to the internet may obtain an electronic version of the guidance at either *https://www.regulations.gov* or *https://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/default.htm.*

Dated: September 20, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20426 Filed 9–22–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

National Advisory Council on Migrant Health

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given that a National Advisory Council on Migrant Health (NACMH/Council) meeting has been scheduled. This meeting will be open to the public. The agenda for the NACMH meeting can be obtained by contacting the Designated Federal Officer (DFO) or accessing the Council Web site: *https://bphc.hrsa.gov/qualityimprovement/strategicpartnerships/nacmh/index.html.*

DATES: The meeting will be held on November 7, 2017, 8:30 a.m.to 5:00 p.m.

ET, and November 8, 2017, 8:30 a.m. to 5:00 p.m. ET.

ADDRESSES: The address for the meeting is Doubletree by Hilton Raleigh Brownstone-University, 1707 Hillsborough Street, Raleigh, NC 27605. Phone: (919) 828–0811.

FOR FURTHER INFORMATION CONTACT: All requests for information regarding the NACMH should be sent to Esther Paul, DFO, NACMH, HRSA, in one of three ways: (1) By mail to: Esther Paul, Office of Policy and Program Development, Bureau of Primary Health Care, HRSA, 5600 Fishers Lane, 16N38B, Rockville, Maryland 20857; (2) by phone: (301) 594–4300; or (3) by email: *epaul@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The NACMH is a non-discretionary advisory body mandated by the Public Health Service (PHS) Act, Title 42 U.S.C. 218, to advise, consult with, and make recommendations to the Secretary of HHS and the Administrator of HRSA regarding the organization, operation, selection, and funding of migrant health centers and other entities funded under section 330(g) of the PHS Act (42 U.S.C. 254b). The NACMH Charter requires that the Council meet at least twice per year to discuss services and issues related to the health of migrant and seasonal agricultural workers and their families and to formulate their recommendations to the HHS Secretary and HRSA Administrator.

Agenda: The agenda includes an overview of the Council's general business activities. The Council will also hear presentations from a federal official and experts on issues facing agricultural workers, including the status of agricultural worker health at the local and national levels. In addition, the Council will hold a public hearing where migratory and seasonal agricultural workers will testify regarding matters affecting them. This hearing is scheduled for Tuesday, November 7, 2017 from 1:30 p.m. to 5:00 p.m. at the Doubletree by Hilton Raleigh Brownstone-University. Agenda items are subject to change as priorities indicate.

Public Participation: Members of the public will not be able to provide oral comments during the meeting. Please provide any written questions or comments for the NACMH to the DFO by October 27, 2017, using the address, phone number, or email provided above. Individuals who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the DFO at least 10 days prior to the meeting.

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2017–20422 Filed 9–22–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Docket No. FDA–2015–D–3638]

Minutes of Institutional Review Board Meetings; Guidance for Institutions and Institutional Review Boards; Availability

AGENCY: The Office for Human Research Protections, Office of the Assistant Secretary for Health, Office of the Secretary, and the Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Office for Human Research Protections (OHRP), Office of the Assistant Secretary for Health, and the Food and Drug Administration (FDA) are announcing the availability of a guidance entitled ''Minutes of Institutional Review Board Meetings; Guidance for Institutions and Institutional Review Boards.'' The guidance is intended for institutions and Institutional Review Boards (IRBs) that are responsible for the review and oversight of human subject research conducted or supported by the U.S. Department of Health and Human Services (HHS) or regulated by FDA. The purpose of the guidance is to assist institutions and IRBs in preparing and maintaining minutes of IRB meetings (also referred to in the guidance as minutes) that meet the regulatory requirements for minutes set forth in FDA and HHS regulations. The guidance also provides general recommendations on the type and amount of information to be included in the minutes. The guidance announced in this notice finalizes the draft guidance of the same title dated November 2015.

DATES: The announcement of the guidance is published in the **Federal Register** on September 25, 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–2015–D–3638 for ''Minutes of Institutional Review Board Meetings; Guidance for Institutions and Institutional Review Boards.'' 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 office of 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 guidance to the Office of Good Clinical Practice (OGCP), Office of Special Medical Programs, Office of Medical Products and Tobacco, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993; or Division of Policy and Assurances, Office for Human Research Protections, 1101 Wootton Pkwy., Suite 200, Rockville, MD 20852. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling OGCP at 301–796–8340 or OHRP at 240–453–6900 or 866–447–4777. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Janet Donnelly, Office of Good Clinical Practice, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5167, Silver Spring, MD 20993, 301–796–4187; or Irene Stith-Coleman, Office for Human Research Protections, 1101 Wootton Pkwy., Suite 200, Rockville, MD 20852, 240–453–6900.

SUPPLEMENTARY INFORMATION:

I. Background

OHRP and FDA are announcing the availability of a guidance document entitled ''Minutes of Institutional Review Board Meetings; Guidance for Institutions and Institutional Review Boards.'' OHRP and FDA are providing recommendations on the type and amount of information to include in minutes.

To enhance human subject protection and reduce regulatory burden, OHRP and FDA have been actively working to harmonize the Agencies' regulatory requirements and guidance for human subject research. This guidance document was developed as a part of these efforts. In addition, on December 13, 2016, the 21st Century Cures Act (Cures Act) (Pub. L. 114–255) was signed into law. Title III, section 3023 of the Cures Act requires the Secretary of HHS to harmonize differences between the HHS human subject regulations and FDA's human subject regulations. This guidance document is consistent with the goals of section 3023 of the Cures Act.

In the **Federal Register** of November 5, 2015 (80 FR 68545), OHRP and FDA announced the availability of the draft guidance of the same title dated November 2015. OHRP and FDA received several comments on the draft guidance, and those comments were considered as the guidance was finalized. Changes include modifying certain recommendations for inclusion of information in minutes when such information may be addressed in other IRB records. In addition, editorial changes were made to improve clarity. The guidance announced in this notice finalizes the draft guidance dated November 2015.

II. Significance of Guidance

The guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of OHRP and FDA on minutes of IRB meetings. It does not establish any rights for any person and is not binding on OHRP, FDA, or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

III. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information referenced in this guidance that are related to IRB recordkeeping requirements under 21 CFR 56.115 have been approved under OMB control numbers 0910–0755 and 0910–0130. The collections of information referenced in this guidance that are related to IRB recordkeeping requirements under 45 CFR 46.115 have been approved under OMB control number 0990–0260.

IV. Electronic Access

Persons with access to the Internet may obtain the document at *https://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/GuidancesInformationSheetsandNotices/ucm219433.htm, https://www.hhs.gov/ohrp/regulations-and-policy/guidance/alphabetical-list/index.html,* or *https://www.regulations.gov.*

Dated: August 30, 2017.

Don Wright,

Acting Assistant Secretary for Health.

Dated: Sept. 15, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20405 Filed 9–22–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Generic Clearance to Conduct Formative Research (NIAID)

AGENCY: National Institutes of Health, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institute of Allergy and Infectious Diseases (NIAID) will publish periodic summaries of propose projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dione Washington, Health Science Policy Analyst, Strategic Planning and Evaluation Branch, 5601 Fishers Lane, Room 5F32, Rockville, Maryland, 20892 or Email your request, including your address to:

washingtondi@niaid.nih.gov. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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~~s~~ 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.

Proposed Collection Title: Generic Clearance to Conduct Formative Research (NIAID), 0925–NEW, National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of this Generic is for information collections to improve research approaches and final product development to identify emergent infectious disease threats and comorbidities related to the needs of diverse audiences. The information to be collected as part of this generic clearance will allow the agency to make appropriate adjustments in content and methods used in developmental and testing stages in order to improve research approaches and final product development.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 31,950.

ESTIMATED ANNUALIZED BURDEN HOURS

Research method	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden in hours
Focus Group Screeners	2,000	1	15/60	500
Interview Screeners/Surveys	2,000	1	15/60	500
Focus Groups	4,000	1	2	8,000
Pretesting	1,000	1	1	1,000
Dyad/Triad Interviews	4,000	1	90/60	6,000
In-depth Interviews (IDI)	6,000	1	90/60	9,000
Surveys	7,000	1	30/60	3,500
Patient questionnaires	4,500	1	30/60	2,250
Market research	300	1	4	1,200
Total	30,800	30,800	.....	31,950

Dated: August 31, 2017.

Brandie Taylor,

Project Clearance Liaison, NIAID, NIH.

[FR Doc. 2017–20367 Filed 9–22–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4336–DR; Docket ID FEMA–2017–0001]

Puerto Rico; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Puerto Rico (FEMA–4336–DR), dated September 10, 2017, and related determinations.

DATES: This amendment was issued September 16, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Puerto is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 10, 2017.

The municipalities of Aguas Buenas, Barranquitas, Bayamón, Camuy, Cataño, Ciales, Comerio, Hatillo, Jayuya, Las Piedras, Quebradillas, Salinas, San Juan, Vega Baja, and Yauco for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20444 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4332–DR; Docket ID FEMA–2017–0001]

Texas; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the

State of Texas (FEMA–4332–DR), dated August 25, 2017, and related determinations.

DATES: This amendment was issued September 12, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Texas is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 25, 2017.

Bee and Refugio Counties for Public Assistance [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20463 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1744

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before December 26, 2017.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1744, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Kankakee County, Illinois and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 14–05–4560S Preliminary Date: February 1, 2017	
Unincorporated Areas of Kankakee County	Administration Building, 189 East Court Street, Kankakee, IL 60901.
Shelby County, Indiana and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–05–6727S Preliminary Dates: July 30, 2014 and December 2, 2016	
City of Shelbyville	Shelbyville Planning Commission, Shelbyville City Hall, 44 West Washington Street, Shelbyville, IN 46176.
Town of Edinburgh	Edinburgh Town Hall, 107 South Holland Street, Edinburgh, IN 46124.
Unincorporated Areas of Shelby County	Shelby County Plan Commission, 25 West Polk Street, Shelbyville, IN 46176.
Bergen County, New Jersey (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–02–0443S Preliminary Date: May 5, 2017	
Borough of Allendale	Borough Hall, 500 West Crescent Avenue, Allendale, NJ 07401.
Borough of Fair Lawn	Borough Hall, 8–01 Fair Lawn Avenue, Fair Lawn, NJ 07410.
Borough of Franklin Lakes	Borough Hall, 480 De Korte Drive, Franklin Lakes, NJ 07417.
Borough of Glen Rock	Municipal Building, 1 Harding Plaza, Glen Rock, NJ 07452.
Borough of Hillsdale	Borough Hall, 380 Hillsdale Avenue, Hillsdale, NJ 07642.
Borough of Ho-Ho-Kus	Borough Hall, 333 Warren Avenue, Ho-Ho-Kus, NJ 07423.
Borough of Lodi	Borough Hall, 1 Memorial Drive, Lodi, NJ 07644.
Borough of New Milford	Borough Hall, 930 River Road, New Milford, NJ 07646.
Borough of Oakland	Borough Hall, 1 Municipal Plaza, Oakland, NJ 07436.
Borough of Oradell	Borough Hall, 355 Kinderkamack Road, Oradell, NJ 07649.
Borough of Paramus	Borough Hall, 1 Jockish Square, Paramus, NJ 07652.
Borough of Ramsey	Borough Hall, 33 North Central Avenue, Ramsey, NJ 07446.
Borough of Saddle River	Borough Hall, 100 East Allendale Road, Saddle River, NJ 07458.
Borough of Upper Saddle River	Borough Hall, 376 West Saddle River Road, Upper Saddle River, NJ 07458.
Borough of Waldwick	Borough Hall, 63 Franklin Turnpike, Waldwick, NJ 07463.
Borough of Wallington	Municipal Building, 54 Union Boulevard, Wallington, NJ 07057.
City of Garfield	City Hall, 111 Outwater Lane, Garfield, NJ 07026.
Township of Mahwah	Municipal Building, 475 Corporate Drive, Mahwah, NJ 07430.
Township of Rochelle Park	Town Hall, 151 West Passaic Street, Rochelle Park, NJ 07662.
Township of Saddle Brook	Town Hall, 93 Market Street, Saddle Brook, NJ 07663.
Township of South Hackensack	Town Hall, 227 Phillips Avenue, South Hackensack, NJ 07606.
Township of Teaneck	Municipal Building, 818 Teaneck Road, Teaneck, NJ 07666.
Township of Wyckoff	Memorial Town Hall, 340 Franklin Avenue, Scott Plaza, Wyckoff, NJ 07481.
Village of Ridgewood	Village Hall, 131 North Maple Avenue, Ridgewood, NJ 07451.

[FR Doc. 2017–20468 Filed 9–22–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4335–DR; Docket ID FEMA–2017–0001]

Virgin Islands; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the territory of the U.S. Virgin Islands (FEMA–4335–DR), dated September 7, 2017, and related determinations.

DATES: This amendment was issued September 9, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 9, 2017, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to Brock Long, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the territory of the U.S. Virgin Islands resulting from Hurricane Irma beginning on September 6, 2017, and continuing, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act'').

Therefore, I amend my declaration of September 7, 2017, to authorize the following: a 90 percent Federal cost share for debris removal, including direct Federal assistance; and a 100 percent Federal cost share for emergency protective measures, including direct Federal assistance, for 30 days from the start of the incident period, and then a 90 percent Federal cost share thereafter.

This adjustment to State and local cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act specifically prohibits a similar adjustment for funds provided for Other Needs Assistance (Section 408), and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20465 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the

final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona:					
Yavapai, (FEMA Docket No.: B–1711).	Town of Prescott Valley (16–09–1866P).	The Honorable Harvey C. Skoog, Mayor, Town of Prescott Valley, 7501 East Civic Circle, Prescott Valley, AZ 86314.	Engineering Division, 7501 East Civic Circle, Prescott Valley, AZ 86314.	Jun. 20, 2017	040121
Yavapai, (FEMA Docket No.: B–1711).	Unincorporated areas of Yavapai County (16–09–1866P).	The Honorable Thomas Thurman, Chairman, Yavapai County Board of Supervisors, 1400 Orchard Court, Dewey, AZ 86327.	Yavapai County Flood Control District, 1120 Commerce Drive, Prescott, AZ 86305.	Jun. 20, 2017	040093
Arkansas: Benton, (FEMA Docket No.: B–1711).	Unincorporated areas of Benton County (16–06–4287P).	The Honorable Barry Moehring, Benton County Judge, 215 East Central Avenue, Bentonville, AR 72712.	Benton County Development Department, 905 Northwest 8th Street, Bentonville, AR 72712.	Jun. 15, 2017	050419
Colorado:					
Boulder, (FEMA Docket No.: B–1711).	City of Boulder (17–08–0151P).	The Honorable Suzanne Jones, Mayor, City of Boulder, P.O. Box 791, Boulder, CO 80306.	Municipal Building, 1777 Broadway Street, Boulder, CO 80302.	Jun. 20, 2017	080024
El Paso, (FEMA Docket No.: B–1711).	Unincorporated areas of El Paso County (16–08–1065P).	The Honorable Darryl Glenn, President, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910.	Jun. 15, 2017	080059
Jefferson, (FEMA Docket No.: B–1711).	City of Golden (16–08–1269P).	The Honorable Marjorie N. Sloan, Mayor, City of Golden, 911 10th Street, Golden, CO 80401.	Planning and Public Works Department, 1445 10th Street, Golden, CO 80401.	Jun. 23, 2017	080090
Jefferson, (FEMA Docket No.: B–1711).	City of Lakewood (16–08–1275P).	The Honorable Adam Paul, Mayor, City of Lakewood, 480 South Allison Parkway, Lakewood, CO 80226.	Public Works Department, 480 South Allison Parkway, Lakewood, CO 80226.	Jun. 2, 2017	085075
Weld, (FEMA Docket No.: B–1711).	Unincorporated areas of Weld County (16–08–0665P).	The Honorable Julie Cozad, Chair, Weld County, Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Commissioner's Office, 915 10th Street, Greeley, CO 80632.	Jun. 20, 2017	085266
Weld, (FEMA Docket No.: B–1711).	Unincorporated areas of Weld County (16–08–0734P).	The Honorable Julie Cozad, Chair, Weld County, Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Commissioner's Office, 915 10th Street, Greeley, CO 80632.	Jun. 21, 2017	085266
Connecticut:					
Middlesex, (FEMA Docket No.: B–1711).	Town of Clinton (16–01–2812P).	The Honorable Bruce N. Farmer, First Selectman, Town of Clinton Board of Selectmen, 54 East Main Street, Clinton, CT 06413.	Planning and Zoning Department, 54 East Main Street, Clinton, CT 06413.	Jun. 30, 2017	090061
Middlesex, (FEMA Docket No.: B–1711).	Town of Cromwell (16–01–2223P).	Mr. Anthony J. Salvatore, Manager, Town of Cromwell, 41 West Street, Cromwell, CT 06416.	Town Hall, 41 West Street, Cromwell, CT 06416.	Jun. 15, 2017	090123
Florida:					
Broward, (FEMA Docket No.: B–1711).	City of Parkland (16–04–7729P).	The Honorable Christine Hunschofsky, Mayor, City of Parkland, 6600 University Drive, Parkland, FL 33067.	Building Division, 6600 University Drive, Parkland, FL 33067.	Jun. 20, 2017	120051
Lee, (FEMA Docket No.: B–1711).	City of Sanibel (16–04–7608P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	Jun. 30, 2017	120402
Lee, (FEMA Docket No.: B–1711).	City of Sanibel (17–04–0941P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	Jun. 23, 2017	120402
Lee, (FEMA Docket No.: B–1711).	Town of Fort Myers Beach (17–04–1151P).	The Honorable Dennis C. Boback, Mayor, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	Community Development Department, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	Jun. 29, 2017	120673
Leon, (FEMA Docket No.: B–1711).	City of Tallahassee (16–04–3774P).	The Honorable Andrew Gillum, Mayor, City of Tallahassee, 300 South Adams Street, Tallahassee, FL 32301.	Stormwater Management Division, 300 South Adams Street, Tallahassee, FL 32301.	May 30, 2017	120144
Monroe, (FEMA Docket No.: B–1711).	City of Key West (17–04–1155P).	The Honorable Craig Cates, Mayor, City of Key West, 1300 White Street, Key West, FL 33040.	Building Department, 1300 White Street, Key West, FL 33040.	Jun. 23, 2017	120168
Monroe, (FEMA Docket No.: B–1711).	Unincorporated areas of Monroe County (17–04–1155P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Jun. 23, 2017	125129
Monroe, (FEMA Docket No.: B–1711).	Village of Islamorada (16–04–7741P).	The Honorable Jim Mooney, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Planning and Development Services Department, 86800 Overseas Highway, Islamorada, FL 33036.	Jun. 16, 2017	120424

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Osceola, (FEMA Docket No.: B–1711).	City of St. Cloud (17–04–2758P).	The Honorable Rebecca Borders, Mayor, City of St. Cloud, 1300 9th Street, St. Cloud, FL 34769.	Public Services Department, 1300 9th Street, St. Cloud, FL 34769.	Jul. 5, 2017	120191
Osceola, (FEMA Docket No.: B–1711).	Unincorporated areas of Osceola County (17–04–2758P).	The Honorable Brandon Arrington, Chairman, Osceola County Board of Commissioners, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Community Development Department, 1 Courthouse Square, Suite 1400, Kissimmee, FL 34741.	Jul. 5, 2017	120189
Pinellas, (FEMA Docket No.: B–1711).	City of St. Petersburg (15–04–9249P).	The Honorable Rick Kriseman, Mayor, City of St. Petersburg, 175 5th Street North, St. Petersburg, FL 33701.	Municipal Services Center, Permit Division, 1 4th Street North, St. Petersburg, FL 33701.	Jun. 8, 2017	125148
Polk, (FEMA Docket No.: B–1711).	Unincorporated areas of Polk County (17–04–2106P).	The Honorable John E. Hall, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33830.	Jun. 1, 2017	120261
Georgia: Gwinnett, (FEMA Docket No.: B–1711).	Unincorporated areas of Gwinnett County (16–04–7239P).	The Honorable Charlotte J. Nash, Chair, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30046.	Gwinnett County Stormwater Management Division, 684 Winder Highway, Lawrenceville, GA 30045.	Jun. 5, 2017	130322
Maine: Oxford, (FEMA Docket No.: B–1711).	Town of Rumford (16–01–2320P).	Mr. John E. Madigan, Jr., Manager, Town of Rumford, 145 Congress Street, Rumford, ME 04276.	Municipal Office Building, 145 Congress Street, Rumford, ME 04276.	Jun. 1, 2017	230099
Maryland:					
Baltimore, (FEMA Docket No.: B–1711).	Unincorporated areas of Baltimore County (16–03–1236P).	The Honorable Kevin Kamenetz, Baltimore County Executive, 400 Washington Avenue, Towson, MD 21204.	Public Works Department, 111 West Chesapeake Avenue, Suite 307, Towson, MD 21204.	Jun. 20, 2017	240010
Harford, (FEMA Docket No.: B–1711).	City of Havre de Grace (16–03–2684P).	The Honorable William T. Martin, Mayor, City of Havre de Grace, 711 Pennington Avenue, Havre de Grace, MD 21078.	Department of Planning, 711 Pennington Avenue, Havre de Grace, MD 21078.	Jun. 19, 2017	240043
New Hampshire:					
Hillsborough, (FEMA Docket No.: B–1711).	Town of Hancock (16–01–2528P).	The Honorable John Jordan, Chairman, Town of Hancock Board of Selectmen, P.O. Box 6, Hancock, NH 03449.	Town Hall, 50 Main Street, Hancock, NH 03449.	Jun. 22, 2017	330089
Rockingham, (FEMA Docket No.: B–1711).	Town of Salem (16–01–2177P).	The Honorable James S. Keller, Chairman, Town of Salem Board of Selectmen, 33 Geremonty Drive, Salem, NH 03079.	Town Hall, 33 Geremonty Drive, Salem, NH 03079.	Jun. 16, 2017	330142
North Carolina:					
Catawba, (FEMA Docket No.: B–1733).	City of Conover (16–04–1634P).	The Honorable Lee E. Moritz, Jr., Mayor, P.O. Box 549, Conover, NC 28613.	City Hall, 101 1st Street East, Conover, NC 28613.	May 30, 2017	370053
Catawba, (FEMA Docket No.: B–1733).	Unincorporated areas of Catawba County (16–04–1634P).	The Honorable C. Randall Isenhower, Chairman, Catawba County Board of Commissioners, P.O. Box 389, Newton, NC 28658.	Catawba County Planning and Parks Department, 100–A South West Boulevard, Newton, NC 28658.	May 30, 2017	370050
Randolph, (FEMA Docket No.: B–1711).	Unincorporated areas of Randolph County (16–04–5817P).	The Honorable David Allen, Chairman, Randolph County Board of Commissioners, 725 McDowell Road, Asheboro, NC 27205.	Randolph County Planning and Zoning Department, 204 East Academy Street, Asheboro, NC 27203.	May 30, 2017	370195
Surry, (FEMA Docket No.: B–1711).	Unincorporated Areas of Surry County (17–04–1025P).	The Honorable Eddie Harris, Chairman, Surry County Board of Commissioners, 118 Hamby Road, Dobson, NC 27017.	Surry County Planning and Development Department, 122 Hamby Road, Dobson, NC 27017.	Jun. 21, 2017	370364
Oklahoma:					
Cleveland, (FEMA Docket No.: B–1711).	City of Norman (16–06–2604P).	The Honorable Lynne Miller, Mayor, City of Norman, P.O. Box 370, Norman, OK 73070.	Department of Public Works, 201 West Gray Street, Norman, OK 73069.	May 31, 2017	400046
Osage, (FEMA Docket No.: B–1711).	City of Tulsa (17–06–0847P).	The Honorable G.T. Bynum, Mayor, City of Tulsa, 175 East 2nd Street, 15th Floor, Tulsa, OK 74103.	Planning and Development Department, 175 East 2nd Street, 4th Floor, Tulsa, OK 74103.	Jun. 21, 2017	405381
South Carolina: Charleston, (FEMA Docket No.: B–1711).	City of Charleston (17–04–1149P).	The Honorable John J. Tecklenburg, Mayor, City of Charleston, P.O. Box 652, Charleston, SC 29402.	Building Inspections Department, 2 George Street, Charleston, SC 29401.	Jul. 3, 2017	455412
Texas:					
Bexar, (FEMA Docket No.: B–1711).	City of San Antonio (16–06–3466P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Jun. 6, 2017	480045

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Bexar, (FEMA Docket No.: B–1711).	City of San Antonio (16–06–4371P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Jun. 29, 2017	480045
Collin, (FEMA Docket No.: B–1711).	City of Richardson (16–06–3349P).	The Honorable Paul Voelker, Mayor, City of Richardson, P.O. Box 830309, Richardson, TX 75083.	City Hall, 411 West Arapaho Road, Richardson, TX 75080.	Jun. 8, 2017	480184
Collin, (FEMA Docket No.: B–1711).	Town of Prosper (16–06–4255P).	The Honorable Ray Smith, Mayor, Town of Prosper, P.O. Box 307, Prosper, TX 75078.	Engineering Services Department, 407 East 1st Street, Prosper, TX 75078.	May 25, 2017	480141
Dallas, (FEMA Docket No.: B–1711).	City of Irving (16–06–2467P).	The Honorable Beth Van Duyne, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Capital Improvement Program Department, Engineering Section, 825 West Irving Boulevard, Irving, TX 75060.	May 30, 2017	480180
Fort Bend, (FEMA Docket No.: B–1711).	City of Missouri City (16–06–2183P).	The Honorable Allen Owen, Mayor, City of Missouri City, 1522 Texas Parkway, Missouri City, TX 77489.	Public Works Department, 1522 Texas Parkway, Missouri City, TX 77489.	Jun. 27, 2017	480304
Fort Bend, (FEMA Docket No.: B–1711).	Fort Bend County M.U.D.#23 (16–06–2183P).	The Honorable William Thomas, President, Fort Bend County M.U.D. #23 Board of Directors, 3200 Southwest Freeway, Suite 2600, Houston, TX 77027.	Fort Bend County Engineering Department, 301 Jackson Street, Richmond, TX 77469.	Jun. 27, 2017	481590
Fort Bend, (FEMA Docket No.: B–1711).	Unincorporated areas of Fort Bend County (16–06–2183P).	The Honorable Robert Hebert, Fort Bend County Judge, 401 Jackson Street, Richmond, TX 77469.	Fort Bend County Engineering Department, 301 Jackson Street, Richmond, TX 77469.	Jun. 27, 2017	480228
Hays, (FEMA Docket No.: B–1711).	City of San Marcos (16–06–3604P).	The Honorable John Thomaides, Mayor, City of San Marcos, 630 East Hopkins Street, San Marcos, TX 78666.	Engineering Department, 630 East Hopkins Street, San Marcos, TX 78666.	Jun. 23, 2017	485505
Virginia:					
Prince William, (FEMA Docket No.: B–1711).	Unincorporated areas of Prince William County (16–03–1829P).	Mr. Chistopher E. Martino, Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, 5 County Complex Court, Prince William, VA 22192.	Jun. 15, 2017	510119

[FR Doc. 2017–20466 Filed 9–22–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1729]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On July 24, 2017, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 82 FR 34322. The table provided here represents the proposed flood hazard determinations and communities affected for Coos County, Oregon and Incorporated Areas.

DATES: Comments are to be submitted on or before December 26, 2017.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1729, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after

FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 82 FR 34322 in the July 24, 2017 issue of the **Federal Register**, FEMA published a table titled ''Coos County, Oregon and Incorporated Areas''. This table contained inaccurate information as to the communities affected by the proposed flood hazard determinations featured in the table.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Coos County, Oregon and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–10–0539S Preliminary Date: November 30, 2016	
City of Bandon	City Hall, 555 Highway 101, Bandon, OR 97411.
City of Coos Bay	City Hall, 500 Central Avenue, Coos Bay, OR 97420.
City of Coquille	City Hall, 851 North Central Boulevard, Coquille, OR 97423.
City of Lakeside	City Hall, 915 North Lake Road, Lakeside, OR 97449.
City of Myrtle Point	City Hall, 424 5th Street, Myrtle Point, OR 97458.
City of North Bend	City Hall, 835 California Street, North Bend, OR 97459.
City of Powers	City Hall, 275 Fir Street, Powers, OR 97466.
Coquille Indian Tribe	Coquille Indian Tribe Administrative Building, 3050 Tremont Avenue, North Bend, OR 97459.
Unincorporated Areas of Coos County	Coos County Courthouse, 250 North Baxter Street, Coquille, OR 97423.

[FR Doc. 2017–20470 Filed 9–22–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4336–DR; Docket ID FEMA–2017–0001]

Puerto Rico; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Puerto Rico (FEMA–4336–DR), dated September 10, 2017, and related determinations.

DATES: This amendment was issued September 12, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Puerto is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 10, 2017.

The municipalities of Canóvanas and Loíza for Individual Assistance.

The municipalities of Adjuntas, Canóvanas, Carolina, Guaynabo, Juncos, Loíza, Luquillo, Orocovis, Patillas, and Utuado for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20456 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4336–DR; Docket ID FEMA–2017–0001]

Puerto Rico; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA–4336–DR), dated September 10, 2017, and related determinations.

DATES: The declaration was issued September 10, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 10, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the Commonwealth of Puerto Rico resulting from Hurricane Irma beginning on September 5, 2017, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the Commonwealth of Puerto Rico.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas and Hazard Mitigation throughout the Commonwealth. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Alejandro DeLaCampa, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Puerto Rico have been designated as adversely affected by this major disaster:

The municipalities of Culebra and Vieques for Individual Assistance.

The municipalities of Culebra and Vieques for Public Assistance.

All areas within the Commonwealth of Puerto Rico are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20450 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4335–DR; Docket ID FEMA–2017–0001]

Virgin Islands; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the territory of the U.S. Virgin Islands (FEMA–4335–DR), dated September 7, 2017, and related determinations.

DATES: This amendment was issued September 15, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the territory of the U.S. Virgin Islands is hereby amended to include permanent work under the Public Assistance program among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 7, 2017.

The islands of St. Croix, St. John, and St. Thomas for Public Assistance [Categories C–G] (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20459 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3384–EM; Docket ID FEMA–2017–0001]

Puerto Rico; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the Commonwealth of Puerto Rico (FEMA–3384–EM), dated September 5, 2017, and related determinations.

DATES: This amendment was issued September 18, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective September 7, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially

Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20455 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4336–DR; Docket ID FEMA–2017–0001]

Puerto Rico; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Puerto Rico (FEMA–4336–EM), dated September 10, 2017, and related determinations.

DATES: This amendment was issued September 18, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 7, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20442 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3383–EM; Docket ID FEMA–2017–0001]

Virgin Islands; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the territory of the U.S. Virgin Islands (FEMA–3383–EM), dated September 5, 2017, and related determinations.

DATES: This amendment was issued September 18, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective September 7, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20453 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3386–EM; Docket ID FEMA–2017–0001]

South Carolina; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of South Carolina (FEMA–3386–EM), dated September 7, 2017, and related determinations.

DATES: The declaration was issued September 7, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 7, 2017, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of South Carolina resulting from Hurricane Irma beginning on September 6, 2017, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of South Carolina.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved

assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of South Carolina have been designated as adversely affected by this declared emergency:

All 46 South Carolina counties and the Catawba Indian Nation for emergency protective measures (Category B), including direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20471 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arkansas:					
Crawford (FEMA Docket No.: B–1715).	City of Van Buren (17–06–1187X).	The Honorable Robert Freeman, Mayor, City of Van Buren, 1003 Broadway Street, Van Buren, AR 72956.	Public Works Department, 1003 Broadway Street, Van Buren, AR 72956.	Jun. 29, 2017	050053
Crawford (FEMA Docket No.: B–1715).	Unincorporated areas of Crawford County (17–06–1187X).	The Honorable Dennis Gilstrap, Crawford County Judge, 300 Main Street, Room 4, Van Buren, AR 72956.	Crawford County Department of Emergency Management, 1820 Chestnut Street, Van Buren, AR 72956.	Jun. 29, 2017	050428
Colorado:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Boulder (FEMA Docket No.: B–1715).	City of Lafayette (16–08–1034P).	The Honorable Christine Berg, Mayor, City of Lafayette, 1290 South Public Road, Lafayette, CO 80026.	Planning Department, 1290 South Public Road, Lafayette, CO 80026.	Jul. 19, 2017	080026
Boulder (FEMA Docket No.: B–1715).	Unincorporated areas of Boulder County (16–08–1034P).	The Honorable Deb Gardner, Chair, Boulder County, Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80306.	Jul. 19, 2017	080023
Florida:					
Manatee (FEMA Docket No.: B–1715).	City of Bradenton (17–04–0078P).	The Honorable Wayne H. Poston, Mayor, City of Bradenton, 101 Old Main Street West, Bradenton, FL 34205.	Building and Construction Services Department, 101 Old Main Street West, Bradenton, FL 34205.	Jul. 5, 2017	120155
Monroe (FEMA Docket No.: B–1715).	Unincorporated areas of Monroe County (17–04–1942P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Jul. 12, 2017	125129
Pinellas (FEMA Docket No.: B–1715).	City of South Pasadena (16–04–7573P).	The Honorable Max V. Elson, Mayor, City of South Pasadena, 7047 Sunset Drive South, South Pasadena, FL 33707.	Community Improvement Department, 6940 Hibiscus Avenue South, South Pasadena, FL 33707.	Jul. 3, 2017	125151
Pinellas (FEMA Docket No.: B–1715).	City of South Pasadena (16–04–7574P).	The Honorable Max V. Elson, Mayor, City of South Pasadena, 7047 Sunset Drive South, South Pasadena, FL 33707.	Community Improvement Department, 6940 Hibiscus Avenue South, South Pasadena, FL 33707.	Jul. 6, 2017	125151
Pinellas (FEMA Docket No.: B–1715).	City of South Pasadena (17–04–1269P).	The Honorable Max V. Elson, Mayor, City of South Pasadena, 7047 Sunset Drive South, South Pasadena, FL 33707.	Community Improvement Department, 6940 Hibiscus Avenue South, South Pasadena, FL 33707.	Jul. 11, 2017	125151
Massachusetts:					
Essex (FEMA Docket No.: B–1715).	City of Salem (17–01–0584P).	The Honorable Kimberley Driscoll, Mayor, City of Salem, 93 Washington Street, Salem, MA 01970.	Department of Planning and Community Development, 120 Washington Street, 3rd Floor, Salem, MA 01970.	Jul. 14, 2017	250102
Montana:					
Musselshell (FEMA Docket No.: B–1715).	City of Roundup (16–08–1129P).	The Honorable Sandy Jones, Mayor, City of Roundup, 34 3rd Avenue West, Roundup, MT 59072.	City Hall, 34 3rd Avenue West, Roundup, MT 59072.	Jul. 13, 2017	300050
Musselshell (FEMA Docket No.: B–1715).	Unincorporated areas of Musselshell County (16–08–1129P).	The Honorable Bryan Adolph, Chairman, Musselshell County Board of Commissioners, 506 Main Street, Roundup, MT 59072.	Musselshell County, Planning and Growth Department, 506 Main Street, Roundup, MT 59072.	Jul. 13, 2017	300174
Powell (FEMA Docket No.: B–1715).	City of Deer Lodge (16–08–1007P).	The Honorable Zane Cozby, Mayor, City of Deer Lodge, 300 Main Street, Deer Lodge, MT 59722.	City Hall, 300 Main Street, Deer Lodge, MT 59722.	Jul. 6, 2017	300060
Powell (FEMA Docket No.: B–1715).	Unincorporated areas of Powell County (16–08–1007P).	The Honorable Ralph "Rem" Mannix, Jr., Chairman, Powell County Board of Commissioners, 409 Missouri Avenue, Suite 101, Deer Lodge, MT 59722.	Powell County Planning Department, 409 Missouri Avenue, Suite 101, Deer Lodge, MT 59722.	Jul. 6, 2017	300059
Nevada:					
Clark (FEMA Docket No.: B–1715).	City of Henderson (17–09–0463P).	The Honorable Andy Hafen, Mayor, City of Henderson, P.O. Box 95050, Henderson, NV 89002.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	Jul. 13, 2017	320005
Clark (FEMA Docket No.: B–1715).	Unincorporated areas of Clark County (17–09–0463P).	The Honorable Steve Sisolak, Chairman, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Clark County Public Works Department, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Jul. 13, 2017	320003
New Mexico:					
Bernalillo (FEMA Docket No.: B–1715).	Unincorporated areas of Bernalillo County (16–06–3838P).	The Honorable Debbie O'Malley, Chair, Bernalillo County Board of Commissioners, 1 Civic Plaza Northwest, Albuquerque, NM 87102.	Bernalillo County Public Works Division, 2400 Broadway Boulevard Southeast, Albuquerque, NM 87102.	Jul. 3, 2017	350001
North Carolina:					
Ashe (FEMA Docket No.: B–1715).	Unincorporated areas of Ashe County (16–04–3324P).	The Honorable William Sands, Chairman, Ashe County Board of Commissioners, 150 Government Circle, Suite 2500, Jefferson, NC 28640.	Ashe County Planning Department, 150 Government Circle, Jefferson, NC 28640.	Jun. 2, 2017	370007
Burke (FEMA Docket No.: B–1715).	Unincorporated areas of Burke County (16–04–8212P).	The Honorable Jeffrey C. Brittain, Chairman, Burke County Board of Commissioners, P.O. Box 219, Morganton, NC 28680.	Burke County Community Development Department, 110 North Green Street, Morganton, NC 28655.	Jun. 29, 2017	370034
Greene (FEMA Docket No.: B–1715).	Unincorporated Areas of Greene County (16–04–3348P).	The Honorable Brad Fields, Chairman, Greene County Board of Commissioners, 229 Kingold Boulevard, Suite D, Snow Hill, NC 28580.	Greene County Department of Building Inspections, 104 Hines Street, Snow Hill, NC 28580.	Mar. 9, 2017	370378
Watauga (FEMA Docket No.: B–1715).	Unincorporated areas of Watauga County (16–04–3324P).	The Honorable John Welch, Chairman, Watauga County Board of Commissioners, 814 West King Street, Suite 205, Boone, NC 28607.	Watauga County Planning and Inspections Department, 331 Queen Street, Room A, Boone, NC 28607.	Jun. 2, 2017	370251
Pennsylvania:					
Jefferson (FEMA Docket No.: B–1715).	Borough of Reynoldsville (16–03–1758P).	The Honorable Thomas J. Sliwinski, President, Borough of Reynoldsville Council, 460 East Main Street, Suite 5, Reynoldsville, PA 15851.	Borough Hall, 460 East Main Street, Suite 5, Reynoldsville, PA 15851.	Jul. 3, 2017	420513

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Monroe (FEMA Docket No.: B–1715).	Borough of Stroudsburg (16–03–2051P).	The Honorable Ken Lang, President, Borough of Stroudsburg Council, 700 Sarah Street, Stroudsburg, PA 18360.	Municipal Building, 700 Sarah Street, Stroudsburg, PA 18360.	Jul. 5, 2017	420694
Monroe (FEMA Docket No.: B–1715).	Township of Stroud (16–03–2051P).	The Honorable Daryl Eppley, Chairman, Township of Stroud Board of Supervisors, 1211 North 5th Street, Stroudsburg, PA 18360.	Zoning Department, 1211 North 5th Street, Stroudsburg, PA 18360.	Jul. 5, 2017	420693
Texas:					
Hays (FEMA Docket No.: B–1715).	Unincorporated areas of Hays County (16–06–3012P).	The Honorable Bert Cobb, M.D., Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666.	Hays County Development Services Department, 2171 Yarrington Road, San Marcos, TX 78666.	Jul. 6, 2017	480321
Williamson (FEMA Docket No.: B–1715).	City of Leander (17–06–0007P).	The Honorable Christopher Fielder, Mayor, City of Leander, P.O. Box 319, Leander, TX 78646.	Engineering Department, 200 West Willis Street, Leander, TX 78641.	Jul. 20, 2017	481536
Williamson (FEMA Docket No.: B–1715).	Unincorporated areas of Williamson County (17–06–0007P).	The Honorable Dan A. Gattis, Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Engineering Department, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	Jul. 20, 2017	481079
Williamson (FEMA Docket No.: B–1715).	Unincorporated areas of Williamson County (17–06–0666P).	The Honorable Dan A. Gattis, Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Engineering Department, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	Jul. 20, 2017	481079
Virginia:					
Stafford (FEMA Docket No.: B–1715).	Unincorporated areas of Stafford County (16–03–2418P).	Mr. Thomas C. Foley, Stafford County Administrator, P.O. Box 339, Stafford, VA 22555.	Stafford County Planning and Zoning Department, 1300 Courthouse Road, Stafford, VA 22554.	Jun. 15, 2017	510154
Washington (FEMA Docket No.: B–1715).	Unincorporated areas of Washington County (16–03–2548P).	The Honorable Randy L. Pennington, Chairman, Washington County Board of Supervisors, 1 Government Center Place, Suite A, Abingdon, VA 24210.	Washington County Department of Zoning Administration, 1 Government Center Place, Suite A, Abingdon, VA 24210.	Jul. 13, 2017	510168
Washington (FEMA Docket No.: B–1715).	Unincorporated areas of Washington County (17–03–0603P).	The Honorable Randy L. Pennington, Chairman, Washington County Board of Supervisors, 1 Government Center Place, Suite A, Abingdon, VA 24210.	Washington County Department of Zoning Administration, 1 Government Center Place, Suite A, Abingdon, VA 24210.	Jul. 20, 2017	510168

[FR Doc. 2017–20462 Filed 9–22–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4335–DR; Docket ID FEMA–2017–0001]

Virgin Islands; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the territory of the U.S. Virgin Islands (FEMA–4335–DR), dated September 7, 2017, and related determinations.

DATES: This amendment was issued September 18, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective September 7, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20461 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3383–EM; Docket ID FEMA–2017–0001]

Virgin Islands; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the Territory of the U.S. Virgin Islands (FEMA–3383–EM), dated September 5, 2017, and related determinations.

DATES: The declaration was issued September 5, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 5, 2017, the President issued an emergency declaration under the

authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in the Territory of the U.S. Virgin Islands resulting from Hurricane Irma beginning on September 5, 2017, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the Territory of the U.S. Virgin Islands.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, William L. Vogel, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the Territory of the U.S. Virgin Islands have been designated as adversely affected by this declared emergency:

All islands in the Territory of the U.S. Virgin Islands for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20469 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4335–DR; Docket ID FEMA–2017–0001]

Virgin Islands; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the territory of the U.S. Virgin Islands (FEMA–4335–DR), dated September 7, 2017, and related determinations.

DATES: The declaration was issued September 7, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 7, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the territory of the U.S. Virgin Islands resulting from Hurricane Irma beginning on September 6, 2017, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the territory of the U.S. Virgin Islands.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, Hazard Mitigation throughout the territory, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs). Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, William L. Vogel, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the territory of the U.S. Virgin Islands have been designated as adversely affected by this major disaster:

The islands of St. John and St. Thomas for Individual Assistance.

All islands in the territory of the U.S. Virgin Islands for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program.

All islands in the territory of the U.S. Virgin Islands are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20467 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4338–DR; Docket ID FEMA–2017–0001]

Georgia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4338–DR), dated September 15, 2017, and related determinations.

DATE: The declaration was issued September 15, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 15, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Georgia resulting from Hurricane Irma beginning on September 7, 2017, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Georgia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, Hazard Mitigation throughout the State, and other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments. Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. McCool, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Georgia have been designated as adversely affected by this major disaster:

Camden, Chatham, and Glynn Counties for Individual Assistance.

All 159 counties in the State of Georgia for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program.

All areas within the State of Georgia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20446 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4332–DR; Docket ID FEMA–2017–0001]

Texas; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA–4332–DR), dated August 25, 2017, and related determinations.

DATES: This amendment was issued September 18, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 15, 2017, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to Brock Long, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the State of Texas resulting from Hurricane Harvey beginning on August 23, 2017, and continuing, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act'').

Therefore, I amend my declarations of August 25, 2017, and September 2, 2017, to authorize Federal funds for all categories of Public Assistance at 90 percent of total eligible costs, except for assistance previously approved at 100 percent.

This adjustment to State and local cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act specifically prohibits a similar adjustment for funds provided for Other Needs Assistance (Section 408), and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora

Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20439 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3384–EM; Docket ID FEMA–2017–0001]

Puerto Rico; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the Commonwealth of Puerto Rico (FEMA–3384–EM), dated September 5, 2017, and related determinations.

DATES: The declaration was issued September 5, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 5, 2017, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the Commonwealth of Puerto Rico resulting from Hurricane Irma beginning on September 5, 2017, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the Commonwealth of Puerto Rico.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Alejandro DeLaCampa, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the Commonwealth of Puerto Rico have been designated as adversely affected by this declared emergency:

All 78 municipalities in the Commonwealth of Puerto Rico for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20451 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4325–DR; Docket ID FEMA–2017–0001]

Nebraska; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4325–DR), dated August 1, 2017, and related determinations.

DATES: The amendment was issued on September 8, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Michael R. Scott, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Dolph A. Diemont as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20454 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4332–DR; Docket ID FEMA–2017–0001]

Texas; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4332–DR), dated August 23, 2017, and related determinations.

DATES: This amendment was issued September 15, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 15, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20441 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4335–DR; Docket ID FEMA–2017–0001]

Virgin Islands; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the territory of the U.S. Virgin Islands (FEMA–4335–DR), dated September 7, 2017, and related determinations.

DATES: The amendment was issued September 15, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this declared disaster is now September 5, 2017, and continuing.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20458 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4317–DR; Docket ID FEMA–2017–0001]

Missouri; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4317–DR), dated June 2, 2017, and related determinations.

DATES: The amendment was issued on September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Michael L. Parker as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20472 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4321–DR; Docket ID FEMA–2017–0001]

Nebraska; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4321–DR), dated June 26, 2017, and related determinations.

DATES: The amendment was issued on September 8, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency

(FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Michael R. Scott, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Dolph A. Diemont as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20452 Filed 9–22–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–55]

30-Day Notice of Proposed Information Collection: Mortgage Record Change

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* October 25, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax:202–395–5806, Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Colette.Pollard@hud.gov,* or telephone 202–402–3400. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on July 12, 2017 at 82 FR 32195.

A. Overview of Information Collection

Title of Information Collection: Mortgage Record Change.

OMB Approval Number: 2502–0422.

Type of Request: Extension without change of a currently approved collection.

Form Number: 92080 (FHA Connection).

Description of the need for the information and proposed use: Servicing of insured mortgages must be performed by a mortgagee that is approved by HUD to service insured mortgages. The Mortgage Record Change information is used by FHA-approved mortgagees to comply with HUD requirements for reporting the sale of a mortgage between investors and/or the transfer of the mortgage servicing responsibility, as appropriate.

Respondents: (Affected public): Not-for-profit institutions.

Estimated Number of Respondents: 7,000.

Estimated Number of Responses: 4,000,000.

Frequency of Response: On occasion at sale or transfer.

Average Hours per Response: 0.1.

Total Estimated Burdens: 400,000.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: September 13, 2017.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–20431 Filed 9–22–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0060; FXIA16710900000–178–FF09A30000]

Foreign Endangered and Threatened Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered and threatened species. With some exceptions, the Endangered Species Act prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before October 25, 2017.

ADDRESSES: *Submitting Comments:* You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–IA–2017–0060.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2017–0060; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

When submitting comments, please indicate the name of the applicant and the PRT# you are commenting on. We will post all comments on *http://*

www.regulations.gov. This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

Viewing Comments: Comments and materials we receive will be available for public inspection on *http://www.regulations.gov,* or by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095.

FOR FURTHER INFORMATION CONTACT: Joyce Russell, Government Information Specialist, Division of Management Authority, U.S. Fish and Wildlife Service Headquarters, MS: IA; 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2023; facsimile 703–358–2280.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **FOR FURTHER INFORMATION CONTACT**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; Jan. 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

We invite the public to comment on applications to conduct certain activities with endangered species. With some exceptions, ESA prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

Applicant: Philadelphia Zoo, Philadelphia, PA; PRT–22842C

The applicant requests a permit to import one captive-born male snow leopard (*Uncia uncia*) from Assiniboine Park Zoo, Winnipeg, Canada, to enhance the propagation or survival of the species. This notification is for a single import.

Applicant: Palm Beach Zoo and Conservation Society, West Palm Beach, Florida; PRT–39618C

The applicant requests an import permit for a captive-bred jaguar (*Panthera onca*) from the Zoo de Granby in Quebec, Canada to the Palm Beach Zoo in West Palm Beach, Florida to enhance the propagation or survival of the species. This notification is for a single import.

Applicant: Center for Conservation of Tropical Ungulates, Punta Gorda, Florida; PRT–43158C

The applicant requests a permit to import one male captive-born Asian tapir (*Tapirus indicus*) from the Singapore Zoo and Night Safari, Singapore, to enhance the propagation or survival of the species. This notification is for a single import.

Trophy Applicants

The following applicants each request a permit to import a sport-hunted trophy of a male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

Applicant: Warren Bell Cleveland, OH; PRT–40757C

Applicant: Danny Spindler Evansville, IN; PRT–35244C

IV. Next Steps

If the Service decides to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the **Federal Register** notice announcing the permit issuance date by searching regulations.gov under the permit number listed in this document.

V. Public Comments

You may submit your comments and materials concerning this notice by one of the methods listed in **ADDRESSES**. We will not consider comments sent by email or fax or to an address not listed in **ADDRESSES**.

If you submit a comment via *regulations.gov*, your entire comment, including any personal identifying information, will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

We will post all hardcopy comments on *regulations.gov*.

VI. Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2017–20381 Filed 9–22–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2017–N113; FF06E11000–178–FXES111606CSAGE]

Enhancement of Survival Permit Application; Draft Candidate Conservation Agreement With Assurances for the Greater Sage-Grouse and Four Grassland Songbirds in Montana; Draft Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, are making available for public comment an application from The Nature Conservancy (TNC) for an enhancement of survival permit (permit) under the Endangered Species Act for take of five species associated with implementation of a candidate conservation agreement with assurances (CCAA) in Montana. The intent of the CCAA is to provide private landowners in the coverage area with the opportunity to voluntarily conserve covered species and their habitats while carrying out their operations in a manner that would contribute to precluding the need to list the covered species. Pursuant to the National Environmental Policy Act, we have prepared a draft environmental assessment (EA) that analyzes the potential impacts of issuance of the permit and implementation of the proposed CCAA, as well as two alternatives to the proposed action in the EA. The permit application, the draft CCAA, and draft EA are available for public review, and we seek public comment on these documents and potential issuance of the permit.

DATES: Written comments must be submitted by October 25, 2017.

ADDRESSES: To request further information or submit written comments, please use the following methods, and note that your information request or comments are in reference to the Montana CCAA.

○ *Internet:* Documents may be viewed on the Internet at *https://www.fws.gov/greatersagegrouse/news.php.*

○ *U.S. Mail:* Field Supervisor, Montana Ecological Services Field Office, U.S. Fish and Wildlife Service, 585 Shephard Way, Suite 1, Helena, MT 59601.

○ *Email: MT_CCAA@fws.gov.* Include ''MT CCAA'' in the subject line of the message.

○ *Fax:* 406–449–5339, Attn: MT CCAA.

○ *In-Person Viewing or Pickup:* Documents will be available for public inspection by appointment during normal business hours at the U.S. Fish and Wildlife Service, Montana Ecological Services Field Office, U.S. Fish and Wildlife Service, 585 Shephard Way, Suite 1, Helena, MT 59601.

FOR FURTHER INFORMATION CONTACT: Field Supervisor, Montana Ecological Services Field Office (see **ADDRESSES**), telephone: 406–449–5225. If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), received and make available for comment an application from The Nature Conservancy (TNC). The application is for an enhancement of survival permit (permit) under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), for potential take of five species associated with implementation of a candidate conservation agreement with assurances (CCAA) in Montana (coverage area). The coverage area would be the range of the five species on privately owned lands in Montana.

The CCAA would cover and include conservation measures for the greater sage-grouse (*Centrocercus urophasianus*), Baird's sparrow (*Ammodramus bairdii*), chestnut-collared longspur (*Calcarius ornatus*), McCown's longspur (*Rhynchophanes mccownii*), and Sprague's pipit (*Anthus spragueii*). The intent of the CCAA is to provide ranchers and agriculture producers in the coverage area with the opportunity to voluntarily conserve the covered species and their habitat, while carrying out their operations in a manner that would provide net conservation benefit to the species.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4321 *et seq.;* NEPA), we have prepared a draft environmental assessment (EA) that analyzes the potential impacts of issuance of the permit and implementation of the proposed CCAA, as well as two alternatives to the proposed action. The permit application, draft CCAA, and EA are available for public review, and we seek public comment on these documents and potential issuance of the permit.

Background Information

A CCAA is an agreement with the Service in which private and other non-Federal landowners voluntarily agree to undertake management activities and conservation efforts on their properties to enhance, restore, or maintain habitat to benefit species that are proposed for listing under the ESA, that are candidates for listing, or that may become candidates. The Service works with these partners to identify threats to candidate species, plan the measures needed to address the threats and conserve these species, identify willing landowners, develop agreements, and design and implement conservation measures and monitor their effectiveness.

If we approve this CCAA, we will issue an associated enhancement of survival permit under section 10(a)(1)(A) of the ESA that authorizes incidental take resulting from covered activities should any of the five covered species addressed in the CCAA become listed. Through the CCAA and permit, we also provide assurances to participating landowners that we will not impose additional land, water, or financial commitments, or restrictions on land, water, or resource use, as a result of their efforts to attract or increase the numbers or distribution of a species on their properties if that species becomes listed under the ESA in the future. Application requirements and issuance criteria for enhancement of survival permits through a CCAA are found in 50 CFR 17.22(d) and 17.32(d), as well as in 50 CFR part 13.

Proposed Action

Under the proposed programmatic CCAA, enrolled landowners in the CCAA (participants) would implement conservation measures that avoid, minimize, and mitigate impacts to the covered species and their habitats from ongoing grazing and range management activities on enrolled lands. The Service would issue the permit to TNC, which would administer the CCAA and enroll the participants. The CCAA would be in effect for 20 years. The covered area would encompass the non-Federal lands within the range of the covered species in Montana.

With issuance of the enhancement of survival permit, the Service would provide TNC and the participants

assurances that, should any of the covered species be listed, no further commitments or restrictions than those they committed to under the CCAA would be imposed, as long as the CCAA is properly implemented. Furthermore, if any of the covered species are listed, the permit would provide TNC and individuals TNC enrolls in the CCAA with incidental take authorization. Participants would receive take authorization through their certificates of inclusion under the permit. The permit would become effective on the effective date of a listing of the covered species as endangered or threatened and would continue through the end of the CCAA term.

The Secretary of the Interior has delegated to the Service the authority to approve or deny a section 10(a)(1)(A) permit in accordance with the ESA. To act on TNC's permit application, we must determine that the CCAA meets the issuance criteria specified in the ESA and at 50 CFR 17.22 and 17.32, as well as at 50 CFR part 13. These criteria include a finding that the proposed CCAA complies with the requirements of our CCAA Policy (81 FR 951646; December 27, 2016).

National Environmental Policy Act Compliance

The issuance of a section 10(a)(1)(A) permit is a Federal action subject to NEPA compliance, including the Council on Environmental Quality regulations for implementing the procedural provisions of NEPA (40 CFR 1500–1508). The draft CCAA and application for the enhancement of survival permit are not eligible for categorical exclusion under NEPA. We have prepared a draft EA to analyze the direct, indirect, and cumulative impacts of the CCAA on the quality of the human environment and other natural resources. In compliance with NEPA, we analyzed the impacts of implementing the CCAA, issuance of the permit, and a reasonable range of alternatives in the draft EA. Based on these analyses and any new information resulting from public comment on the proposed action, we will determine if issuance of the permit would cause any significant impacts to the human environment. After reviewing public comments, we will evaluate whether the proposed action and alternatives in the draft EA are adequate to support a finding of no significant impact under NEPA. We now make the draft EA available for public inspection online or in person at the Service offices listed in **ADDRESSES**.

Public Comments

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. We request data, information, opinions, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on our proposed permit action. We particularly seek comments on the following: (1) Biological information and relevant data concerning the covered species; (2) current or planned activities in the subject area and their possible impacts on the covered species; (3) identification of any other environmental issues that should be considered with regard to the proposed permit action; and (4) information regarding the adequacy of the draft CCAA pursuant to the requirements for permits at 50 CFR parts 13 and 17.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comments, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as supporting documentation we use in preparing the EA, will be available for public inspection by appointment, during normal business hours, at our Montana Field Office (see **ADDRESSES**).

Next Steps

After completion of the EA based on consideration of public comments, we will determine whether adoption of the proposed CCAA warrants a finding of no significant impact or whether an environmental impact statement should be prepared. We will evaluate the proposed CCAA as well as any comments we receive, to determine whether implementation of the proposed CCAA would meet the requirements for issuance of a permit under section 10(a)(1)(A) of the ESA. We will also evaluate whether the proposed permit action would comply with section 7 of the ESA by conducting an intra-Service section 7 consultation. We will consider the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue a permit to TNC. We will not make our final decision until after the end of the 30-day public comment period, and we will fully consider all comments we receive during the public comment period.

Authority: We provide this notice in accordance with the requirements of section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA (42 U.S.C. 4321 *et seq.*) and their implementing regulations (50 CFR 17.22, 40 CFR 1506.6, and 43 CFR Part 46, respectively).

Dated: September 11, 2017.

Michael Thabault,

Assistant Regional Director—Ecological Services, Mountain-Prairie Region, U.S. Fish and Wildlife Service, Lakewood, Colorado.

[FR Doc. 2017–20373 Filed 9–22–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024017; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Michigan, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Michigan has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of Michigan. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of Michigan at the address in this notice by October 25, 2017.

ADDRESSES: Dr. Ben Secunda, NAGPRA Project Manager, University of Michigan Office of Research, 4080 Fleming

Building, 503 Thompson Street, Ann Arbor, MI 48109–1340, telephone (734) 647–9085, email *bsecunda@umich.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of Michigan, Ann Arbor, MI. The human remains were removed from Saginaw County, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the University of Michigan Museum of Anthropological Archaeology (UMMAA) professional staff in consultation with representatives of the Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Saginaw Chippewa Indian Tribe of Michigan; and the Sault Ste. Marie Tribe of Chippewa Indians, Michigan.

Additional requests for consultation were sent to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake), Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, White Earth Band); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; and the Turtle Mountain Band of Chippewa Indians of North Dakota.

Hereafter, all Tribes listed in this section are referred to as ''The Consulted and Invited Tribes.''

History and Description of the Remains

In 1970, human remains representing, at minimum, 20 individuals were removed from the Bugai site (20SA215) in Saginaw County, MI. Contract workers encountered human remains while excavating sand from private property near Interstate-75 in Bridgeport Township. After workers completed removing the sand, amateur archeologists Leo Purple and Arthur Graves conducted a salvage excavation at the site from late-winter through the fall of 1970. Purple had surface collected the site for several years prior to the excavation. Primary and secondary burials were noted at the site. The majority of the burials excavated were bundle burials, along with multiple objects. Purple and Graves divided the site collections, donating some to the UMMAA in 1976, and some to the Chippewa Nature Center (CNC) in Midland, MI, in 1974. In 2006, the CNC donated human remains and objects from the Bugai site to the UMMAA. The human remains collected from the site include 1 adult, over 35 years old, possibly male; 1 adult, age indeterminate, possibly female; 1 child, 7.5–12.5 years old; 1 adult, age and sex indeterminate; 1 adult, age and sex indeterminate; 1 child, 4–8 years old; 1 adult, over 30 years old, possibly male; 1 adolescent/young adult, 16–20 years old, possibly female; 1 adult, over 35 years old, male; 1 child, 2–4 years old; 1 adult, 23–44 years old, possibly male; 1 adult, over 30 years old, male; 1 adult, over 35–45 years old, female; 1 adult, over 40 years old, possibly female; 1 child, 3–5 years old; 1 adult, 35–45 years old, possibly female; 1 adult, age indeterminate, possibly male; 1 juvenile, age indeterminate; 1 child, 5–9 years old; and 1 child, 2–4 years old. One lot of DNA extractions, taken from human remains in this collection between 1996 and 2006, will also be included in this transfer. The human remains are believed to date to the Early Late Woodland Period (A.D. 500–1100) based on diagnostic artifacts associated with the burials and mortuary treatment. No known individuals were identified. The 106 associated funerary objects present are 1 lot of 1 Jack's Reef projectile point; 1 lot of 1 biface; 1 lot of 2 lithic bifaces; 1 lot of 2 lithic blade flakes; 1 lot of 1 copper awl with antler handle; 1 lot of 3 unworked carnivore teeth; 1 lot of 3 antler needle fragments and 1 modern glue reconstruction fragment; 1 lot of 1 reconstructed possibly perforated turtle carapace with possible perforation and 1 reconstructed turtle carapace fragment; 1 lot of 1 earthenware body sherd; 1 lot of 1 small pebble; 1 lot of 5 unworked animal bone fragments; 1 lot of yellow ochre concretion; 1 lot of 1 double-ended slate chisel; 1 lot of shell bead necklace restrung on modern cord and loose shell beads; 1 lot of red ochre and sand; 1 lot of 3 unworked animal bone fragments; 1 lot of 15 white tubular shell beads plus many small bead fragments; 1 lot of 1 possible scraper; 1 lot of 1 round possible scraper; 1 lot of 1 copper awl; 1 lot of 1 copper awl; 1 lot of 1 copper awl; 1 lot of 1 platform clay pipe with modern reproduction foot; 1 lot of 1 stone pipe with modern clay reconstruction; 1 lot of 1 earthenware elbow pipe; 1 lot of 1 reconstructed Wayne cord-impressed vessel; 1 lot of 1 reconstructed Wayne cord-impressed or Vas Dentate vessel; 1 lot of 1 large lithic bifacial blade; 1 lot of 2 corner-notched lithic drills; 1 lot of 1 modified shell fragment, possibly a pendant; 1 lot of 1 fine sandy soil sample with charcoal and tiny calcined bone inclusions; 1 lot of 1 possible abrader; 1 lot of yellow ochre and fine sandy soil; 1 lot of 1 stone celt with soil/ochre; 1 lot of 1 copper awl with antler handle; 1 lot of 1 lithic scraper; 1 lot of 8 lithic debitage fragments; 1 lot of 1 lithic scraper; 1 lot of 1 slate abrader; 1 lot of 7 unworked shell fragments; 1 lot of 2 lithic bifaces; 1 lot of 4 notched projectile points; 1 lot of 12 antler tine fragments, likely pressure flakers; 1 lot of 4 unworked rodent incisor fragments, possibly beaver; 1 lot of 4 earthenware body sherds; 1 lot of 16 red ochre concretions; 3 lots soil with red ochre; 1 lot of 1 lithic biface, possibly a scraper; 1 lot of 9 unworked animal bone fragments; 1 lot of 3 shell beads, 11 shell bead fragments, 1 charcoal fragment, 2 small stones; 1 lot of 1 reconstructed Vas Dentate vessel; 1 lot of 1 stone celt; 1 lot of 1 worked slate fragment, likely a pendant; 1 lot of 5 corner-notched projectile points; 1 lot of 2 projectile point fragments; 1 lot of 3 lithic flakes and 1 possible scraper; 1 lot of 2 projectile points; 1 lot of 1 thin stone celt; 1 lot of 3 triangular projectile points; 1 lot of 1 lithic flake; 1 lot of 1 retouched/utilized lithic flake; 1 lot of 1 edge-damaged lithic flake; 1 lot of 1 lithic biface fragment; 1 lot of 1 triangular lithic biface fragment; 1 lot of 1 retouched lithic flake; 1 lot of 1 geological sample identified as iron

pyrite; 1 lot of 1 copper awl with antler handle; 1 lot of 2 modified antler fragments; 1 lot of 17 unworked rodent incisor fragments, likely beaver; 1 lot of 2 unworked turtle shell fragments; 1 lot of 1 sandstone platform pipe; 1 lot of 1 slab of igneous rock; 1 lot of 1 sandstone abrader; 1 lot of 1 possible fire-cracked rock; 1 lot of 6 rocks and 10 possible ochre concretions; 1 lot of 10 charcoal fragments plus many tiny fragments; 1 lot of 1 small, thin unworked stone; 1 lot of 1 lithic biface and 1 retouched flake; 1 lot of 16 lithic debitage fragments; 1 lot of 1 unworked clam shell fragment; 1 lot of 94 Wayne earthenware sherds; 1 lot of 55 Wayne earthenware sherds likely from same vessel; 1 lot of 13 unworked faunal long bone fragments; 1 lot of 1 small stone celt; 1 lot of 1 earthenware platform pipe; 1 lot of 1 sandstone abrader; 1 lot of 12 projectile points; 1 lot of 1 side-notched lithic drill; 1 lot of 13 triangular retouched flakes; 1 lot of 5 lithic debitage; 1 lot of 8 large antler billets and fragments; 1 lot of 1 unworked faunal metapodial fragment; 1 lot of 3 harpoon-style antler points; 1 lot of 1 carved antler tool and 1 hollowed faunal long bone fragment; 1 lot of 2 unworked animal bone fragments; 1 lot of 53 unworked turtle shell fragments, 6 small unworked animal bone fragments, and 1 rock; 1 lot of 1 earthenware sherd; 1 lot of 1 retouched flake and 1 small earthenware sherd; 1 lot of 1 small stone, possibly quartz, with ochre; 1 lot of 21 unworked rodent incisor fragments, likely beaver; 1 lot of 5 antler tool fragments, 1 unworked animal bone fragment, and 1 earthenware body sherd; 1 lot of 4 lithic debitage and 1 possibly retouched flake; 1 lot of 1 possible fire-cracked rock; and 1 lot of 1 quartzite stone, possibly debitage.

Determinations Made by the University of Michigan

Officials of the University of Michigan have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on cranial morphology, dental traits, accession documentation, and archeological context.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 20 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 106 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Saginaw Chippewa Indian Tribe of Michigan.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of The Consulted and Invited Tribes.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Consulted and Invited Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Ben Secunda, NAGPRA Project Manager, University of Michigan Office of Research, 4080 Fleming Building, 503 Thompson Street, Ann Arbor, MI 48109–1340, telephone (734) 647–9085, email *bsecunda@umich.edu,* by October 25, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Consulted and Invited Tribes may proceed.

The University of Michigan is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: August 15, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–20382 Filed 9–22–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1052]

Certain Thermoplastic-Encapsulated Electric Motors, Components Thereof, and Products and Vehicles Containing Same; Commission's Determination To Grant Complainant's Motion To Withdraw the Complaint and Deny Complainant's Motion for Vacatur; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant Complainant's motion to withdraw the complaint and terminates the investigation. As a result of the Commission's determination, Order No. 7 is moot. Complainant's motion to vacate Order No. 7 is denied.

FOR FURTHER INFORMATION CONTACT: Amanda P. Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 3, 2017, based on a complaint filed on behalf of Intellectual Ventures II LLC (''Complainant'') of Bellevue, Washington. 82 FR 20633 (May 3, 2017). The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing the same by reason of infringement of certain claims of U.S. Patent No. 7,154,200; U.S. Patent No. 7,067,944;

U.S. Patent No. 7,067,952; U.S. Patent No. 7,683,509; and U.S. Patent No. 7,928,348. The complaint named as respondents Aisin Seiki Co., Ltd. of Aichi, Japan; Aisin Holdings of America, Inc. of Seymour, Indiana; Aisin Technical Center of America, Inc. of Northville, Michigan; Bayerische Motoren Werke AG of Munich, Germany; BMW of North America, LLC of Woodcliff Lake, New Jersey; BMW Manufacturing Co., LLC of Greer, South Carolina; Denso Corporation of Aichi, Japan; Denso International America, Inc. of Southfield, Michigan; Honda Motor Co., Ltd. of Tokyo, Japan; Honda North America, Inc. of Torrance, California; American Honda Motor Co., Inc. of Torrance, California; Honda of America Mfg., Inc. of Marysville, Ohio; Honda Manufacturing of Alabama, LLC of Lincoln, Alabama; Honda R&D Americas, Inc. of Torrance, California; Mitsuba Corporation of Gunma, Japan; American Mitsuba Corporation of Mount Pleasant, Michigan; Nidec Corporation of Kyoto, Japan; Nidec Automotive Motor Americas, LLC of Auburn Hills, Michigan; Toyota Motor Corporation of Aichi, Japan; Toyota Motor North America, Inc. of New York, New York; Toyota Motor Sales, U.S.A., Inc. of Torrance, California; Toyota Motor Engineering & Manufacturing North America, Inc. of Erlanger, Kentucky; Toyota Motor Manufacturing, Indiana, Inc. of Princeton, Indiana; and Toyota Motor Manufacturing, Kentucky, Inc. of Georgetown, Kentucky (collectively, ''Respondents''). The Office of Unfair Import Investigations (''OUII'') is participating in the investigation.

On June 20, 2017, Respondents filed a motion to terminate the investigation on the ground that Complainant lacked standing to sue. On August 3, 2017, the ALJ issued an ID (Order No. 7) granting Respondents' motion. Specifically, the ALJ found that the Complainant does not own the asserted patents and that the Commission does not have the authority to remedy a standing defect. Order No. 7. No petitions for review were filed. On August 22, 2017, the Commission determined to extend the deadline for determining whether to review this ID until September 29, 2017. Notice of the Commission's Determination to Extend the Date for Determining Whether to Review an Initial Determination Terminating the Investigation Based on Lack of Standing (Aug. 22, 2017).

On August 15, 2017, Complainant filed a motion with the Commission to withdraw the complaint and vacate Order No. 7. Motion at 1. On August 25, 2017, Respondents and OUII each filed responses supporting withdrawal of the complaint but opposing Complainant's motion to vacate Order No. 7.

The Commission has determined to grant Complainant's motion to withdraw the complaint, and hereby terminates the investigation. As a result of the Commission's determination, Order No. 7 is moot. The Commission denies Complainant's motion to vacate Order No. 7.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 19, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–20370 Filed 9–22–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Reusable Diapers, Components Thereof, and Products Containing the Same, DN 3254;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Cotton Babies, Inc. on September 19, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain reusable diapers, components thereof, and products containing the same. The complaint names as respondents Alvababy.com of China; Shenzhen Adsel Trading Co., Ltd. d/b/a Alva of China; and Huizhou Huapin Garment Co., Ltd of China. The complainant requests that the Commission issue a limited and/or general exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles

potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3254'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures.[1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 19, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–20319 Filed 9–22–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Amorphous Metal and Products Containing Same, DN 3255;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Metglas, Inc. and Hitachi Metals, Ltd. on September 19, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain amorphous metal and products containing same. The complaint names as respondents Advanced Technology & Materials from China; AT & M International Trading Co., Ltd. of China; CISRI International Trading Co., Ltd. of China; Beijing ZLJG Amorphous Technology Co., Ltd. of China; Qingdao Yunlu Energy Technology Co., Ltd. of China; Dr. Hideki Nakamura of Japan; and Mr. Nobrou Hanai of Japan. The complainant requests that the Commission issue a general exclusion, or in the alternative, a limited exclusion order, and cease and desist.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the

subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3255'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 20, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–20429 Filed 9–22–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–575 and 731–TA–1360–1361 (Final)]

Tool Chests and Cabinets From China and Vietnam; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–575 and 731–TA–1360–1361 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of tool chests and cabinets from China and Vietnam, provided for in subheadings 7326.90.35, 7326.90.86, and 9403.20.00 of the Harmonized Tariff Schedule of the United States, imports from China preliminarily determined by the Department of Commerce to be subsidized. Determinations with respect to imports alleged to be sold at less-than-fair-value are pending.

DATES: September 15, 2017.

FOR FURTHER INFORMATION CONTACT: Abu Kanu (202) 205–2597, 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 these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, the Department of Commerce has defined the subject merchandise as all metal tool chests and cabinets with five specific physical characteristics. For Commerce's complete scope, see 82 FR 43331, September 15, 2017.

Background.—The final phase of these investigations is being scheduled pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d (b)), as a result of one affirmative preliminary determination by Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of tool chests and cabinets. These investigations were requested in petitions filed on April 11, 2017 by Waterloo Industries Inc., Sedalia, Missouri.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the

investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on November 14, 2017, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Tuesday, November 28, 2017, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before November 22, 2017. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on November 27, 2017, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is November 21, 2017. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is December 5, 2017. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before December 5, 2017. On December 20, 2017, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before December 22, 2017, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: September 19, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–20371 Filed 9–22–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Magnetic Data Storage Tapes and Cartridges Containing the Same (II), DN 3253;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of FUJIFILM Corporation on September 19, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into

the United States, the sale for importation, and the sale within the United States after importation of certain magnetic data storage tapes and cartridges containing the same (II). The complaint names as respondents Sony Corporation of Japan; Sony Storage Media Solutions Corporation of Japan; Sony Storage Media Manufacturing Corporation of Japan; Sony DADC US Inc. of Terre Haute, Indiana; and Sony Latin America Inc. of Miami, FL. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3253'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures.[1].) Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 19, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–20318 Filed 9–22–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

[CPCLO Order No. 009–2017]

Privacy Act of 1974; Systems of Records

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a component within the United States Department of Justice (DOJ or Department), proposes to modify a system of records notice titled JUSTICE/ATF–008, ''Regulatory Enforcement Record System.''

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day notice and comment period in which to comment on the routine uses, described below. Therefore, please submit any comments by October 25, 2017.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments by mail to the United States Department of Justice, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530; by facsimile at 202–307–0693; or by email at *privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Peter Chisholm, Acting Chief, Disclosure Division, Bureau of Alcohol, Tobacco, Firearms and Explosives, 99 New York Avenue NE., Washington, DC 20226, or by facsimile at 202–648–9619.

SUPPLEMENTARY INFORMATION: ATF has not changed the maintenance or operations of the existing system of records. However, to appropriately inform the public on this system of

records, ATF is updating the system of records notice for JUSTICE/ATF–008, last published in its entirety in the **Federal Register** at 68 FR 3551 (Jan. 24, 2003), and amended at 82 FR 24147 (May 25, 2017). First, ATF has made certain editorial changes to this system of records notice. These editorial changes include: Updating ATF contact information (for example, adding the new ATF Headquarters address and Web page information); informing the public of ATF's records control schedule change; and making other editorial and conforming changes. Some editorial changes have also been made to the routine uses, including modifying the Department's model routine uses to more accurately describe the agencies or entities that may require information from ATF, as well as re-ordering the routine uses to list the routine uses unique to this system of records first, followed by the Department's model routine uses.

Second, ATF has made substantive updates to certain sections of this system of records notice. These modifications include: Updating the listed authorities; updating the security classification; adding to the list of system managers; supplementing the purposes for the system to more accurately describe why ATF collects, maintains, uses, and disseminates regulatory enforcement records; clarifying certain descriptions of categories of records, individuals, and sources; and revising and adding routine uses to more accurately describe the entities to or circumstances under which ATF may disclose regulatory information. Examples of these changes include: (1) Adding a routine use that allows ATF to disclose information to a licensed industry member to verify the validity of a license or permit before the distribution of explosives materials, accomplished electronically, through an ''EZ-Check'' system, for purposes of enhancing regulatory enforcement and public safety as envisioned by the Safe Explosives Act, Title XI, Subtitle C, of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, 2280; (2) republishing two breach response routine uses consistent with the requirements in OMB Memorandum M–17–12; (3) adding a routine use that would allow ATF to provide a copy of the hearing transcript to the subject of a revocation hearing; and (4) adding to the purpose of this system of records, which explains that ATF provides verification of suitability, eligibility, or qualification of individuals who are engaged or propose to engage in activities regulated by ATF. The entire notice is republished for the convenience of the public.

In accordance with 5 U.S.C. 552a(r), ATF has provided a report to OMB and to Congress on this notice of a modified system of records.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

JUSTICE/ATF–008

SYSTEM NAME AND NUMBER:

Regulatory Enforcement Record System, JUSTICE/ATF–008.

SECURITY CLASSIFICATION:

Sensitive But Unclassified Information and/or Controlled Unclassified Information.

SYSTEM LOCATION:

Bureau of Alcohol, Tobacco, Firearms and Explosives, 99 New York Avenue NE., Washington, DC 20226. Components of this system of records are also geographically dispersed throughout ATF's district offices, field offices, and the Martinsburg, West Virginia location. A list of field offices is available on ATF's Web site at *https://www.atf.gov/contact/atf-field-divisions,* or by writing to the Chief, Disclosure Division, 99 New York Avenue NE., 4.E–301, Washington, DC 20226. A list of offices at the Martinsburg, West Virginia location is available on ATF's Web site at *https://www.atf.gov/contact/licensing-and-other-services* or by writing to the Chief, Disclosure Division, 99 New York Avenue NE., 4.E–301, Washington, DC 20226.

SYSTEM MANAGER(S):

Assistant Director, Enforcement and Program Services; Assistant Director, Field Operations; and Assistant Director, Science & Technology, Bureau of Alcohol, Tobacco, Firearms and Explosives, 99 New York Avenue NE., Washington, DC 20226.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 26 U.S.C. 7011; (2) 18 U.S.C. 923(a); (3) 18 U.S.C. 923(b); (4) 18 U.S.C. 843(a); (5) 22 U.S.C. 2278; (6) 26 U.S.C. 6001; (7) 26 U.S.C. 6011(a); (8) 26 U.S.C. 6201; (9) 26 U.S.C. 7122; (10) 18 U.S.C. 843(d); (11) 18 U.S.C. 923(f); (12) Pub. L. 107–296, 116 Stat. 2135; (13) 18 U.S.C. 845; and (14) 18 U.S.C. 925.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to determine suitability, eligibility, or qualifications of individuals who are engaged or propose to engage in activities regulated by ATF; provide verification of suitability, eligibility, or qualification of individuals who are engaged or propose to engage in activities regulated by ATF; achieve compliance with laws under ATF's jurisdiction; interact with Federal, state, local, tribal, and foreign government agencies or associations with regard to industrial development, revenue protection, public health and safety, ecology, and other areas of joint jurisdictional concern. When a criminal investigation results in a compilation of information contained in this system of records, the information shall be transferred to the ATF's Criminal Investigation Report System and become part of that system for all purposes of the Privacy Act of 1974.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been issued permits or licenses, have filed applications with ATF, have registered with ATF, have been granted or applied for relief from federal firearms or explosives disabilities to restore firearms or explosives privileges, or are responsible persons or employees of a licensee or permittee to the extent that the records concern private individuals or entrepreneurs, including, but not limited to: (a) Explosives licensees, permittees, employees, and responsible persons; (b) Claimants for refund of taxes; (c) Federal Firearms Licensees, employees and responsible persons; (d) Collectors of firearms or ammunition; (e) Importers of firearms or ammunition; (f) Users of explosive materials; and (g) Applicants who have been denied employment with licensed possessors or permittees of explosive materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing investigative material compiled for law enforcement purposes which may consist of the following: (1) Abstracts of offers in compromise; (2) Administrative law judge decisions; (3) Assessment records, including: (a) Notices of proposed assessments, (b) notices of shortages or losses, (c) notices to the Internal Revenue Service to assess taxes, (d) recommendation for assessments; (4) Claim records, including: (a) Claims, (b) letters of claim rejection, (c) sample reports, (d) supporting data, (e) vouchers and schedules of payment; (5) Comments on proposed rulemakings; (6) Complaints from third parties; (7) Correspondence concerning records in this system and related matters; (8) Financial statements; (9) Inspection and investigation reports; (10) Joint demands on principals and sureties for payment of excise tax liabilities; (11) Letters of reprimand; (12) Lists of permittees and licensees; (13) Lists of officers, directors

and principal stockholders; (14) Mailing lists and addressograph plates; (15) Notices of delinquent reports; (16) Offers in compromise; (17) Operation records, including: (a) Operating reports, (b) reports of required inventories, (c) reports of thefts or losses of firearms, (d) reports of thefts of explosive materials, (e) transaction records, (f) transaction reports; (18) Orders of revocation, suspension or annulment of permits or licenses; (19) ATF Office of Chief Counsel memoranda and opinions; (20) Reports of violations; (21) Permit status records; (22) Qualifying and background records, including: (a) Access authorizations, (b) advertisement records, (c) applications, (d) bonds, (e) business histories, (f) criminal records, (g) diagrams of premises, (h) educational histories, (i) employment histories, (j) environmental records, (k) financial data, (l) formula approvals, (m) label approvals, (n) licenses, (o) notices, (p) permits, (q) personal references, (r) plant profiles, (s) plant capacities, (t) plats and plans, (u) registrations, (v) sample reports, (w) signature authorities, (x) special permissions and authorizations, (y) statements of process; (23) Show cause orders; (24) Tax records, including: (a) Control cards relating to periodic payment and prepayment of taxes, (b) excise and special tax returns, (c) notices of tax discrepancy or adjustment; (25) Explosive license or permit denials; and (26) Lists of applicants for relief from federal firearms or explosives disabilities and those granted such relief.

RECORD SOURCE CATEGORIES:

Examples include: (1) Acquaintances; (2) ATF personnel; (3) Business and professional associates; (4) Creditors; (5) Criminal records; (6) Financial institutions; (7) Former employers; (8) Internal Revenue Service; (9) Military records; (10) Physicians, Psychiatrists, and other medical professionals; (11) The subject individual; (12) References; (13) Police reports; (14) Witnesses; (15) Federal, state, local, tribal, and foreign law enforcement agencies; (16) Federal, state, local, tribal, and foreign regulatory agencies; (17) ATF Office of Chief Counsel memoranda and opinions; (18) Field investigation reports; and (19) Third parties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records or information contained in this system of records may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected:

A. To Federal, state, local, territorial, tribal, foreign, or international licensing agencies or associations which require information concerning: (1) The suitability or eligibility of an individual for a license or permit; (2) an individual's status regarding relief from federal firearms or explosives disabilities; (3) whether the issuance of a license or permit to import, manufacture, deal in, or purchase explosives would be in violation of federal or state law or regulation; and (4) whether to add to, delete from, revise, or update information previously provided from this record system.

B. To individuals and organizations for ATF to obtain or verify information pertinent to ATF's decision to grant, deny, or revoke a license or permit, or pertinent to an ongoing investigation or inspection.

C. To a licensed industry member to verify the validity of a license or permit before the distribution of explosives materials.

D. To individuals who are the subject of a license revocation hearing in order to obtain a copy of the hearing transcript.

E. To employees of the Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, when necessary to accomplish a DOJ or Treasury function related to this system of records.

F. To an organization or individual in either the public or private sector where there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy, to the extent the information is relevant to the protection of life or property.

G. To national and international intelligence gathering organizations for the purpose of identifying individuals suspected of terrorism or criminal activities or convicted of crimes.

H. To any agency, organization, or individual for the purpose of performing authorized audit or oversight operations of ATF and meeting related reporting requirements.

I. Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

J. To complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

K. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

L. To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement, plea bargaining, or in informal discovery proceedings.

M. To the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

N. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

O. To appropriate officials and employees of a Federal agency or entity, including the White House, that require information relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail, or deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; the classification of a job; or the issuance of a grant or benefit.

P. To a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, local, tribal, territorial, foreign and international government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation

assistance from the former employee regarding a matter within that person's former area of responsibility.

Q. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

R. To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

S. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

T. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

U. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Active records are stored in file folders in secure filing cabinets. Inactive records are stored in file folders at Federal Records Centers. Records or portions of records are also stored in electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name, permit or license number, by document locator number, or by employer identification number (EIN).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained in accordance with General Records Schedule numbers 4.1, 4.2, and 4.3 issued by the National Archives and Records Administration, and the Bureau of Alcohol, Tobacco, Firearms and Explosives Records Control Schedule and disposed of by shredding, burning or degaussing.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Direct access is limited to personnel in the Department of Justice with need for the records in the performance of their official duty. Records are transmitted to routine users on a need to know basis or where a right to access is established and to others upon verification of the substance and propriety of the request. These records are stored in restricted-access areas in lockable metal file cabinets in rooms locked during non-duty hours. The records stored in electronic media are access controlled and password protected.

RECORD ACCESS PROCEDURES:

All requests for access to records must be in writing and should be addressed to the Disclosure Division, Privacy Act Request, Bureau of Alcohol, Tobacco, Firearms and Explosives, 99 New York Avenue NE., 4.E–301, Washington, DC 20226. The envelope and letter should be clearly marked ''Privacy Act Access Request.'' The request must describe the records sought in sufficient detail to enable Department personnel to locate them with a reasonable amount of effort. The request must include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury. Some information may be exempt from the access provisions as described in the ''EXEMPTIONS PROMULGATED FOR THE SYSTEM'' paragraph, below. An individual who is the subject of a record in this system of records may access those records that are not exempt from access. A determination as to whether a record may be accessed will be made at the time a request is received.

Although no specific form is required, you may obtain forms for this purpose from the FOIA/Privacy Act Mail Referral Unit, United States Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530, or on the Department of Justice Web site at *https://www.justice.gov/oip/submit-and-track-request-or-appeal.*

More information regarding the Department's procedures for accessing records in accordance with the Privacy Act can be found at 28 CFR part 16 subpart D, ''Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974.''

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend records maintained in this system of records must direct their requests to the address indicated in the ''RECORD ACCESS PROCEDURES'' paragraph, above. All requests to contest or amend records must be in writing and the envelope and letter should be clearly marked ''Privacy Act Amendment Request.'' All requests must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record. Some information is not subject to amendment, such as tax return information. Some information may be exempt from the amendment provisions as described in the ''EXEMPTIONS PROMULGATED FOR THE SYSTEM'' paragraph, below. An individual who is the subject of a record in this system of records may contest or amend those records that are not exempt. A determination of whether a record is exempt from the amendment provisions will be made after a request is received.

More information regarding ATF's procedures for amending or contesting records in accordance with the Privacy Act can be found at 28 CFR 16.46, ''Requests for Amendment or Correction of Records.''

NOTIFICATION PROCEDURES:

Individuals may be notified if a record in this system of records pertains to them when the individuals request information utilizing the same procedures as those identified in the ''RECORD ACCESS PROCEDURES'' paragraph, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Attorney General has exempted this system from subsections (c)(3), (d)(1), (2), (3) and (4), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The exemptions will be applied only to the extent that the information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2). Rules have been published in the **Federal Register** at 68 FR 19148 (April 18, 2003), and promulgated at 28 CFR 16.106, in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e).

HISTORY:

68 FR 3551, 558 (January 24, 2003): Last published in full;

72 FR 3410 (January 25, 2007): Added one routine; and

82 FR 24147 (May 25, 2017): Rescinded 72 FR 3410 and added two routine uses.

[FR Doc. 2017–20352 Filed 9–22–17; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Proposed Renewal of Information Collection Requirements; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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 (PRA). This program helps ensure that requested data is provided in the desired format, that the reporting burden (time and financial resources) is minimized, that the collection instruments are clearly understood, and that the impact of collection requirements on respondents is properly assessed. Currently, the Office of Federal Contract Compliance Programs (OFCCP) is soliciting comments on its proposal to renew the Office of Management and Budget (OMB) approval of the construction information collection. A copy of the proposed information collection request can be obtained on *www.regulations.gov* or by contacting the office listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to OFCCP at the addresses listed below on or before November 24, 2017.

ADDRESSES: You may submit comments, identified by OMB Control Number 1250–0001, by either one of the following methods:

Electronic comments: Through the Federal eRulemaking portal at *www.regulations.gov.* Follow the instructions for submitting comments.

Mail, Hand Delivery, Courier: Addressed to Debra A. Carr, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW., Room C–3325, Washington, DC 20210. Telephone: (202) 693–0103 (voice) or (202) 693–1337 (TTY).

Instructions: Please submit one copy of your comments by only one method. For faster submission, we encourage commenters to transmit their comment electronically via the *www.regulations.gov* Web site. Comments mailed to the address provided above must be postmarked before the close of the comment period. All submissions must include the agency's name and the OMB Control Number identified above for this information collection. Comments, including any personal information provided, become a matter of public record and will be posted on *www.regulations.gov.* They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Debra A. Carr, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, Room C–3325, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: (202) 693–0103 (voice) or (202) 693–1337 (TTY/TDD) (these are not toll-free numbers). Copies of this notice may be obtained in alternative formats (large print, braille, audio tape or disc) upon request by calling the numbers listed above.

SUPPLEMENTARY INFORMATION:

I. *Background:* OFCCP administers three nondiscrimination and equal employment opportunity laws:

- Executive Order 11246, as amended (EO 11246);
- Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793 (referred to as Section 503); and
- Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212 (VEVRAA).

Generally, these authorities prohibit employment discrimination and require affirmative action to ensure that equal employment opportunity regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran by Federal contractors and subcontractors (hereafter collectively referred to as contractors). Additionally, contractors are prohibited from discriminating against applicants and employees for asking about, discussing, or sharing information about their pay or the pay of their co-workers. For purposes of OMB clearance, OFCCP divides its responsibilities under these authorities into two categories: (1) Construction and (2) non-construction (supply and service). This clearance request covers the construction information collection. It also merges the recordkeeping and reporting requirements of two existing information collections with this ICR. Specifically, the ICR entitled ''Prohibiting Discrimination Based on Sexual Orientation and Gender Identity by Contractors and Subcontractors'' that covers prohibitions against discrimination on the basis of sexual orientation and gender identity,[1] and the ICR entitled ''Government Contractors, Prohibitions Against Pay Secrecy Policies and Actions'' that covers prohibitions against pay secrecy policies and actions.[2] To view the current construction information collection, go to *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201406-1250-001.*

II. *Review Focus:* DOL is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the compliance and enforcement 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:* DOL seeks the approval of the renewal of this information in order to carry out its responsibility to enforce the antidiscrimination and affirmative action provisions of the three legal authorities it administers. 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.

Debra A. Carr,

Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs.

[FR Doc. 2017–20333 Filed 9–22–17; 8:45 am]

BILLING CODE P

[1] See OMB Control Number 1250–0009 with an expiration date of September 30, 2018.

[2] See OMB Control No. 1250–0008 with an expiration date of December 31, 2018.

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Advisory Board on Toxic Substances and Worker Health

ACTION: Solicitation for nominations to serve on the Advisory Board on Toxic Substances and Worker Health for Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

SUMMARY: The Secretary of Labor (Secretary) invites interested parties to submit nominations for individuals to serve on the Advisory Board on Toxic Substances and Worker Health for Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

DATES: Nominations for individuals to serve on the Board must be submitted (postmarked, if sending by mail; submitted electronically; or received, if hand delivered) within 30 days of the date of this notice.

ADDRESSES: Nominations may be submitted, including attachments, by any of the following methods:

- *Electronically:* Send to: *EnergyAdvisoryBoard@dol.gov* (specify in the email subject line, ''Advisory Board on Toxic Substances and Worker Health nomination'').
- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy of the documents listed above to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S–3522, 200 Constitution Ave. NW., Washington, DC 20210.

Follow-up communications with nominees may occur as necessary through the process.

FOR FURTHER INFORMATION CONTACT: You may contact Douglas Fitzgerald, Designated Federal Officer, at *fitzgerald.douglas@dol.gov,* or Carrie Rhoads, Alternate Designated Federal Officer, at *rhoads.carrie@dol.gov,* U.S. Department of Labor, 200 Constitution Avenue NW., Suite S–3524, Washington, DC 20210, telephone (202) 343–5580. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Advisory Board on Toxic Substances and Worker Health (the Board) is mandated by Section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015) and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The purpose of the Board is to advise the Secretary with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency. In addition, the Board, when necessary, coordinates exchanges of data and findings with the Department of Health and Human Services' Advisory Board on Radiation and Worker Health, which advises the Department of Health and Human Services' National Institute for Occupational Safety and Health (NIOSH) on various aspects of causation in radiogenic cancer cases under Part B of the EEOICPA program.

The Board shall consist of 12–15 members, to be appointed by the Secretary. A Chair of the Board will be appointed by the Secretary from among the Board members. Pursuant to Section 3687(a)(2), the Advisory Board will reflect a reasonable balance of scientific, medical, and claimant members, to address the tasks assigned to the Advisory Board. The members serve two-year terms. At the discretion of the Secretary, members may be appointed to successive terms or removed at any time. The Board will meet no less than twice per year.

Pursuant to Section 3687(d), no Board member, employee, or contractor can have any financial interest, employment, or contractual relationship (other than a routine consumer transaction) with any person who has provided or sought to provide, within two years of their appointment or during their appointment, goods or services for medical benefits under EEOICPA. A certification that this is true will be required with each nomination.

The Department of Labor is committed to equal opportunity in the workplace and seeks broad-based and diverse Advisory Board membership. Any interested person or organization may nominate one or more individuals for membership. Interested persons are also invited and encouraged to submit statements in support of nominees.

Nomination Process: Any interested person or organization may nominate one or more qualified individuals for membership. If you would like to nominate an individual or yourself for appointment to the Board, please submit the following information:

- The nominee's contact information (name, title, business address, business phone, fax number, and/or business email address) and current employment or position;
- A copy of the nominee's resume or curriculum vitae;
- Category of membership that the nominee is qualified to represent;
- A summary of the background, experience, and qualifications that addresses the nominee's suitability for the nominated membership category identified above;
- Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in fields related to the EEOICPA program, particularly as pertains to industrial hygiene, toxicology, epidemiology, occupational medicine, lung conditions, or the nuclear facilities covered by the EEOICPA program;
- Documents or other supportive materials that demonstrate the nominee's familiarity, experience, or history of participation with the EEOICPA program or with the administration of a technically complex compensation program such as EEOICPA; and
- A signed statement that the nominee is aware of the nomination, is willing to regularly attend and participate in Advisory Board meetings, and has no conflicts of interest that would preclude membership on the Board.

Nominees will be appointed based on their demonstrated qualifications, professional experience, and knowledge of issues the Advisory Board may be asked to consider. Nominees will also be selected in accordance with statutory obligations under FACA and Section 3687 of EEOICPA regarding a balanced membership.

The activities of the Advisory Board may necessitate its members obtaining security clearance. Pursuant to Section 3687(f), the Secretary of Energy will ensure that the members and staff of the Board, and any contractors performing work in support of the Board, are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate, and should provide a determination on eligibility for clearance within 180 days of receiving a completed application.

Any member appointed to fill a vacancy occurring prior to the expiration of a resigning Board member's term shall be appointed for

the remainder of such term. As specified in Section 3687(i), the Advisory Board shall terminate five (5) years after the date of the enactment of the legislation, which was December 19, 2014. Thus, the Advisory Board shall terminate on December 19, 2019.

Members are Special Government Employees (SGEs). Members will serve without compensation. However, members may each receive reimbursement for travel expenses for attending Board meetings, including per diem in lieu of subsistence, as authorized by the Federal travel regulations.

Signed at Washington, DC, this 14th day of September, 2017.

Julia Hearthway,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2017–20335 Filed 9–22–17; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2017–066]

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 October 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 the Army, Agency-wide (DAA–AU–2016–0057, 1 item, 1 temporary item). Master files of an electronic information system used to store and disseminate geospatial data.

2. Department of Defense, Defense Logistics Agency (DAA–0361–2017–0006, 6 items, 6 temporary items). Records related to continuous process improvement activities.

3. Department of Defense, Defense Logistics Agency (DAA–0361–2017–0009, 1 item, 1 temporary item). Records related to workers compensation claims.

4. Department of Education, Federal Student Aid (DAA–0441–2017–0002, 1 item, 1 temporary item). Master files of an electronic information system used to process claims for borrowers that default on health education assistance loans.

5. Broadcasting Board of Governors, Office of the Secretariat (DAA–0517–2016–0001, 7 items, 2 temporary items). Records include copies of audit files and routine administrative materials. Proposed for permanent retention are substantive program records related to international broadcasting activities.

6. National Indian Gaming Commission, Agency-wide (DAA–0600–

2017–0004, 3 items, 3 temporary items). Records include fingerprinting processing statements and invoices, fingerprinting processing reports, and memoranda of understanding for records related to tribal casino employee background checks.

7. National Indian Gaming Commission, Agency-wide (DAA–0600–2017–0005, 8 items, 8 temporary items). Records include financial information, statements, final reports, cover letters, working files, and follow-up recommendations by agency auditors of Indian gaming operations.

8. National Indian Gaming Commission, Agency-wide (DAA–0600–2017–0006, 5 items, 5 temporary items). Records include external tribal training materials, training catalogues, working files, and training statistical reports.

9. National Indian Gaming Commission, Agency-wide (DAA–0600–2017–0007, 6 items, 6 temporary items). Records include payments, deposits, and statements related to gaming, fingerprinting and miscellaneous fees.

10. National Indian Gaming Commission, Agency-wide (DAA–0600–2017–0008, 6 items, 6 temporary items). Records include approved, disapproved, and withdrawn management contracts, and background investigation reports, billing records, and background documentation for the review of third-party Indian gaming operations managers.

11. Office of Personnel Management, Agency-wide (DAA–0478–2017–0009, 1 item, 1 temporary item). Records of the Freedom of Information Act program, including guidance, procedures, internal job aids, and planning documents.

12. Office of Personnel Management, Agency-wide (DAA–0478–2017–0011, 2 items, 2 temporary items). Records of the Human Resources University, including user accounts and learning resources maintained for reference.

13. Peace Corps, Office of Director (DAA–0490–2016–0007, 8 items, 6 temporary items). Records of the Office of 3rd Goal, Returned Volunteer Services, and World Wise Schools including general administrative records. Proposed for permanent retention are high level program records, policy files, and program posters.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2017–20393 Filed 9–22–17; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meetings

TIME AND DATE: 9:30 a.m., Tuesday, October 17, 2017

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The one item is open to the public.

MATTERS TO BE CONSIDERED:

56985 Aviation Accident Report: Impact with Power Lines, Heart of Texas Hot Air Balloon Rides, Balóny Kubíček BB85Z, N2469L, Lockhart, Texas, July 30, 2016

CONTACT PERSON FOR MORE INFORMATION: *News Media Contact:* Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle McCallister at (202) 314–6305 or by email at *Rochelle.McCallister@ntsb.gov* by Wednesday, October 11, 2017.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

FOR MORE INFORMATION CONTACT: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov.*

FOR MEDIA INFORMATION CONTACT: Eric Weiss at (202) 314–6100 or by email at *eric.weiss@ntsb.gov.*

Dated: Thursday, August 17, 2017.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2017–20504 Filed 9–21–17; 11:15 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–498 and 50–499; NRC–2010–0375]

South Texas Project Nuclear Operating Company

AGENCY: Nuclear Regulatory Commission.

ACTION: Record of decision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a record of decision for the South Texas Project (STP), located in Bay City, Texas. This notice provides the record of decision that supports the NRC decision to renew facility operating license Nos. NPF–76 and NPF–80 for an additional 20 years of operation for the South Texas Project (STP), Units 1 and 2.

DATES: The record of decision was issued on September 18, 2017.

ADDRESSES: Please refer to Docket ID NRC–2010–0375 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2010–0375. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; e-mail: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*
- *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.

FOR FURTHER INFORMATION CONTACT: Tam Tran, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3617; e-mail: *Tam.Tran@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the record of decision is attached.

Dated at Rockville, Maryland, this 19th day of September, 2017.

For the Nuclear Regulatory Commission.

Joseph E. Donoghue,

Deputy Director, Division of License Renewal, Office of Nuclear Reactor Regulation.

RECORD OF DECISION

U.S. NUCLEAR REGULATORY COMMISSION DOCKET NO. 50–498 AND 50–499 LICENSE RENEWAL APPLICATION FOR SOUTH TEXAS PROJECT, UNITS 1 AND 2

BACKGROUND:

The U.S. Nuclear Regulatory Commission (NRC) received an

application, dated October 28, 2010, from STP Nuclear Operating Company (STPNOC or applicant), filed pursuant to Section 103 of the Atomic Energy Act of 1954, as amended (AEA), and Parts 51 and 54 of title 10 of the *Code of Federal Regulations* (CFR), to issue renewed operating licenses for the South Texas Project, Units 1 and 2 (STP). The renewed licenses would authorize the applicant to operate STP for an additional 20-year period beyond that specified in the current operating licenses.

The South Texas Project is a two-unit nuclear powered steam electric generating facility located in Matagorda County, Texas, that began commercial operations on August 25, 1988 (Unit 1) and June 19, 1989 (Unit 2). The nuclear units are Westinghouse pressurized-water reactors, producing a reactor core rated power of 3,853 megawatts-thermal (MWt). The gross electrical capacity is 1,350 megawatts-electric (MWe) (1,250 MWe net) each. The current operating licenses for STP (NPF–76 and NPF–80), expire on August 20, 2027 (Unit 1) and December 15, 2028 (Unit 2).

On January 13, 2011, the NRC published a Notice of Acceptance and Opportunity for Hearing for South Texas Project, Units 1 and 2, in the **Federal Register** (76 FR 2426) and began the environmental and safety review of the STP license renewal application. As required by 10 CFR part 51, on January 31, 2011, the NRC published a Notice of Intent To Prepare an Environmental Impact Statement and Conduct the Scoping Process for South Texas Project, Units 1 and 2, in the **Federal Register** (76 FR 5410). Section 102 of the National Environmental Policy Act of 1969, as amended (NEPA), directs that a detailed statement be prepared for major Federal actions significantly affecting the quality of the human environment. By Commission regulation, the NRC prepares an environmental impact statement (EIS) or a supplement to an EIS (SEIS) for all renewed reactor operating licenses, regardless of the action's environmental impact significance (10 CFR 51.20(b)(2)). In this instance, the NRC's major Federal action is to decide whether to issue renewed operating licenses for STP for an additional 20-year period beyond that specified in the current operating licenses.

On March 2, 2011, the NRC held two public meetings at the Bay City Civic Center in Bay City, Texas, to obtain public input on the scope of the environmental review related to the STP license renewal application. The NRC staff reviewed the oral and written comments received during the scoping process and contacted Federal, State, Tribal, regional, and local agencies to solicit comments. A Scoping Summary Report was issued on November 14, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11153A082).

The NRC's environmental review involved the preparation of a site-specific SEIS, which is a supplement to the NRC's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' (GEIS), in accordance with 10 CFR 51.95(c). The GEIS documents the results of the NRC staff's systematic approach to evaluate the environmental consequences of renewing the operating licenses of nuclear power plants and operating them for an additional 20 years.

The GEIS facilitates the NRC's environmental review process by identifying and evaluating environmental impacts that are considered generic and common to all nuclear power plants (Category 1 issues). For Category 1 issues, no additional site-specific analysis is required in the SEIS unless new and significant information is identified that would change the conclusions in the GEIS. The GEIS also identifies site-specific issues (Category 2 issues) that could not be resolved generically. For Category 2 issues, an additional site-specific review is required, and the results are documented in the site-specific SEIS.

A standard of significance was established for each NEPA issue evaluated in the GEIS based on the Council on Environmental Quality (CEQ) terminology for ''significantly'' (see 40 CFR 1508.27). Since the significance and severity of an impact can vary with the setting of the proposed action, both ''context'' and ''intensity,'' as defined in CEQ regulations 40 CFR 1508.27, were considered. Context is the geographic, biophysical, and social context in which the effects will occur. In the case of license renewal, the context is the environment surrounding the nuclear power plant. Intensity refers to the severity of the impact in whatever context it occurs. Based on this, the NRC established a three-level standard of significance for potential impacts, SMALL, MODERATE, and LARGE, as defined below.

SMALL: Environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource.

MODERATE: Environmental effects are sufficient to alter noticeably, but not to destabilize, important attributes of the resource.

LARGE: Environmental effects are clearly noticeable and are sufficient to destabilize important attributes of the resource.

The applicant, STPNOC submitted its license renewal application and environmental report under the NRC's 1996 rule governing license renewal environmental reviews [1], as codified in the NRC's environmental protection regulation, 10 CFR part 51. The 1996 GEIS [2] and Addendum 1 [3] to the GEIS provided the technical bases for the list of NEPA issues and associated environmental impact findings for license renewal contained in Table B–1 in Appendix B to Subpart A of 10 CFR part 51. Therefore, for STP, the NRC staff initiated its environmental review in accordance with the 1996 rule and GEIS. Neither STPNOC nor the NRC staff identified information that is both new and significant related to Category 1 issues that would call into question the conclusions in the GEIS. This conclusion is supported by the NRC staff's review of the applicant's environmental report and other documentation relevant to STPNOC's activities; consideration of public comments received during the scoping process and the draft SEIS comment period; consultation with Federal, State, and local agencies as well as Tribal representatives; and the findings from the environmental site audit conducted by the NRC staff.

On December 5, 2012, the NRC issued a draft site-specific SEIS for public comment in support of the STP license renewal application (ADAMS Accession No. ML12324A049). A 45-day comment period began on the date of publication of the U.S. Environmental Protection Agency (EPA) Notice of Availability (77 FR 74479) and ended on February 22, 2013. The comment period was to allow members of the public and agencies to comment on the results of the environmental review presented in the draft SEIS. On January 15, 2013, the

[1] 61 FR 28467. U.S. Nuclear Regulatory Commission. ''Environmental Review for Renewal of Nuclear Power Plant Operating Licenses.'' **Federal Register** 61 (109): 28467–28497. June 5, 1996.

[2] U.S. Nuclear Regulatory Commission. 1996. *Generic Environmental Impact Statement for License Renewal of Nuclear Plants.* Washington, DC. NUREG–1437. May 1996. ADAMS Accession Nos. ML040690705 and ML040690738.

[3] U.S. Nuclear Regulatory Commission. 1999. Section 6.3–Transportation, Table 9.1, Summary of findings on NEPA issues for license renewal of nuclear power plants. In: *Generic Environmental Impact Statement for License Renewal of Nuclear Plants.* Washington, DC. NRC. NUREG–1437, Volume 1, Addendum 1. August 1999. ADAMS Accession No. ML040690720.

NRC held two public meetings at the Bay City Civic Center in Bay City, Texas, to describe the results of the environmental review, respond to questions, and accept public comments. All comments received on the draft SEIS during the comment period are included in Appendix A of the final SEIS (FSEIS).

On June 20, 2013, the NRC published a final rule revising 10 CFR part 51, including the list of NEPA issues and findings in Table B–1.[4] A revised GEIS,[5] which updated the 1996 GEIS, provided the technical bases for the final rule. The revised GEIS supports the revised list of NEPA issues and associated environmental impact findings for license renewal contained in Table B–1 in Appendix B to Subpart A of the revised 10 CFR part 51. The revised GEIS and final rule reflect lessons learned and knowledge gained during previous license renewal environmental reviews. Under NEPA, the NRC must consider and analyze in the SEIS the potential significant impacts described by the final rule's new Category 2 issues. If any new and significant information is identified for the final rule's new Category 1 issues, then their potential significant impacts must also be described.

Therefore, for the STP license renewal application, the NRC staff also reviewed information relating to the new issues identified in the 2013 final rule and GEIS. Specifically, the staff reviewed geology and soils; radionuclides released to groundwater; effects on terrestrial resources (non-cooling system impacts); exposure of terrestrial organisms to radionuclides; exposure of aquatic organisms to radionuclides; human health impacts from chemicals; physical occupational hazards; environmental justice; and cumulative impacts. These issues are documented in Section 4.11 of the FSEIS for the STP license renewal.

The NRC issued the FSEIS in support of the STP license renewal application on November 18, 2013 (ADAMS Accession No. ML13322A890) and a Final Errata on June 3, 2016 (ADAMS Accession No. ML16165A182). In the FSEIS, the NRC staff concluded that the adverse environmental impacts of license renewal for STP are not great enough to deny the option of license renewal for energy-planning decision-makers.

On November 29, 2013, the EPA issued the Notice of Availability for the FSEIS for the STP license renewal application (78 FR 71606). During the 30 days following publication of the notice, the NRC received one comment on the FSEIS from EPA Region 6 as discussed later in this document.

Pursuant to 10 CFR 51.102 and 51.103(a)(1)-(5), the NRC staff has prepared this concise public record of decision (ROD) to accompany its action on the STP license renewal application. In accordance with 10 CFR 51.103(c), this ROD incorporates by reference the materials contained in the FSEIS.

DECISION:

Pursuant to 10 CFR 54.29, a renewed license may be issued by the Commission if the Commission finds that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified to require review and (2) time-limited aging analyses that have been identified to require review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis, and that any changes made to the plant's current licensing basis in order to comply with this requirement are in accord with the AEA and the Commission's regulations, and that any applicable requirements of Subpart A of 10 CFR part 51 have been satisfied.

In making its final decision on the proposed license renewal to authorize the continued operation of STP for an additional 20 years beyond the expiration of the current operating licenses, the NRC must make a favorable safety finding. The purpose of the NRC's safety review is to determine if the applicant has adequately demonstrated that the effects of aging will not adversely affect any safety structures or components as specified in 10 CFR 54.4 and 10 CFR 54.21. The applicant must demonstrate that the effects of aging will be adequately managed so that the intended functions will be maintained during the license renewal period. The detailed results of the NRC's safety review are documented in a safety evaluation report (SER) to be published separately. Further, the Advisory Committee on Reactor Safeguards (ACRS) must complete its review and report in accordance with 10 CFR 54.25.

The FSEIS, which is incorporated by reference herein, documents the NRC's environmental review of the STP license renewal application, including the determination that the adverse environmental impacts of license renewal for STP are not so great that preserving the option of license renewal for energy-planning decision makers would be unreasonable, in accordance with 10 CFR 51.103(a)(5).

PURPOSE AND NEED:

As identified in Section 1.2, ''Purpose and Need for the Proposed Federal Action,'' of the FSEIS, the purpose and need for the proposed action (issuance of renewed licenses) is to provide an option that allows for power generation capability beyond the term of a current nuclear power plant operating license to meet future system generating needs, as such needs may be determined by energy-planning decision makers, such as State, utility, and, where authorized, Federal agencies (other than the NRC). This definition of purpose and need reflects the NRC's recognition that, unless there are findings in the safety review required by the AEA or findings in the NEPA environmental analysis that would lead the NRC to reject a license renewal application, the NRC does not have a role in the energy-planning decisions as to whether a particular nuclear power plant should continue to operate.

Ultimately, the appropriate energy-planning decision makers and STPNOC will decide whether the plant will continue to operate based on factors such as the need for power or other factors within the state's jurisdiction or the purview of the owners.

NRC EVALUATION OF ALTERNATIVES:

Section 102(2)(C)(iii) of NEPA and the NRC's regulations in 10 CFR part 51 require the consideration of alternatives to the proposed action in the EIS. Consistent with these requirements, in license renewal environmental reviews, the NRC considers the environmental consequences of the proposed action (i.e., renewing the operating license), the environmental consequences of the no-action alternative (i.e., not renewing the operating license), and the environmental consequences of various alternatives for replacing the nuclear power plant's generating capacity. Specifically, the proposed action is the issuance of renewed operating licenses for STP, which will authorize the applicant to operate the plant for an additional 20-year period beyond the expiration dates of the current licenses. Chapter 8, ''Environmental Impacts of Alternatives,'' of the FSEIS presents the

[4] 78 FR 37282. U.S. Nuclear Regulatory Commission. ''Revisions to Environmental Review for Renewal of Nuclear Power Plant Operating Licenses.'' **Federal Register** 78 (119): 37282–37324. June 20, 2013.

[5] U.S. Nuclear Regulatory Commission. 2013. *Generic Environmental Impact Statement for License Renewal of Nuclear Plants.* Washington, DC. NUREG-1437, Revision 1, Volumes 1, 2, and 3. June 2013. ADAMS Accession Nos. ML13106A241, ML13106A242, and ML13106A244.

NRC staff's evaluation and analysis of alternatives to license renewal.

i. *No-Action Alternative*

The no-action alternative refers to a scenario in which the NRC decides not to renew the operating licenses for STP and the licenses expire at the end of their current terms: 2027, for Unit 1 and 2028, for Unit 2. The environmental consequences of this alternative are the direct impacts from nuclear power plant shut down. After shut down, the nuclear plant operators will initiate decommissioning in accordance with 10 CFR 50.82. As described in Chapter 7 of the FSEIS, the separate environmental impacts from decommissioning and related activities are addressed in several other NRC documents.

Assuming that a need currently exists for the power generated by STP, the no-action alternative would require the appropriate energy-planning decision makers (not the NRC) to rely on alternatives to replace the capacity of STP, to rely on energy conservation or power purchases to offset the STP capacity, or to rely on some combination of measures to offset and replace the generation provided by the facility. Therefore, the no-action alternative does not satisfy the purpose and need for the FSEIS, as it neither provides power-generation capacity nor meets the needs currently met by STP or that the alternatives evaluated in detail would satisfy.

ii. *Alternative Energy Sources*

In evaluating alternatives to license renewal, the NRC considered energy technologies or options currently in commercial operation, as well as technologies not currently in commercial operation but likely to be commercially available by the time the current STP operating licenses expire. The current operating licenses for STP reactors will expire on August 20, 2027, (Unit 1) and December 15, 2028, (Unit 2), and, therefore, to be considered in this evaluation, reasonable alternatives must be available (i.e., constructed, permitted, and connected to the grid) by the time of license expiration.

To determine whether alternatives were reasonable, or likely to be commercially available by 2027, the NRC staff reviewed energy relevant statutes, regulations, and policies; the state of technologies; and information on energy outlook from sources such as the Energy Information Administration, other organizations within the U.S. Department of Energy, the EPA, industry sources and publications, and information submitted by STPNOC in its environmental report. The NRC staff also considered the generation capacity mix and electricity production data within the Electric Reliability Council of Texas (ERCOT) service area, in which STP is located. Within ERCOT, the generation capacity mix includes natural gas, coal, wind, nuclear, and other sources.

The NRC staff initially considered 18 alternatives or options to the license renewal of STP; 13 of these were dismissed or eliminated from detailed study because of technical, resource availability, or commercial limitations that currently exist and that the NRC staff believes are likely to continue to exist when the existing STP licenses expire, rendering these alternatives not feasible or commercially viable.

Alternatives considered, but dismissed, were:

- Offsite Nuclear-, Gas-, and Coal-Fired Capacity
- Energy Conservation and Energy Efficiency
- Wind Power
- Solar Power
- Hydroelectric Power
- Wave and Ocean Energy
- Geothermal Power
- Municipal Solid Waste
- Biomass
- Biofuels
- Oil-Fired Power
- Fuel Cells
- Delayed Retirement.

Each alternative eliminated from detailed study and the basis for its removal is provided in Section 8.6 of the FSEIS.

The NRC staff determined that five alternatives would be feasible and commercially viable replacement power alternatives, including:

- New Nuclear Generation
- Natural Gas-Fired Combined-Cycle Generation (NGCC)
- Supercritical Coal-Fired Generation (SCPC)
- Combination Alternative of NGCC, Wind Power, and Energy Conservation and Efficiency
- Purchased Power.

For these five alternatives considered in depth, the NRC staff evaluated the environmental impacts across the following impact categories: Air quality; surface water resources; groundwater resources; aquatic ecology; terrestrial ecology; human health; land use; socioeconomics; transportation; aesthetics; historic and archaeological resources; environmental justice; and waste management. This section provides a summary of the environmental impacts of each of the alternatives considered in depth, and compares those impacts to the environmental impacts of license renewal.

New Nuclear Alternative

For the new nuclear generation alternative, the NRC staff assumed a light-water reactor such as the Advanced Boiling Water Reactor (ABWR) similar to what the NRC staff analyzed in its environmental analysis for the proposed STP, Units 3 and 4. The FSEIS incorporates the results from the final EIS for combined licenses for STP, Units 3 and 4 (ADAMS Accession Nos. ML11049A000 and ML11049A001) because it provides a site-specific analysis of new nuclear plants at the STP site. Thus, in its analysis, the NRC staff assumed that two new reactors would be installed on the STP site, allowing for the maximum use of existing ancillary facilities (e.g., transmission lines and cooling systems). Based on the analysis for STP, Units 3 and 4, the NRC staff estimated that 540 acres (ac) (219 hectares (ha)) of land would be required for the two new reactors. Water use would be similar to that of STP, Units 1 and 2. The NRC staff determined that the impacts to all resource areas would be SMALL, except for Socioeconomics and Transportation. Socioeconomic impacts in communities near the STP site could range from SMALL to LARGE based on the estimated number of workers employed and regional effects. Traffic-related transportation impacts during construction could range from MODERATE to LARGE primarily from workers commuting to the STP site and transportation of materials and equipment to the plant site.

NGCC Alternative

For the NGCC alternative, the NRC staff examined NGCC-generation built at the STP site because NGCC can operate with high thermal efficiency (approximately 60 percent for some units) and is capable of economically providing baseload power. Therefore, NGCC generation was considered a reasonable alternative to STP license renewal. To replace the 2,500 MWe power that STP generates, the NRC staff evaluated four gas-fired units, each with a net capacity of 640 MWe. Approximately 312 ac (126 ha) of land would be needed to support an NGCC alternative to replace STP, including land for a new 2-mile (mi) (3-kilometer (km)) pipeline. Facility operations would require much less cooling water than STP and consumptive water use would be much less. The NRC staff determined that the impacts to most resource areas would be SMALL, except for Air Quality, Land Use,

Socioeconomics, and Transportation. Air quality impacts would be SMALL to MODERATE based on noticeable increases in greenhouse gas emissions. Overall land-use impacts could range from SMALL to MODERATE, considering the additional offsite land needed for new gas pipeline infrastructure and gas well and collection station development. Socioeconomic impacts in communities near the STP site could range from SMALL to MODERATE based on the estimated number of workers employed and regional effects. Traffic-related transportation impacts during construction could range from SMALL to MODERATE primarily from workers commuting to the STP site and transportation of materials and equipment to the plant site.

SCPC Alternative

For the SCPC alternative, the NRC staff considered new coal-fired plants to be reasonable alternative to STP license renewal as the Texas Commission on Environmental Quality (TCEQ) has granted permits to several proposed coal-fired plants, despite regulatory efforts and concerns to limit greenhouse gas emissions. To replace the 2,500 MWe of power that STP generates, the NRC staff evaluated four coal-fired units, each with a net capacity of 640 MWe. Facility construction would require 353 ac (143 ha) of land with an additional 200 ac (81 ha) of land area needed for onsite waste disposal; land would also be required on site for frequent coal and limestone deliveries by rail or barge. Operational cooling water demands would be similar to those of STP. The NRC staff determined that the impacts to most resource areas would be SMALL, except for Air Quality, Terrestrial Resources, Land Use, Socioeconomics, Transportation, and Waste Management. Air quality impacts would be MODERATE based on noticeable increases in air pollutants. Because of the potential for habitat disturbance and potential pollutant deposition, impacts to terrestrial resources would be MODERATE. Overall land-use impacts would be MODERATE since onsite land at the STP site would be converted for coal and limestone delivery and waste disposal. Socioeconomic impacts in communities near the STP site could range from SMALL to MODERATE based on the estimated number of workers and regional effects. Traffic-related transportation impacts during construction could range from MODERATE to LARGE primarily from workers commuting to the STP site and transportation of materials and equipment to the plant site.

Combination Alternative

For the combination alternative, the NRC staff evaluated a mix of replacement power technologies including 640 MWe supplied by one NGCC unit at STP, 1,620 MWe supplied by wind energy projects, and 300 MWe of energy conservation and efficiency (also known as demand-side management). Because wind is an intermittent resource, the NRC staff assumed wind energy projects would be interconnected on the transmission grid, and the NGCC unit could be used, if needed, to provide baseload generation capacity. The impacts for the combination alternative would be SMALL for surface water, ground water, human health, and waste management. For Air Quality, the impacts would range from SMALL to MODERATE, primarily due to noticeable increases in greenhouse gas emissions. Because of potential habitat disturbance and noticeable impacts on aquatic organisms during construction and operation of offshore wind projects, impacts on aquatic resources would be SMALL to MODERATE. Impacts on terrestrial resources would be MODERATE as wind energy projects and construction of new transmission lines could have a noticeable impact on avian and bat communities because wind energy projects in the Trans-Gulf migratory route could result in increased mortality of migratory and resident birds and bats. Land use impacts would range from SMALL to MODERATE because the wind energy portion of this combination alternative would require a substantial amount of open land, although only a small portion would be used directly. Socioeconomic impacts during operations could range from SMALL to MODERATE as the STP site transitions to the new, single-unit NGCC power plant. Traffic-related transportation impacts during construction could range from SMALL to MODERATE depending on the location of the wind energy sites, road capacities, and traffic volumes. Depending on their location and surrounding viewsheds, the aesthetic impacts from the wind energy projects could be MODERATE to LARGE. Depending on the historical and cultural resource richness of the site chosen for the wind energy projects, the impacts could be SMALL to MODERATE.

Purchased Power Alternative

For the purchased power alternative, the FSEIS assumes STPNOC would purchase 2,500 MWe of electricity from other power generators. No new generating capacity would be built and operated by STPNOC. Purchased power is a reasonable alternative, as listed in the FSEIS, for the following reasons:

- A wholesale electricity market currently exists in the ERCOT region.
- ERCOT implements rules to anticipate and meet electricity demands and promote competition among electricity suppliers.
- Most of ERCOT's retail customers can choose a supplier to purchase electricity.

The impacts associated with purchased power are bounded by the impacts of the purchased energy mix, ranging from new nuclear to wind. Construction impacts would be similar to those described in the analyses for the new nuclear, NGCC, SCPC, and combination alternatives, respectively. For example, impacts to (a) aquatic and terrestrial resources and (b) historical and cultural resources are likely to be greater due to land clearing of previously undisturbed areas associated with construction. For operation, impacts of existing coal- and natural gas-fired plants would likely be greater than the operations of new plants because older plants are likely to be less efficient and lacking modern emission controls.

iii. *Summary*

In the November 2013 STP FSEIS, the NRC staff considered the environmental impacts associated with license renewal and with alternatives to license renewal, including other methods of power generation and not renewing the STP operating licenses (the no-action alternative). The STP FSEIS concludes that the continued operation of STP during the license renewal term would have SMALL environmental impacts in all areas, except for electric shock (human health) that has impacts of SMALL to MODERATE. The FSEIS concludes that the overall environmental impacts of renewal of the operating licenses for STP would either be similar to or smaller than those of the five feasible and commercially viable replacement power alternatives that were considered. The FSEIS also concludes that under the no-action alternative, the act of shutting down STP would have mostly SMALL impacts, although socioeconomic impacts would be SMALL to MODERATE. However, as a result of shutdown should the option of license renewal be denied, the no-action alternative necessitates the implementation of one or a combination of alternatives in order to make up for the loss of power generation, all of

which have potentially greater impacts than the proposed action. Thus, the environmentally preferred alternative is the license renewal of STP.

CONSIDERATION OF COMMENTS ON THE FINAL SEIS AND EMERGING INFORMATION

Comments on the FSEIS

Following publication of the FSEIS, EPA Region 6 responded to the NRC by letter dated December 17, 2013 (ADAMS Accession No. ML14002A262), and stated that it had reviewed the FSEIS, including NRC's responses to EPA's comments (ADAMS Accession No. ML13071A059) on the draft SEIS (ADAMS Accession No. ML12324A049). Section A.2 of the FSEIS contains the NRC staff's responses to EPA's comments on the draft SEIS. The EPA observed that NRC's FSEIS included updated information on topics EPA previously commented on including threatened and endangered species and consultation with the U.S. Fish and Wildlife Service (FWS). The EPA specifically requested that the NRC finalize Endangered Species Act of 1973, as amended (ESA) Section 7 consultation and include the FWS concurrence in the ROD and further requested that the NRC not issue the ROD until Section 7 consultation was complete. On May 15, 2014, the NRC responded to this EPA comment (ADAMS Accession No. ML14111A442). As part of the consideration of emerging information following publication of the FSEIS, the NRC staff has documented its completion of Section 7 consultation responsibilities as described below.

The NRC received no other comments on the FSEIS from any source, including State or local agencies, other Federal agencies, Tribal governments, or other stakeholders such as members of the public who requested direct distribution of the FSEIS. Nevertheless, the NRC staff also considered emerging information as part of its completion of the environmental review for the STP license renewal application as discussed below.

Updated Status of ESA Section 7 Consultation

In conjunction with reviewing the license renewal application, the NRC staff conducted consultations with the National Marine Fisheries Service (NMFS) and the FWS (collectively, ''the Services'') pursuant to Section 7 of the ESA. Following issuance of the draft SEIS, the NRC staff submitted letters to the Services (ADAMS Accession Nos. ML12286A010 and ML12285A415) requesting the Services' concurrence with the NRC's determinations related to the effects of license renewal on federally listed species and habitats.

For species under the NMFS's jurisdiction, the NRC staff concluded that there would be no effect on these species. The NMFS Southeast Regional Office stated in an e-mail dated January 29, 2013 (ADAMS Accession No. ML13036A306), that it does not typically concur with ''no effect'' determinations by the staff. Thus, no further consultation between the NRC and NMFS occurred related to the proposed license renewal.

For species under the FWS's jurisdiction, the FWS Clear Lake Ecological Services Office contacted the NRC by phone in January 2013, to discuss NRC's request for concurrence and to request additional maps of the transmission lines. The NRC provided the requested information via e-mail on January 31, 2013 (ADAMS Accession No. ML13036A305). On February 5, 2013, the FWS and the NRC staff spoke again by phone, and the FWS noted that it was preparing additional information requests that it would send the NRC. The FWS sent these requests as well as additional species-specific information in an e-mail dated March 14, 2013 (ADAMS Accession No. ML13077A117). The NRC updated its federally listed species and habitats effects analysis in the FSEIS as a result of the information provided in FWS's March 14, 2013, e-mail. Following issuance of the FSEIS, the NRC renewed its request for the FWS's concurrence with its ESA effect determinations in a letter dated December 2, 2013 (ADAMS Accession No. ML13177A041). The FWS provided its concurrence by letter dated March 28, 2014 (ADAMS Accession Nos. ML14087A234).

Since the NRC concluded its consultations with the Services, the staff has not identified any new information that would necessitate further consultation with either the NMFS or the FWS. Thus, the NRC has fulfilled its obligations under Section 7 of the ESA for the STP license renewal.

Final Rule for Continued Storage of Spent Nuclear Fuel

On August 26, 2014, the Commission approved a revised rule at 10 CFR 51.23 and associated ''Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel'' (NUREG–2157, ADAMS Accession Nos. ML14196A105 and ML14196A107). Subsequently, on September 19, 2014, the NRC published the revised rule (79 FR 56238) and NUREG–2157 (79 FR 56263). The revised rule adopts the generic impact determinations made in NUREG–2157 and codifies the NRC's generic determinations regarding the environmental impacts of continued storage of spent nuclear fuel beyond a reactor's operating license (i.e., those impacts that could occur as a result of the storage of spent nuclear fuel at at-reactor or away-from reactor sites after a reactor's licensed operating life and until a permanent repository becomes available). As directed by 10 CFR 51.23(b), the impacts assessed in NUREG–2157 regarding continued storage were deemed incorporated into the STP FSEIS for a license renewal application. The Continued Storage Rule (formerly known as Waste Confidence) and accompanying technical analyses were being developed as the STP FSEIS was being prepared for publication. Therefore, the STP FSEIS further indicated that the NRC staff would address any impacts from the revised rule by performing any appropriate additional NEPA review before the NRC makes a final licensing decision.

In the Commission Memorandum and Order CLI–14–08 (ADAMS Accession No. ML14238A242), the Commission held that the revised 10 CFR 51.23 and associated NUREG–2157 cure the deficiencies identified by the court and stated that the rule satisfies the NRC's NEPA obligations with respect to continued storage for initial, renewed, and amended licenses for reactors. Therefore, the November 2013, STP FSEIS, which by rule now incorporates the impact determinations in NUREG–2157 regarding continued storage, contains an analysis for the generic issues of ''Onsite storage of spent nuclear fuel'' and ''Offsite radiological impacts of spent nuclear fuel and high-level waste disposal'' that satisfies NEPA. As the Commission noted in CLI–14–08, the NRC staff must account for these environmental impacts before finalizing its licensing decision in this proceeding. To account for these impact determinations, the NRC staff analyzed whether the revised rule at 10 CFR 51.23 and the associated NUREG–2157 present new and significant information such that a supplement to the STP FSEIS is required in accordance with 10 CFR 51.92(a).

As detailed in the NRC staff's evaluation (ADAMS Accession No. ML15190A042), NUREG-2157 and the revised rule do not constitute new and significant information because they do not present a ''seriously different picture'' of the environmental impacts of the proposed action (license renewal) as compared to the impacts analysis presented in the STP FSEIS. By virtue of revised 10 CFR 51.23, the STP FSEIS

incorporates the impact determinations in NUREG-2157 regarding continued storage such that there is a complete analysis of the environmental impacts associated with spent fuel storage beyond the licensed life for reactor operations and prior to disposal in a geologic repository.

The NRC staff also considered whether the revised rule and NUREG–2157 altered the NRC staff's recommendation in the STP FSEIS that the adverse environmental impacts of license renewal for STP are not great enough to deny the option of license renewal for energy planning decision-makers.

As described in the NRC staff's evaluation (ADAMS Accession No. ML15190A042), NUREG-2157 analyzes continued storage of spent fuel at-reactor and away-from-reactor sites during three timeframes: the short-term timeframe (60 years beyond the licensed life of a reactor), the long-term timeframe (an additional 100 years after the short-term timeframe), and an indefinite timeframe. The analysis in NUREG–2157 supports the conclusion that the most likely impacts of continued storage are those discussed for at-reactor storage. For continued at-reactor storage, impacts in the short-term timeframe would be SMALL. Over the longer timeframes, impacts to certain resource areas would be a range (for historic and cultural resources during both the long-term and indefinite timeframes the range is SMALL to LARGE and for nonradioactive waste during the indefinite timeframe the range is SMALL to MODERATE). In NUREG–2157, the NRC stated that disposal of the spent fuel before the end of the short-term timeframe is most likely. There are inherent uncertainties in determining impacts for the long-term and indefinite timeframes, and, with respect to some resource areas, those uncertainties could result in impacts that, although less likely, could be larger than those that are to be expected at most sites and have therefore been presented as ranges rather than as a single impact level. Those uncertainties exist, however, regardless of whether the impacts are analyzed generically or site-specifically. As a result, these impact ranges provide correspondingly more limited insights to the decision-maker in the overall picture of the environmental impacts from the proposed action (i.e., license renewal).

The NRC staff concludes that when weighed against the array of other fuel cycle impacts presented in Section 6.1 of the STP FSEIS, and the more-likely impacts of continued storage during the short-term timeframe in NUREG–2157, which are SMALL, the uncertainties associated with the impact ranges for the long-term and indefinite timeframes also do not present a seriously different picture of the direct, indirect, and cumulative environmental impacts compared to the NRC staff's analysis of the impacts from issuance of renewed operating licenses for STP attributable to the uranium fuel cycle and waste management (which includes the impacts associated with spent fuel storage).

In consideration of this information, the NRC staff concludes that the revised rule and the impact determinations related to continued storage in NUREG–2157 do not alter the NRC staff's recommendation in the STP FSEIS that the adverse environmental impacts of license renewal for STP are not great enough to deny the option of license renewal for energy planning decision-makers.

New Information on Greenhouse Gas Emissions and Climate Change

On November 3, 2009, the Commission directed (CLI–09–21) [6] the NRC staff ''to include consideration of carbon dioxide and other greenhouse gas emissions in its environmental reviews for major licensing actions under the National Environmental Policy Act.'' In order to comply with the Commission's direction in CLI–09–21, the NRC staff considered greenhouse gas (GHG) emissions from the nuclear lifecycle and fossil and renewable energy sources in Chapter 6 of the STP FSEIS. Chapter 4 of the STP FSEIS considers climate change impacts on affected resources during the license renewal term.

Following publication of the STP FSEIS in November 2013, the NRC staff conducted a new and significant climate change information review following publication of the U.S. Global Change Research Program's (USGCRP) Third National Climate Assessment report in May 2014. The USGCRP integrates and presents the prevailing consensus of Federal research on U.S. climate change, as sponsored by thirteen federal agencies. The NRC uses consensus information from the USGCRP to evaluate the effects of climate change in its environmental impact statements (EISs) for license renewal of nuclear power plants.

The staff's detailed analysis of potential new and significant information contained in the USGCRP's Third National Climate Assessment is documented in a memorandum to file (ADAMS Accession No. ML16334A400). In summary, in its analysis, the NRC staff identified, reviewed, and evaluated new information on climate change and related impacts presented in the USGCRP's 2014 report as related to land use, air quality, water resources, aquatic resources, terrestrial resources, human health, socioeconomics, and historic and archaeological resources. The evaluation did not identify new and significant information that would change the conclusions in the STP FSEIS. Therefore, with the completion of the climate change analysis by the NRC staff (ADAMS Accession No. ML61334A400), which is incorporated by reference herein, the NRC has determined that the FSEIS for the STP license renewal application provides sufficient information on GHG emissions and climate change to inform its decision and that no further NEPA analysis is necessary.

Sensitivity Analyses for Severe Accident Mitigation Management

On May 4, 2016, the Commission issued a decision, CLI–16–07 (ADAMS Accession No. ML16125A150), in the Indian Point Nuclear Generating Units 2 and 3 license renewal proceeding stating that documentation was lacking for two inputs (TIMDEC and CDNFRM) that are part of the severe accident mitigation alternative (SAMA) analysis. The decision stated that uncertainties in these input values could potentially affect the SAMA analysis cost-benefit conclusions and directed the NRC staff to perform additional sensitivity analyses using values specified by the Commission. Based on this Commission decision, the NRC staff determined that additional sensitivity analyses using the values specified by the Commission should also be performed in support of the STP SAMA analysis that is provided at Appendix F of the STP license renewal FSEIS.

In response to an NRC staff request for additional information (ADAMS Accession No. ML16187A052) relating to CLI–16–07, STPNOC performed a SAMA sensitivity analysis for STP using the values specified by the Commission (ADAMS Accession No. ML16278A661) and determined that the potential SAMAs, provided in Table F.6–1 of the STP environmental report (ADAMS Accession No. ML103010263) did not change. The NRC staff evaluated STP's SAMA sensitivity analysis and concluded that no new SAMA

[6] *Duke Energy Carolinas, LLC* (Combined License Application for William States Lee III Nuclear Station, Units 1 and 2) and *Tennessee Valley Authority* (Bellefonte Nuclear Power Plant, Units 3 and 4), CLI–09–21 (ML093070689, NRC November 3, 2009).

candidates were identified as potentially cost-beneficial based on this additional analysis. Therefore, there are no changes to the conclusions of the NRC staff's STP SAMA analysis provided at Appendix F of the STP FSEIS.

Annual Updates to the STP License Renewal Application

As required by 10 CFR 54.21(b), each year following submittal of a license renewal application, an amendment to the application must be submitted by the license renewal applicant that identifies any change to the current licensing basis that materially affects the contents of the application, including the Updated Final Safety Analysis Report (UFSAR) supplement. The NRC staff's review of STPNOC's submittals for 2014, 2015, and 2016, (ADAMS Accession Nos. ML14308A073, ML15313A175, and ML16190A135) found no new and significant information within the context of 10 CFR 51.92(a)(2) that would change STPNOC's environmental report or that would otherwise change the NRC staff's environmental impact determinations as presented in the STP FSEIS.

In addition, on April 25, 2017, STPNOC submitted an update to the environmental report portion of its license renewal application comprising a revised summary of environmental authorizations for current STP operations (ADAMS Accession No. ML17116A324). Based on its review, the NRC staff finds that STPNOC continues to maintain valid permits and related environmental authorizations governing its operations and that the submittal does not constitute new and significant information regarding STP's affected environment or operations.

MITIGATION MEASURES

The NRC has taken all practicable measures within its jurisdiction to avoid or minimize environmental harm from the proposed action (license renewal). The FSEIS concludes that the continued operation of STP would have SMALL environmental impacts in all resources areas, except for electric shock, which is SMALL to MODERATE. Pursuant to 10 CFR 51.45(c), STPNOC has separately considered mitigation measures to reduce or avoid adverse impacts of electric shock from its transmission lines at STP with a combination of options, as described in Section 4.8.4 of the STP FSEIS.

The NRC is not imposing any license conditions in connection with mitigation measures for the continued operation of STP. However, STP is subject to requirements imposed by other Federal, State, and local agencies. For example, the TCEQ-issued Texas Pollutant Discharge Elimination System (TPDES) permits issued to STPNOC imposes effluent limitations and monitoring requirements as well as best management practices to ensure that impacts to water quality and aquatic life are minimized. The NRC is not requiring any new environmental monitoring programs outside what is required for the TPDES permits or otherwise required of the licensee under NRC's regulations, as described in the STP FSEIS.

DETERMINATION:

Based on the NRC staff's independent review, analysis, and evaluation contained in the license renewal FSEIS; careful consideration of all of the identified social, economic, and environmental factors, and input received from other agencies, organizations, and the public; and consideration of mitigation measure outlined above, the NRC has determined that the requirements of Section 102 of NEPA and 10 CFR 54.29(b) have been satisfied.

Dated at Rockville, Maryland, this 19th day of September, 2017,

For the Nuclear Regulatory Commission.

Joseph E. Donoghue, Deputy Director, Division of License Renewal. Office of Nuclear Reactor Regulation.

[FR Doc. 2017–20372 Filed 9–22–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* September 25, 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 September 20, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 360 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–206, CP2017–314.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–20416 Filed 9–22–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

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DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* September 25, 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 September 20, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 358 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–204, CP2017–312.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–20414 Filed 9–22–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* September 25, 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 September 20, 2017, it filed with the Postal Regulatory

Commission a *Request of the United States Postal Service to Add Priority Mail Contract 359 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–205, CP2017–313.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–20415 Filed 9–22–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81654; File No. SR–BatsBYX–2017–21]

Self-Regulatory Organizations; Bats BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on Bats BYX Exchange, Inc.

September 19, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 11, 2017, Bats BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') 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 Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-Members of the Exchange pursuant to BYX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As further described below, the Exchange proposes to amend its fee schedule to: (i) Modify its standard rebates to remove liquidity yielding fee codes BB, N and W; (ii) adopt a new tier under footnote 1, Add/Remove Volume Tiers; and (iii) modify the pricing applicable to orders that yield fee codes ZP and ZR, applicable to the Exchange's Retail Price Improvement (''RPI'') program, including a change to the description of fee code ZR.

Standard Rebates To Remove Liquidity

The Exchange currently provides a standard rebate of $0.0010 per share for orders that remove liquidity from the Exchange in securities priced at or above $1.00. The Exchange appends fee codes W, BB and N for orders removing liquidity in Tape A, Tape B, and Tape C securities, respectively. The Exchange proposes to reduce the standard rebate provided for orders yielding these fee codes to a rebate of $0.0008 per share. In connection with this change, the Exchange proposes to modify the Standard Rates chart contained on the fee schedule to reflect the new standard rebate of $0.0008 per share to remove liquidity.

New Remove Volume Tier

The Exchange currently offers six tiers under footnote 1 that offer reduced fees for displayed orders that add liquidity yielding fee codes B,[6] V[7] and Y,[8] and an enhanced rebate for orders that remove liquidity yielding fee codes BB, N and W, as described above. The Exchange proposes to add a new tier under footnote 1, to be known as Tier 7, under which a Member would receive an enhanced rebate of $0.0016 per share on orders that yield fee codes BB, N and W, where a Member has: (i) A Step-Up Remove TCV (proposed to be defined as described below) from July 2017 equal to or greater than 0.05%; and (ii) a remove ADV[9] equal to or greater than 0.20% of the TCV.[10]

In conjunction with this change, the Exchange proposes to adopt a definition for Step-Up Remove TCV so that this term is defined as ''remove ADV as a percentage of TCV in the relevant baseline month subtracted from current remove ADV as a percentage of TCV.'' This term is consistent with the existing definition of Step-Up Remove ADAV.

RPI Pricing

The Exchange maintains specific pricing applicable to its RPI program for executions of orders in securities priced at or above $1.00. Specifically, the Exchange currently applies fee code ZR and provides a $0.0025 rebate per share for a Retail Order[11] that removes liquidity from the Exchange, except for a Retail Order that removes displayed liquidity or Mid-Point Peg liquidity.[12] The Exchange currently applies fee code

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] 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).

[6] Fee code B is appended to displayed orders that add liquidity to BYX (Tape B) and is assessed a fee of $0.0018 per share. *See* the Exchange's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/byx/.*

[7] Fee code V is appended to displayed orders that add liquidity to BYX (Tape A) and is assessed a fee of $0.0018 per share. *Id.*

[8] Fee code Y is appended to displayed orders that add liquidity to BYX (Tape C) and is assessed a fee of $0.0018 per share. *Id.*

[9] ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day on a monthly basis. *See* the Exchange's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/byx/.* The Exchange notes that in this context, because the tier is based on ''remove ADV,'' the Exchange will only consider volume that removes liquidity in its calculation.

[10] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. *Id.*

[11] As defined in BYX Rule 11.24(a)(2), a ''Retail Order'' is an agency order or riskless principal that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member organization, 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] Pursuant to footnote 5, the standard rebate/fee for accessing liquidity applies to any Retail Order that removes displayed liquidity or Mid-Point Peg liquidity.

ZP and charges a fee of $0.0025 per share for any Retail Price Improving Order [13] that adds liquidity to the Exchange and is removed by a Retail Order.

The Exchange proposes to reduce the rebate provided to a Retail Order that yields fee code ZR from a rebate of $0.0025 per share to a rebate of $0.0015 per share. The Exchange also proposes to reduce the fee charged for any Retail Price Improving Order that yields fee code ZP from a fee of $0.0025 per share to a fee of $0.0016 per share.

In addition to these changes, the Exchange proposes to expand the description of fee code ZR to clarify that this fee code is applied when a Retail Order executes against either a Retail Price Improving Order or a non-displayed order yielding fee code HA. This fee structure has been in place for several years [14] and footnote 5 explicitly defines the types of orders against which a Retail Order can execute that result in such order being assessed the standard fee or rebate.[15] However, the Exchange believes that fee code ZR would be clearer if it reflected the complete universe of liquidity against which a Retail Order can execute and still yield such fee code. This clarity is achieved by adding reference to non-displayed liquidity yielding fee code HA to fee code ZR.

Implementation Date

The Exchange proposes to implement the above changes to its fee schedule effective immediately.[16]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[17] in general, and furthers the objectives of Section 6(b)(4),[18] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

The Exchange believes that proposed changes to fee codes BB, N, and W represent an equitable allocation of reasonable dues, fees, and other charges because the Exchange's standard rebate for removing liquidity continues to be higher than that provided by other exchanges. For example, Nasdaq BX, Inc. (''Nasdaq BX'') provides a standard rebate of $0.0003 per share for orders that remove liquidity.[19] The Exchange further believes that the standard rebate for fee codes BB, N, and W remains equitably allocated and not unreasonably discriminatory because such rebate is provided to all Members unless they qualify for enhanced rebates based on other factors.

The Exchange believes that the proposed Tier 7 to be added to footnote 1 is equitably allocated and reasonable because it will reward a Member's growth pattern on the Exchange and such increased volume will allow the Exchange to continue to provide and potentially expand its incentive programs. The Exchange further believes that the proposed tier is reasonable, fair and equitable because the liquidity from the proposed change would benefit all investors by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. The Exchange also believes the proposed rebate of $0.0016 per share for Tier 7 is reasonable in that it is equivalent to the top tier rebate to remove liquidity provided by Nasdaq BX.[20] The proposed pricing structure is also not unfairly discriminatory in that it is available to all Members.

In addition, volume-based fees such as that proposed herein have been widely adopted by exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to: (i) The value to an exchange's market quality; (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns; and (iii) the introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes that the proposed tier is a reasonable, fair and equitable, and not an unfairly discriminatory allocation of fees and rebates, because it will provide Members with an additional incentive to reach certain thresholds on the Exchange.

The Exchange believes that its proposed adjustments to pricing applicable to the RPI program are reasonable, equitably allocated and not unreasonably discriminatory because they continue to provide an enhanced rebate for Retail Orders entered to the Exchange that remove certain liquidity and yield fee code ZR, as described above, but also keep such rebates consistent with the Exchange's standard and tiered pricing structure to remove liquidity. For the same reason, the Exchange believes the reduction of the rate charged to Retail Price Improving Orders that yield fee code ZP is reasonable, equitably allocated and not unreasonably discriminatory. In addition to remaining similar to the rebate provided for contra side orders (*i.e.,* Retail Orders provided a $0.0015 rebate per share pursuant to fee code ZR), the proposed fee of $0.0016 per share to add liquidity with a Retail Price Improving Order is intended to incentivize liquidity providers to submit such orders as it is a reduction from the current rate as well as lower than the Exchange's current standard fee to add liquidity of $0.0018 per share. Finally, the Exchange believes that the proposed clarification of fee code ZR is consistent with the Act as it will help to avoid potential confusion and because the rebate provided continues to be reasonable, equitably allocated and not unreasonably discriminatory for the reasons described above.

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 Exchange does not believe that this change represents a significant departure from previous pricing offered by the Exchange or from pricing offered by the Exchange's competitors. The proposed rates would apply uniformly to all Members, and Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. Further, excessive fees would serve to impair an exchange's ability to compete for order flow and members rather than burdening competition. The Exchange

[13] As defined in BYX Rule 11.24(a)(3), a ''Retail Price Improvement Order'' consists of non-displayed interest on the Exchange that is priced better than the Protected NBB or Protected NBO by at least $0.001 and that is identified as such.

[14] *See* Securities Exchange Act Release No. 71939 (April 14, 2014), 79 FR 21977, 21978 (April 18, 2014) (SR–BYX–2014–004) (notice of filing and immediate effectiveness of effectiveness of proposal to modify BYX fees, including proposal to charge the standard fee to add non-displayed liquidity to an order that adds non-displayed liquidity and is removed by a Retail Order).

[15] *See supra,* note 12.

[16] The Exchange initially filed the proposed amendments to its fee schedule on September 1, 2017 (SR-BatsBYX–2017–20). On September 11, 2017, the Exchange withdrew SR–BatsBYX–2017–20 and then subsequently submitted this filing (SR–BatsBYX–2017–21).

[17] 15 U.S.C. 78f.

[18] 15 U.S.C. 78f(b)(4).

[19] *See* the Nasdaq BX fee schedule *available at http://www.nasdaqtrader.com/Trader.aspx?id=bx_pricing.*

[20] *See id.*

believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and paragraph (f) of Rule 19b–4 thereunder.[22] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–BatsBYX–2017–21 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–BatsBYX–2017–21. 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–BatsBYX–2017–21, and should be submitted on or before October 16, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20364 Filed 9–22–17; 8:45 am]

BILLING CODE 8011–01–P

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Regulation S–X, SEC File No. 270–003, OMB Control No. 3235–0009.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Information collected and information prepared pursuant to Regulation S–X focus on the form and content of, and requirements for, financial statements filed with periodic reports and in connection with the offer and sale of securities. Investors need reasonably current financial statements to make informed investment and voting decisions.

The potential respondents include all entities that file registration statements or reports pursuant to the Securities Act of 1933 (15 U.S.C. 77a, *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*), or the Investment Company Act of 1940 (15 U.S.C. 80a–1, *et seq.*).

Regulation S–X specifies the form and content of financial statements when those financial statements are required to be filed by other rules and forms under the federal securities laws. Compliance burdens associated with the financial statements are assigned to the rule or form that directly requires the financial statements to be filed, not to Regulation S–X. Instead, an estimated burden of one hour traditionally has been assigned to Regulation S–X for incidental reading of the regulation. The estimated average burden hours are solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules or forms.

Recordkeeping retention periods are based on the disclosure required by various forms and rules other than Regulation S–X. In general, balance sheets for the preceding two fiscal years, income and cash flow statements for the preceding three fiscal years, and condensed quarterly financial statements must be filed with the Commission. Five year summary financial information is required to be disclosed by some larger registrants.

Filing financial statements, when required by the governing rule or form, is mandatory. Because these statements are provided for the purpose of disseminating information to the securities markets, they are not kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the information discussed in this notice at *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email

to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 19, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20359 Filed 9–22–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81652; File No. SR–NYSEARCA–2017–108]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Rules and the NYSE Arca Options Fees and Charges Schedule in Connection With the Name Change of Its Affiliate NYSE MKT LLC to NYSE American LLC

September 19, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 8, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes, in connection with the name change of its affiliate NYSE MKT LLC to NYSE American LLC, proposes [sic] to amend its rules and the NYSE Arca Options Fees and Charges schedule (the ''Options Fee Schedule'').

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, in connection with the name change of its affiliate NYSE MKT LLC (''NYSE MKT'') to NYSE American LLC (''NYSE American''), proposes to amend its rules and the Options Fee Schedule.[4]

Background

On March 16, 2017, NYSE MKT filed rule changes with the Commission in connection with its name change to NYSE American.[5] In addition, on May 19, 2017, NYSE MKT filed rule changes with the Commission associated with the rebranding of NYSE Amex Options, the Exchange's facility for trading options, to NYSE American Options.[6] The NYSE MKT name change to NYSE American became operative on July 24, 2017. Accordingly, the Exchange proposes to amend certain of its rules and the Options Fee Schedule as detailed below to reflect the new name of its affiliate NYSE American.

Proposed Rule Changes

- The Exchange proposes to replace ''NYSE MKT'' with ''NYSE American'' in Rule 5.25–O, Commentary .03 (Margins); Rule 6.96–O(b) (Operation of Routing Broker); 5.2–E(b) (General); 5.2–E(d) (Preferred Stock and Similar Issues); 5.2–E(e) (Bonds and Debentures); 5.5–E(a), Commentary .02 and .03 (Maintenance Requirements and Delisting Procedures); 7.31–E(f) (Orders and Modifiers); and 7.45–E(c) (Operation of Routing Broker).
- Rule 7.31–E has a notice stating that an amended version of the rule has been approved but is not yet operative.[7] The notice includes a link to the amended version of the rule and the relevant approval order. The Exchange proposes to replace ''NYSE MKT'' with ''NYSE American'' in the text of the amended but not yet operative version of Rule 7.31–E. Exhibit 5B sets forth the proposed revised text.
- The Exchange proposes to replace ''NYSE MKT LLC'' with ''NYSE American LLC'' in Rule 5.82–O(a) (Applicability; Definitions Related to ByRDs), Rule 6.96–O(b), Rule 7.37–E(d) (Order Execution and Routing), and Rule 7.45–E(c)(1).

Proposed Changes to the Options Fee Schedule

- *Options Fee Schedule:* Under ''Co-Location Fees,'' in General Notes 1 and 4, the Exchange proposes to replace ''NYSE MKT LLC'' with ''NYSE American LLC'' and replace ''NYSE MKT'' with ''NYSE American.'' In addition, the Exchange proposes to replace ''NYSE Amex Options'' with ''NYSE American Options'' in the table in General Note 4.

None of the foregoing changes are substantive.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,[8] in general, and with Section 6(b)(1) [9] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed rule change is a non-substantive change and does not impact the governance or ownership of the Exchange. The Exchange believes that the proposed rule change would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members, because ensuring that the rules and Options Fee Schedule accurately reflect the name change of the Exchange's affiliate from NYSE MKT to NYSE American and the rebranding of NYSE Amex Options to NYSE

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange originally filed the proposed changes on August 25, 2017 (SR–NYSEArca–2017–95), withdrew such changes on September 6, 2017 and refiled on the same day (SR–NYSEArca–2017–106). SR–NYSEArca– 2017–106 was subsequently withdrawn on September 8, 2017 and replaced by this filing.

[5] *See* Securities Exchange Act Release No.80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–2017–14).

[6] *See* Securities Exchange Act Release No. 80748 (May 23, 2017), 82 FR 24764 (May 30, 2017) (SR–NYSEMKT–2017–20).

[7] The Exchange will announce by Trader Update when the amended version of Rule 7.31–E will become operative.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1).

American Options would contribute to the orderly operation of the Exchange by adding clarity and transparency to its rules and fee schedule.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that market participants can more easily navigate, understand and comply with the rules and Options Fee Schedule. The Exchange believes that, by ensuring that such rules and fee schedule accurately reflect the name change of its affiliate from NYSE MKT to NYSE American and the rebranding of NYSE Amex Options to NYSE American Options, the proposed rule change would reduce potential investor or market participant confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the rules, and Options Fee Schedule to reflect its affiliate's name change from NYSE MKT to NYSE American and rebranding of NYSE Amex Options to NYSE American Options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(3) [12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [13] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2017–108 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2017–108. 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–2017–108 and should be submitted on or before October 16, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. [14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20363 Filed 9–22–17; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(3).

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81655; File No. SR–NYSEArca–2016–177]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 4, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 4, Relating to the Listing and Trading of Shares of the USCF Canadian Crude Oil Index Fund Under NYSE Arca Rule 8.200–E

September 19, 2017.

I. Introduction

On December 30, 2016, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the USCF Canadian Crude Oil Index Fund (''Fund''). The proposed rule change was published for comment in the **Federal Register** on January 23, 2017.[3] On March 8, 2017, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79793 (January 13, 2017), 82 FR 7885 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

proposed rule change.[5] On April 19, 2017, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[6] On May 8, 2017, the Exchange filed Amendment No. 1 to the proposed rule change. On June 30, 2017, the Exchange filed Amendment No. 2 to the proposed rule change. On July 13, 2017, the Exchange filed Amendment No. 3 to the proposed rule change. On July 20, 2017, pursuant to Section 19(b)(2) of the Act,[7] the Commission designated a longer period within which to issue an order approving or disapproving the proposed rule change.[8] On August 18, 2017, the Exchange filed Amendment No. 4 to the proposed rule change.[9] The Commission has received no comments on the proposal. The Commission is publishing this notice to solicit comments on Amendment No. 4 from interested persons, and is approving the proposed rule change, as modified by Amendment No. 4, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 4 [10]

The Exchange proposes to list and trade Shares of the Fund under NYSE Arca Rule 8.200–E, Commentary .02, which governs the listing and trading of Trust Issued Receipts. The Fund is a new series of the United States Commodity Index Funds Trust (''Trust'').[11] The Fund is a commodity pool that continuously issues common shares of beneficial interest that may be purchased and sold on the Exchange. The Trust and the Fund are managed and controlled by United States Commodity Funds LLC (''USCF'' or ''Sponsor''), which is registered as a commodity pool operator with the Commodity Futures Trading Commission and is a member of the National Futures Association. Brown Brothers Harriman & Co., Inc. will be the administrator and custodian for the Fund. ALPS Distributors, Inc. will be the marketing agent for the Fund.

According to the Exchange, the investment objective of the Fund is for the daily changes in percentage terms of per Share NAV to reflect the daily changes in percentage terms of the Canadian Crude Excess Return Index (''CCIER'' or ''Index''), plus interest income from the Fund's short-term fixed income holdings, less the Fund's expenses.[12] The Fund will not seek to achieve its stated investment objective over a period of time greater than one day.

The CCIER is designed to measure the performance of the Canadian crude oil market. The CCIER targets an exposure that represents an approximately 3 month rolling position in the following nearby futures contracts: (i) The ICE Crude Diff—TMX WCS 1B Index Future (ICE symbol: TDX) (''WCS Future'') [13] and (ii) the ICE WTI Crude Future (ICE symbol: T) (''WTI Future'').[14] The WCS Futures and WTI Futures that comprise the CCIER are referred to herein as ''Benchmark Component Futures Contracts.'' [15]

The Fund's Investments

The Fund will seek to achieve its investment objective by first entering into cash-settled uncleared over-the-counter (''OTC'') total return swap and/or forward transactions based on, and intended to replicate the return of, the CCIER (''Benchmark OTC Derivatives Contracts,'' as described further below), and, second, to the extent market conditions are more favorable for such futures as compared to Benchmark OTC Derivatives Contracts, investing in the Benchmark Component Futures Contracts that underlie the CCIER.[16]

Third, if constrained by regulatory requirements or in view of market conditions or if one or more of the other Benchmark Component Futures Contracts is not available, the Fund may next invest in exchange-traded futures contracts that are economically identical or substantially similar to the Benchmark Component Futures Contracts.

When, in view of regulatory requirements and market conditions, the Fund has invested to the fullest extent possible in the Benchmark OTC Derivatives Contracts and exchange-traded futures contracts, the Fund may then invest in: (i) Cleared swap contracts based on the Benchmark Component Futures Contracts, (ii) uncleared OTC derivatives contracts (specifically, swaps, forwards, and options) based on either the price of the Benchmark Component Futures Contracts or on the price of the crude oil underlying the Benchmark Component Futures Contracts, and (iii) exchange-traded options on the Benchmark Component Futures Contracts. These investments, together with the Benchmark Component Futures Contracts and other exchange-traded futures contracts that are economically identical or substantially similar to the Benchmark Component Futures Contracts, are referred to collectively as

[5] *See* Securities Exchange Act Release No. 80180, 82 FR 13702 (March 14, 2017).

[6] *See* Securities Exchange Act Release No. 80486, 82 FR 19115 (April 25, 2017).

[7] 15 U.S.C. 78s(b)(2).

[8] *See* Securities Exchange Act Release No. 81177, 82 FR 34716 (July 26, 2017). The Commission designated September 20, 2017, as the date by which the Commission shall either approve or disapprove the proposed rule change.

[9] In Amendment No. 4, which amended and replaced the proposed rule change, as modified by Amendment Nos. 1, 2, and 3, in its entirety, the Exchange: (i) Clarified and provided additional information regarding the Fund's permitted holdings; (ii) represented that the Exchange has in place a CSSA (as defined herein) with ICE Futures Europe and that CME (as defined herein) is a member of the ISG (as defined herein); (iii) clarified and provided additional information regarding creations and redemptions; (iv) clarified and provided additional information regarding the calculation of the net asset value (''NAV'') of the Fund; (v) clarified the description of the Fund's IFV (as defined herein); (vi) clarified and provided additional information regarding the dissemination of the Index value, disclosure of the Fund's portfolio holdings, information to be disclosed on the Fund's Web site, and availability of pricing information for certain holdings of the Fund; (vii) provided additional information regarding surveillance of the Shares; (viii) specified the types of statements and representations made in the proposal that will constitute continued listing standards; and (ix) made other technical, non-substantive, and conforming changes. Amendment No. 4 is available at: *https://www.sec.gov/comments/sr-nysearca-2016-177/nysearca2016177-2228753-160788.pdf.*

[10] For a more detailed description of the proposal, *see* Amendment No. 4, *supra* note 9.

[11] The Trust is registered under the Securities Act of 1933 (''Securities Act''). On June 16, 2016, the Trust filed with the Commission a registration statement on Form S–1 under the Securities Act relating to the Fund (File No. 333–212089).

[12] The Fund will seek to achieve its investment objective by investing so that the average daily percentage change in the Fund's NAV for any period of 30 successive valuation days will be within plus/minus 10% of the average daily percentage change in the CCIER over the same period.

[13] The WCS Future is a monthly cash settled future based on the TMX WCS (Western Canadian Select) Daily Weighted Average Price Index (''TMX WCS 1b Index'') traded on ICE Futures Europe. The TMX WCS 1b Index is expressed as a differential to the NYMEX WTI 1st Line Future (Calendar Month Average).

[14] The WTI Future is the ICE West Texas Intermediate (WTI) Light Sweet Crude Oil Futures Contract traded on ICE Futures Europe.

[15] The Exchange has in place a comprehensive surveillance sharing agreement (''CSSA'') with ICE Futures Europe. The CME Group, Inc. (''CME''), with which NYMEX is an affiliate, is a member of the Intermarket Surveillance Group (''ISG'').

[16] The Fund will support these investments and investments in any other OTC derivatives contracts by holding the amounts of its margin, collateral, and other requirements relating to these obligations in short-term obligations of the United States of two years or less (''Treasuries''), cash, and cash equivalents. For purposes of this filing, cash equivalents are short-term instruments with maturities of less than three months and shall include the following: (i) Certificates of deposit issued against funds deposited in a bank or savings and loan association; (ii) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions; (iii) repurchase agreements and reverse repurchase agreements; (iv) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (v) commercial paper, which are short-term unsecured promissory notes; and (vi) money market funds.

''Other Crude Oil-Related Investments.'' [17]

Benchmark OTC Derivatives Contracts

According to the Exchange, the Fund will primarily invest in Benchmark OTC Derivatives Contracts that are based on the CCIER which is comprised of the Benchmark Component Futures Contracts and, in the opinion of the Sponsor, are traded in sufficient volume to permit the ready taking and liquidation of positions. To reduce the counterparty credit risk associated with OTC derivatives contracts (including the Benchmark OTC Derivatives Contracts), the Fund will generally enter into an agreement with each counterparty based on the Master Agreement published by the International Swaps and Derivatives Association, Inc. (''ISDA'') that provides for the netting of overall exposure between counterparties. In connection with the Master Agreements, the Sponsor will enter into ISDA Credit Support Annexes (''CSAs'') with its counterparties to mitigate counterparty credit exposure.

The Sponsor will assess or review, as appropriate, the creditworthiness of each potential or existing counterparty to an OTC derivatives contract (including the Benchmark OTC Derivatives Contracts) pursuant to guidelines approved by the Sponsor's board. In respect of the OTC derivatives contracts, the Fund will have the ability to replace a counterparty or engage additional counterparties at any time.

The Fund may also enter into multiple Benchmark OTC Derivatives Contracts for the purpose of achieving its investment objective. If a Benchmark OTC Derivatives Contract is terminated, the Fund may either pursue the same or other alternative investment strategies with an acceptable counterparty, or make direct investments in the Benchmark Component Futures Contracts or other investments described above that provide a similar return to investing in the Benchmark Component Futures Contracts.

The Fund may also enter into certain transactions where an OTC derivatives contract component is exchanged for a corresponding futures contract (an ''Exchange for Related Position'' or ''EFRP'' transaction). The Fund may also employ spreads or straddles in its trading to mitigate the differences in its investment portfolio and its goal of tracking the price of the Benchmark Component Futures Contracts.

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 4, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[18] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[19] 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. The Commission also finds that the proposal is consistent with Section 11A(a)(1)(C)(iii) of the Act,[20] which sets forth Congress's finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities.

According to the Exchange, quotation and last-sale information for the Shares will be disseminated through the facilities of the Consolidated Tape Association. The Indicative Fund Value (''IFV'') will be disseminated on a per-Share basis every 15 seconds during the Exchange's Core Trading Session,[21] and will be available through on-line information services.[22] In addition, the value of the Index will be updated, and disseminated by one or more major market data vendors, at least every 15 seconds during the Exchange's Core Trading Session. The Exchange represents that the NAV for a normal trading day will be released after 4:00 p.m. E.T., and the NAV will be disseminated daily to all market participants at the same time.

The Exchange represents that the intraday, closing, and settlement prices of the Benchmark Component Futures Contracts will be readily available from automated quotation systems, published or other public sources, or major market data vendors. Also, complete real-time data for the Benchmark Component Futures Contracts and other futures contracts is available by subscription from major market data vendors. ICE Futures Europe and other futures exchanges also provide delayed futures information on current and past trading sessions and market news free of charge on their Web sites.[23] Intraday and closing price information for exchange-traded options will be available from the applicable exchange and from major market data vendors. In addition, intraday price information for U.S. exchange-traded options is available from the Options Price Reporting Authority. Intraday price information for OTC options, forwards, and OTC swaps may be directly available or determined by reference to the underlying future, index, or asset price available from major market data vendors. Intraday and closing price information for cleared swaps will be available from the applicable clearinghouse and from major market data vendors. Intraday and closing price information regarding U.S. Treasuries and cash equivalents will be available from major market data vendors.

According to the Exchange, the daily holdings of the Fund will be available on the Fund's Web site before 9:30 a.m. E.T., and the disclosure of portfolio holdings will include, as applicable: (i) The composite value of the total portfolio; (ii) the quantity and type (including maturity, effective date, ticker symbol, or other identifier, if any) and other descriptive information, and value of each holding, including, in the case of an OTC derivatives contract, the type of OTC derivatives contract, its notional value, and the underlying instrument, index, or asset on which the OTC derivatives contract is based, and in the case of options, its strike price; (iii) the type (including maturity, effective date, ticker symbol, or other identifier, if any) and value of each Treasury security and cash equivalent; and (iv) the amount of cash held in the Fund's portfolio.[24] The Exchange

[17] Market conditions that USCF currently anticipates could cause the Fund to invest in Other Crude Oil-Related Investments include those allowing the Fund to obtain greater liquidity, to execute transactions with more favorable pricing, or if the Fund or USCF exceeds position limits or accountability levels established by an exchange.

[18] 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).

[19] 15 U.S.C. 78f(b)(5).

[20] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[21] The Exchange's Core Trading Session is from 9:30 a.m. E.T. to 4:00 p.m. E.T.

[22] The IFV will be calculated by using the prior day's closing NAV per Share as a base and updating that value throughout the trading day to reflect changes in the CCIER based on the most recently reported trade prices for the Benchmark Component Futures Contracts as reported by Bloomberg, L.P. or another reporting service.

[23] The contract specifications for the Benchmark Component Futures Contracts are also available on such Web sites, as well as other financial informational sources.

[24] The Exchange represents that this Web site disclosure of the Fund's portfolio composition will occur at the same time as the disclosure by the Sponsor of the portfolio composition to authorized participants so that all market participants will be

further represents that the Fund's Web site, which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded, as well as additional quantitative information, including information relating to NAV, updated on a daily basis.

The Commission also believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. If the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants. Further, the Exchange may halt trading during the day in which an interruption to the dissemination of the IFV or the value of the Index occurs. If the interruption to the dissemination of the IFV or the value of the Index persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached. Moreover, trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. The Exchange represents that it has a general policy prohibiting the distribution of material, non-public information by its employees.

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made certain representations, including the following:

(1) The Shares will conform to the initial and continued listing criteria under NYSE Arca Rule 8.200–E. The trading of the Shares will be subject to NYSE Arca Rule 8.200–E, Commentary .02(e), which sets forth certain restrictions on Equity Trading Permit holders (''ETP Holders'') acting as registered market makers in Trust Issued Receipts to facilitate surveillance.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) To reduce the counterparty credit risk associated with OTC derivatives contracts, the Fund will generally enter into an agreement with each counterparty based on the ISDA Master Agreement. In connection with the Master Agreements, the Sponsor will enter into ISDA CSAs with its counterparties to mitigate counterparty credit exposure.

(4) The Sponsor will assess or review, as appropriate, the creditworthiness of each potential or existing counterparty to an OTC derivatives contract pursuant to guidelines approved by the Sponsor's board. In respect of the OTC derivatives contracts, the Fund will have the ability to replace a counterparty or engage additional counterparties at any time.

(5) Trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, and these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.[25]

(6) The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, the Benchmark Component Futures Contracts and certain other futures, and options on futures with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares, the Benchmark Component Futures Contracts and certain other futures, and options on futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, the Benchmark Component Futures Contracts and certain other futures, and options on futures from markets and other entities that are members of the ISG or with which the Exchange has in place a CSSA.

(7) The Exchange is able to obtain information regarding trading in the Shares, the physical commodities underlying the futures contracts and other derivative instruments through ETP Holders, in connection with such ETP Holders' proprietary or customer trades which they effect through ETP Holders on any relevant market. The Exchange can obtain market surveillance information, including customer identity information, with respect to transactions (including transactions in futures contracts and options on futures) occurring on U.S. futures exchanges, which are members of the ISG.

(8) The Exchange has in place a CSSA with ICE Futures Europe. CME, with which NYMEX is an affiliate, is a member of the ISG. Not more than 10% of the net assets of the Fund in the aggregate invested in futures contracts or options on futures shall consist of futures contracts or options on futures whose principal market is not a member of the ISG or is a market with which the Exchange does not have a CSSA.

(9) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (i) The risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IFV will not be calculated or publicly disseminated; (ii) the procedures for purchases and redemptions of Shares in creation baskets and redemption baskets (and that Shares are not individually redeemable); (iii) NYSE Arca Rule 9.2–E(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (iv) how information regarding the IFV is disseminated; (v) how information regarding portfolio holdings is disseminated; (vi) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (vii) trading information.

(10) For initial and continued listing, the Fund will be in compliance with Rule 10A–3 under the Act,[26] as provided by NYSE Arca Rule 5.3–E.

(11) A minimum of 100,000 Shares of the Fund will be outstanding at the start of trading on the Exchange.

The Exchange represents that all statements and representations made in the filing regarding (a) the description of the portfolio and the Index, (b) limitations on portfolio holdings or with respect to the Index, or (c) applicability of Exchange listing rules specified in the filing shall constitute continued listing

provided portfolio composition information at the same time. Therefore, the same portfolio information will be provided on the public Web site as well as in electronic files provided to authorized participants.

[25] The Exchange states that FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement, and that the Exchange is responsible for FINRA's performance under this regulatory services agreement.

[26] 17 CFR 240.10A–3.

requirements for listing the Shares of the Fund on the Exchange. In addition, the issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor [27] for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m). This approval order is based on all of the Exchange's statements and representations, including those set forth above and in Amendment No. 4.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 4, is consistent with Section 6(b)(5) of the Act [28] and Section 11A(a)(1)(C)(iii) of the Act [29] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendment No. 4 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 4 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-2016–177 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2016–177. 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–2016–177, and should be submitted on or before October 16, 2017.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 4

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 4, prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 4 in the **Federal Register**. The Commission believes that Amendment No. 4 supplements the proposed rule change by providing clarification, specificity, and additional information about the Fund and the Shares.[30] The changes and additional information helped the Commission to evaluate the Shares' susceptibility to manipulation and the Exchange's ability to investigate possible manipulative activity, and whether the listing and trading of the Shares would be consistent with the protection of investors and the public interest. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[31] to approve the proposed rule change, as modified by Amendment No. 4, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[32] that the proposed rule change (SR–NYSEArca–2016–177), as modified by Amendment No. 4 be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20365 Filed 9–22–17; 8:45 am]

BILLING CODE 8011–01–P

[27] The Commission notes that certain proposals for the listing and trading of exchange-traded products include a representation that the exchange will ''surveil'' for compliance with the continued listing requirements. *See, e.g.,* Securities Exchange Act Release No. 77499 (April 1, 2016), 81 FR 20428, 20432 (April 7, 2016) (SR–BATS–2016–04). In the context of this representation, it is the Commission's view that ''monitor'' and ''surveil'' both mean ongoing oversight of compliance with the continued listing requirements. Therefore, the Commission does not view ''monitor'' as a more or less stringent obligation than ''surveil'' with respect to the continued listing requirements.

[28] 15 U.S.C. 78f(b)(5).

[29] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[30] *See* Amendment No. 4, *supra* note 9.

[31] 15 U.S.C. 78s(b)(2).

[32] *Id.*

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 0–2, Form ADV–NR, [SEC File No. 270–214, OMB Control No. 3235–0240]

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Rule 0–2 and Form ADV–NR under the Investment Advisers Act of 1940.'' Rule 0–2 and Form ADV–NR facilitate service of process to non-resident investment advisers and exempt reporting advisers and their non-resident general partners or non-resident managing agents. The Form requires these persons to designate the Commission as agent for service of process. The purpose of this collection of information is to obtain appropriate consent to permit the Commission and other parties to bring actions against non-resident partners and agents for violations of the federal securities laws and to enable the commencement of legal and/or regulatory actions against investment advisers that are doing business in the United States, but are not residents.

The respondents to this information collection would be each non-resident

general partner or non-resident managing agent of an SEC-registered adviser and of an exempt reporting adviser. The Commission has estimated that compliance with the requirement to complete Form ADV–NR imposes a total burden of approximately 1.0 hour for an adviser. Based on our experience with these filings, we estimate that we will receive 36 Form ADV–NR filings annually. Based on the 1.0 hour per respondent estimate, the Commission staff estimates a total annual burden of 36 hours for this collection of information.

Rule 0–2 and Form ADV–NR do not require recordkeeping or records retention. The collection of information requirements under the rule and form is mandatory. The information collected pursuant to the rule and Form ADV–NR is a filing with the Commission. This filing is not kept confidential and must be preserved until at least three years after termination of the enterprise. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 19, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20358 Filed 9–22–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission Office of FOIA Services 100 F Street NE., Washington, DC 20549–2736

Extension: Rule 173, SEC File No. 270–557, OMB Control No. 3235–0618

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Securities Act Rule 173 (17 CFR 230.173) provides a notice of registration to investors who purchased securities in a registered offering under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). A Rule 173 notice must be provided by each underwriter or dealer to each investor who purchased securities from the underwriter or dealer. The Rule 173 notice is not publicly available. We estimate that it takes approximately 0.0167 hour per response to provide the information required under Rule 173 and that the information is filed by approximately 5,338 respondents approximately 43,546 times a year for a total of 232,448,548 responses. We estimate that the total annual reporting burden for Rule 173 is 3,881,891 hours (0.0167 hours per response × 232,448,548 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov* . Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 19, 2017.

Eduardo A. Aleman,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81651; File No. SR–NYSEAMER–2017–14]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Rules To Make Technical and Conforming Updates, in Connection With the Merger of NYSE Arca Equities, Inc. With and Into the Exchange's Affiliate NYSE Arca, Inc. and the Name Change of NYSE National, Inc.

September 19, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'' or ''Exchange Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 6, 2017, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules to make technical and conforming updates, in connection with (a) the merger of NYSE Arca Equities, Inc. with and into the Exchange's affiliate NYSE Arca, Inc., and (b) the name change of NYSE National, Inc.

The proposed change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules to make technical and conforming updates in connection with (a) the merger of NYSE Arca Equities, Inc. (''NYSE Arca Equities'') with and into the Exchange's affiliate NYSE Arca, Inc. (''NYSE Arca''), and (b) the name change of NYSE National, Inc.[4]

Background

On June 2, 2017, the Exchange's affiliate, NYSE Arca, filed rule changes with the Commission in connection with the proposed merger of NYSE Arca's wholly-owned subsidiary, NYSE Arca Equities, with and into NYSE Arca (the ''Merger'').[5] The proposed changes were approved by the Commission on August 17, 2017, and the Merger occurred on that same date.[6]

Prior to the Merger, NYSE Arca had two rulebooks: The NYSE Arca rules for its options market and the NYSE Arca Equities rules for its equities market. At the Merger, the NYSE Arca Equities rules were integrated into the NYSE Arca rules, so that there is now one NYSE Arca rulebook.[7] As part of such integration, some of the NYSE Arca rules were renumbered. Accordingly, the Exchange proposes to amend certain of its rules, as detailed below, to make technical and conforming updates to its rules that cross reference the NYSE Arca rules and delete references to the NYSE Arca Equities rules.

In January 2017, the Exchange's parent NYSE Group, Inc. acquired all the capital stock of National Stock Exchange, Inc., which was renamed ''NYSE National, Inc.'' [8] The Exchange proposes to update a reference to National Stock Exchange, Inc. found in the Exchange's rules to reflect the new name of such entity, NYSE National, Inc.

Proposed Rule Changes

- In Exchange Rule 5.2E(j) (Exchange Traded Products), the Exchange proposes to update the cross references to NYSE Arca Equities Rule 5.2(j)(1) by deleting the word ''Equities'' from the term ''NYSE Arca Equities Rule'' and appending an ''–E'' to the end of the rule number. The new cross reference would be to ''NYSE Arca Rule 5.2–E(j)(1).''
- In Rule 6.3E (Prevention of the Misuse of Material, Nonpublic Information), the Exchange proposes to update the references to NYSE Arca Equities Rules 5E and 8E by deleting the word ''Equities'' from the term ''NYSE Arca Equities Rules'' and inserting the dash between the rule number and the ''E.'' The new reference would be to ''NYSE Arca Rules 5–E and 8–E.''
- Lastly, the Exchange proposes to replace ''National Stock Exchange, LLC'' with ''NYSE National, Inc.'' in Rule 7.37E (Order Execution and Ranking).

None of the foregoing changes are substantive.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,[9] in general, and with Section 6(b)(1) [10] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed rule change is a non-substantive change and does not impact the governance or ownership of the Exchange. The Exchange believes that the proposed rule change would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members, because ensuring that the rules accurately cross reference the rules of NYSE Arca and the name of NYSE National, Inc. would contribute to the orderly operation of the Exchange by adding clarity and transparency to its rules.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[11] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that market participants can more easily navigate, understand and comply with its rules. The Exchange believes that, by ensuring that such rules accurately cross-reference the rules of NYSE Arca and the name of NYSE National, Inc., the proposed rule change would reduce potential investor or market participant confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the rules to reflect its affiliate's merger and integrated rulebook.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change is concerned solely with the administration of the Exchange pursuant to Section 19(b)(3)(A) [12] of the Act and Rule 19b–4(f)(3) [13] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

[4] The Exchange originally filed the proposed changes on August 25, 2017 (SR–NYSEAmer–2017–09). SR–NYSEAmer–2017–09 was subsequently withdrawn on September 6, 2017 and replaced by this filing.

[5] *See* Securities Exchange Act Release No. 80929 (June 14, 2017), 82 FR 28157 (June 20, 2017) (SR–NYSEArca–2017–40).

[6] *See* Securities Exchange Act Release No. 81419 (August 17, 2017), 82 FR 40044 (August 23, 2017) (SR–NYSEArca–2017–40).

[7] *See id.* at 40044.

[8] *See* Securities Exchange Act Release No. 79902 (January 30, 2017), 82 FR 9258 (February 3, 2017) (SR–NSX–2016–16).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(1).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(3).

change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2017–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2017–14. 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–NYSEAMER–2017–14 and should be submitted on or before October 16, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

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[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32822; File No. 812–14689]

Barings Corporate Investors, et al.; Notice of Application

September 20, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under Sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and Rule 17d–1 under the Act permitting certain joint transactions otherwise prohibited by Sections 17(d) and 57(a)(4) of the Act and Rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain closed-end investment companies and certain business development companies (''BDCs'') to co-invest in portfolio companies with each other and with affiliated investment funds.

APPLICANTS: Barings Corporate Investors (formerly, Babson Capital Corporate Investors) (''MCI'') and Barings Participation Investors (formerly, Babson Capital Participation Investors) (''MPV'' and together with MCI, the ''Existing Regulated Funds''); CI Subsidiary Trust (''MCI Sub'') and PI Subsidiary Trust (''MPV Sub''); Massachusetts Mutual Life Insurance Company and its successors [1] (''MassMutual''); C.M. Life Insurance Company (''C.M. Life''); Barings Finance LLC (formerly, Babson Capital Finance LLC) (''BCF''); Barings LLC (formerly, Babson Capital Management, LLC) and its successors (''Barings'') and any other person controlling, controlled by, or under common control with MassMutual or Barings that is registered as an investment adviser under the Investment Advisers Act of 1940, as amended (the ''Advisers Act''), and that serves as an investment adviser to any Regulated Fund (as defined below) or any Affiliated Account (as defined below) relying on the requested order (each an ''Adviser'' and together with Barings, the ''Advisers''); Tower Square Capital Partners, L.P. (''TS Capital''); TSCP Selective, L.P. (''TSCP''); Tower Square Capital Partners II, L.P. (''TS Capital II''); Tower Square Capital Partners II–A, L.P. (''TS Capital II–A''); Tower Square Capital Partners II–B, L.P. (''TS Capital II–B''); Tower Square II Holding 06–1, Inc. (''TS Holding 06–1''); Tower Square Capital Partners III, L.P. (''TS Capital III''); Tower Square Capital Partners III–A, L.P. (''TS Capital III–A''); Tower Square Capital Partners II–B, L.P. (''TS Capital III–B''); Tower Square III Holdings 08–1, Inc. (''TS Holdings 08–1''); Tower Square Capital Partners IV, L.P. (''TS Capital IV''); Tower Square Capital Partners IV–A, L.P. (''TS Capital IV–A''); Tower Square IV Holding 14–1, Inc. (''TS Holding 14–1''); Barings Global Credit Fund (Lux) SCSp, SICAV–SIF (''Global Credit Fund'' and, together with TS Capital, TSCP, TS Capital II, TS Capital II–A, TS Capital II–B, TS Holding 06–1, TS Capital III, TS Capital III–A, TS Capital III–B, TS Holdings 08–1, TS Capital IV, TS Capital IV–A, TS Holding 14–1, and BCF, the ''Existing Private Funds'' and, together with MassMutual and C.M. Life, the ''Existing Affiliated Accounts''.

FILING DATES: The application was filed on August 12, 2016 and amended on August 29, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 16, 2017 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F St. NE., Washington, DC 20549–1090. Applicants: 300 S. Tryon Street, Suite 2500, Charlotte, NC 28202.

FOR FURTHER INFORMATION CONTACT: Kyle R. Ahlgren, Senior Counsel, at (202) 551–6857, or Holly L. Hunter-Ceci, Assistant Chief Counsel, at (202) 551–6825.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

[1] The term ''successor'' means an entity that results from a reorganization or change in the type of business organization.

Applicants' Representations

1. Applicants seek an order (''Order'') to permit a Regulated Fund [2] and one or more other Regulated Funds and/or one or more Affiliated Accounts [3] to participate in the same investment opportunities through a proposed co-investment program (the ''Co-Investment Program'') where such participation would otherwise be prohibited under Sections 17(d) and 57(a)(4) and Rule 17d–1 by: (a) Co-investing with each other in securities issued by issuers in private placement transactions in which an Adviser negotiates terms in addition to price (''Private Placement Securities''); [4] and (b) making additional investments in securities of such issuers, including through the exercise of warrants, conversion privileges, and other rights to purchase securities of the issuers (''Follow-On Investments''). ''Co-Investment Transaction'' means any transaction in which a Regulated Fund (or its Wholly-Owned Investment Sub [5]) participates together with one or more other Regulated Funds and/or one or more Affiliated Accounts in reliance on the requested Order. No Non-Interested Trustee [6] of a Regulated Fund will have a financial interest in any Co-Investment Transaction, other than indirectly through share ownership in one of the Regulated Funds. ''Potential Co-Investment Transaction'' means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub) could not participate together with one or more Affiliated Accounts and/or one or more other Regulated Funds without obtaining and relying on this order or the Existing Order.[7] The relief requested would also cover any existing and future Wholly-Owned Investment Sub.

2. MCI and MPV are closed-end diversified management investment companies registered under the 1940 Act. MCI's Objectives and Strategies [8] are to maintain a portfolio of securities providing a fixed yield and at the same time offering an opportunity for capital gains. MCI's principal investments are privately placed, below-investment grade, long-term debt obligations with equity features such as common stock, warrants, conversion rights, or other equity features and, occasionally, preferred stocks. MCI typically purchases these investments, which are not publicly tradable, directly from their issuers in private placement transactions. In addition, MCI may invest, subject to certain limitations, in marketable investment grade debt securities, other marketable debt securities (including high yield securities) and marketable common stocks. MPV's Objectives and Strategies are to maximize total return by providing a high level of current income, the potential for growth of income, and capital appreciation. MPV's principal investments are privately placed, below-investment grade, long-term debt obligations purchased directly from their issuers, which tend to be smaller companies. MPV may also invest in publicly traded debt securities (including high yield securities) with an emphasis on those with equity features, and in convertible preferred stocks and, subject to certain limitations, readily marketable equity securities. In addition, MPV may invest in high quality, readily marketable securities.

3. MCI and MPV are each managed under the direction of a board of trustees (the ''MCI/MPV Board''), which consists of seven members, five of whom are not ''interested persons'' of MCI or MPV within the meaning of Section 2(a)(19) of the 1940 Act (the ''Non-Interested Trustees''). MCI Sub and MPV Sub are wholly owned subsidiaries of MCI and MPV, respectively. MCI Sub and MPV Sub are each Wholly-Owned Investment Subs.

4. MassMutual is a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts. Both C.M. Life, a stock life insurance company organized under the laws of Connecticut, and BCF, a limited liability company organized under the laws of Delaware that makes loans to middle market companies, are wholly-owned subsidiaries of MassMutual. Barings is an investment adviser registered with the Commission under the Advisers Act and is an indirect, wholly-owned subsidiary of MassMutual. Barings is the investment adviser to the Existing Regulated Funds and the Existing Affiliated Accounts. MassMutual, BCF, Barings, and investment advisory clients of MassMutual and Barings may from time to time invest in the Regulated Funds and/or the Affiliated Accounts.

5. MassMutual has invested side-by-side with MCI in Private Placement Securities since 1971 pursuant to an exemptive order under Section 17(d) and Rule 17d–1 thereunder and Section 17(b).[9] Similarly, MassMutual has invested side-by-side with MPV since 1988, when the exemptive order was amended to add MPV.[10] The 1971 and 1988 orders, as successively amended through the Existing Order, were intended to give the Regulated Funds the opportunity to invest in Private Placement Securities that MassMutual intended to purchase for MassMutual's accounts and that would not otherwise be available to the Regulated Funds, but for MassMutual's participation in the investments. As a mutual life insurance company regulated by the Massachusetts Department of Insurance (the ''MA DOI'') and the self-regulatory organization the National Association of Insurance Commissioners, MassMutual invests its general investment account to match its liabilities with respect to maturity and interest rate risk, including

[2] ''Regulated Fund'' means either of the Existing Regulated Funds and any Future Regulated Fund. ''Future Regulated Fund'' means any closed-end management investment company: (a) That is registered under the 1940 Act or has elected to be regulated as a business development company; (b) whose investment adviser is an Adviser; and (c) that intends to participate in the Co-Investment Program (as defined below).

[3] ''Affiliated Account'' means any Existing Affiliated Account and any future account or entity: (a) Whose investment adviser is an Adviser; (b) that would be an investment company but for Sections 3(a)(1) or 3(c)(7) of the 1940 Act; and (c) that intends to participate in the Co-Investment Program.

[4] The term ''private placement transactions'' means transactions in which the offer and sale of securities by the issuer are exempt from registration under the Securities Act of 1933, as amended (the ''1933 Act'').

[5] The term ''Wholly-Owned Investment Sub'' means any existing or future special purpose subsidiary: (a) That is wholly-owned by a Regulated Fund (with the Regulated Fund at all times holding, beneficially and of record, 100 percent of the voting and economic interests); (b) whose sole business purpose is to hold one or more investments on behalf of the Regulated Fund; (c) with respect to which the Regulated Fund's Board has the sole authority to make all determinations with respect to the entity's participation under the conditions to this Application; and (d) that would be an investment company but for Section 3(c)(1) or 3(c)(7) of the 1940 Act.

[6] The term ''Non-Interested Trustees'' means, with respect to any Board, the directors or trustees who are not ''interested persons'' within the meaning of Section 2(a)(19) of the 1940 Act. The term ''Board'' means, with respect to any Regulated Fund, the board of directors or trustees of that Regulated Fund (including the MCI/MPV Board (defined below) for MCI and MPV).

[7] The term ''Existing Order'' refers to Massachusetts Mutual Life Ins. Company, et al., Investment Company Act Rel. Nos. 24557 (Jul. 13, 2000) (notice) and 24595 (Aug. 8, 2000) (order). The requested order would supersede the Existing Order.

[8] ''Objectives and Strategies'' means, for each Regulated Fund, the Regulated Fund's investment objectives and strategies and investment policies, as described in the Regulated Fund's registration statement on Form N–2 and other filings the Regulated Fund has made with the Commission, as further supplemented, amended or modified in accordance with applicable law, including, without limitation, the 1933 Act, the Securities Exchange Act of 1934, and the 1940 Act, as amended.

[9] Massachusetts Mutual Life Ins. Company et al., Investment Company Act Rel. No. 6690 (Aug. 19, 1971) (order).

[10] Massachusetts Mutual Life Ins. Company et al., Investment Company Act Rel. Nos. 16578 (Sept. 28, 1988) (notice) and 16601 (Oct. 19, 1988) (order).

managing duration, liquidity and overall volatility. MassMutual's accounts are reviewed by the MA DOI to ensure compliance with various legal and accounting rules that, among other things, govern the types and amount of assets that an insurance company must maintain to help assure its ability to meet its obligations to policy holders.

6. MassMutual's accounts are advised by Barings and other unaffiliated investment advisers. Barings serves as investment adviser to a portion of MassMutual's accounts pursuant to investment advisory agreements.

7. Although MassMutual indirectly owns Barings, Barings has a separate Board of Directors, officers and management team from MassMutual and operates as a separate, distinct legal entity. Barings' portfolio managers' compensation is paid on the same basis with respect to managing the MassMutual accounts and any third-party accounts. Barings' allocation procedures do not distinguish between MassMutual's accounts and third-party accounts. Consequently, despite the affiliation between MassMutual and Barings, Barings manages the MassMutual accounts at arm's length in the same way it manages third-party accounts in the relevant asset classes.

8. TS Capital, TSCP, TS Capital II, TS Capital II–A, TS Capital II–B, TS Capital III, TS Capital III–A, TS Capital III–B, TS Capital IV, and TS Capital IV–A are Delaware limited partnerships for which Barings acts as investment manager. These funds invest primarily in direct mezzanine and equity investments focused on small and middle market companies. Each Existing Private Fund relies on Section 3(c)(7) of the 1940 Act.

9. Mezzco LLC acts as the general partner of TS Capital and TSCP. Mezzco II LLC acts as the general partner of TS Capital II, TS Capital II–A and TS Capital II–B. Mezzco III LLC acts as the general partner of TS Capital III, TS Capital III–A and TS Capital III–B, and Mezzco IV LLC acts as the general partner of TS Capital IV and TS Capital IV–A.

10. Global Credit Fund is a Luxembourg special limited partnership for which Barings acts as the sub-adviser. Global Credit Fund invests in global private corporate loans, including senior secured loans, unitranche loans, second lien loans and subordinated debt (including mezzanine and payment in kind securities) of private companies (primarily in North America, the European Economic Area, Australia, New Zealand and other jurisdictions in the Developed Asia-Pacific Region) that generally cannot access public capital markets.

11. Applicants represent that when considering Potential Co-Investment Transactions for any Regulated Fund, the applicable Adviser will consider only the Objectives and Strategies, investment policies, investment positions, capital available for investment, and other pertinent factors applicable to that Regulated Fund. Applicants further represent that the amount of each Regulated Fund's and Affiliated Account's capital available for investment will be determined based on the amount of cash on hand, existing commitments and reserves, if any, the targeted leverage level, targeted asset mix and other investment policies and restrictions set from time to time by the Board of the applicable Regulated Fund or the directors, or the general partners or adviser of the applicable Affiliated Account, or imposed by applicable laws, rules, regulations or interpretations. Applicants represent that each Adviser, as applicable, undertakes to perform these duties consistently for each Regulated Fund, as applicable, regardless of which of them serves as investment adviser to these entities, and that the participation of a Regulated Fund in a Potential Co-Investment Transaction may only be approved by a required majority, as defined in Section 57(o) of the Act (a ''Required Majority''), of the trustees of the Board eligible to vote on that Co-Investment Transaction under Section 57(o) (''Eligible Trustees'').

12. Applicants represent that at least once each quarter, based on several factors, including the requirements set forth by state insurance regulations for MassMutual's general investment account, relative value determinations among different types of assets, current rate and spread environment, asset liability management needs (*e.g.,* based on the types of insurance products sold and expected to be sold), portfolio liquidity, risk-based capital charges, and long-term investment portfolio performance, MassMutual's chief investment officer determines MassMutual's capital available for investment in Private Placement Securities selected by Barings and communicates its commitment to Barings in writing. Applicants further represent that these commitments are established prospectively, and not based on the investment merits of any particular Co-Investment Transaction, and that Barings will, in connection with each Potential Co-Investment Transaction, provide the Board of each participating Regulated Fund with information showing any material changes in MassMutual's capital available for investment and/or the aggregate amount of available capital for all participating parties.

Applicants' Legal Analysis

1. Section 17(d) of the Act and Rule 17d–1 under the Act generally prohibit affiliated persons of a registered investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under Rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

2. Section 57(a)(4) of the Act generally prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC or a company controlled by a BDC in contravention of rules as prescribed by the Commission. Section 57(i) of the Act provides that, until the Commission prescribes rules under Section 57(a)(4), the Commission's rules under Section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to Section 57(a)(4). Because the Commission has not adopted any rules under Section 57(a)(4), Rule 17d–1 also applies to joint transactions with Regulated Funds that are BDCs. Section 17(d) of the Act and Rule 17d–1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

3. Applicants state that Barings is the investment adviser to the Existing Regulated Funds and an Adviser will be the investment adviser to each of the Future Regulated Funds. Applicants acknowledge that the Regulated Funds may be deemed to be under common control, and thus affiliated persons of each other under Section 2(a)(3)(C) of the Act. Applicants further acknowledge that because MassMutual controls Barings, MassMutual is an affiliated person of Barings under Section 2(a)(3)(C), and therefore an affiliated person of an affiliated person (a ''second-tier affiliate'') of each Existing Regulated Fund. Finally, Applicants acknowledge that because Barings or another Adviser will be the investment adviser to each Affiliated Account, each Adviser and each other Regulated Fund and Affiliated Account may be deemed to be under common control with, and therefore an affiliated person of, each Regulated Fund under Section 2(a)(3)(C). Applicants note that, as a

result, these relationships might cause a Regulated Fund and one or more Advisers, other Regulated Funds and/or one or more Affiliated Accounts participating in the Co-Investment Transactions to be subject to Sections 17(d) or 57(a)(4), and thus subject to the provisions of Rule 17d–1.

4. Applicants note that the Commission has stated that Section 17(d) of the Act, upon which Rule 17d–1 is based, upon which Section 57(a)(4) of the Act was modeled, was designed to protect investment companies from self-dealing and overreaching by insiders. Applicants believe that the terms and Conditions of the Application would ensure that the conflicts of interest that Section 17(d) and Section 57(a)(4) were designed to prevent would be addressed and the standards for an order under Rule 17d–1 are met.

5. Applicants believe that the participation of the Regulated Funds in Co-Investment Transactions done in accordance with the Conditions would be consistent with the provisions, policies, and purposes of the Act, and would be done in a manner that was not different from, or less advantageous than, the other participants.

6. Applicants state that in the absence of the requested relief, in some circumstances the Regulated Funds would be limited in their ability to participate in attractive and appropriate investment opportunities, and that each Regulated Fund's inability to co-invest with one or more of the Affiliated Accounts and the other Regulated Funds could potentially result in the loss of beneficial investment opportunities for such Regulated Fund and, in turn, adversely affect such Regulated Fund's shareholders. Applicants further state that the ability to participate in Co-Investment Transactions that involve committing larger amounts of financing would enable each Regulated Fund to participate with one or more of the Affiliated Accounts and the other Regulated Funds in larger financing commitments, which would, in turn, be expected to obtain discounted prices and increase income, expand investment opportunities and provide better access to due diligence information for the Regulated Funds.

Applicants' Conditions

Applicants agree that any order granting the requested relief shall be subject to the following conditions:

1. Each time an Adviser considers a Potential Co-Investment Transaction for an Affiliated Account or another Regulated Fund that falls within a Regulated Fund's then-current Objectives and Strategies, the Regulated Fund's Adviser will make an independent determination of the appropriateness of the investment for such Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. (a) If the Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the applicable Adviser to be invested by the applicable Regulated Fund in the Potential Co-Investment Transaction, together with the amount proposed to be invested by the other participating Regulated Funds and Affiliated Accounts, collectively, in the same transaction, exceeds the amount of the investment opportunity, the investment opportunity will be allocated among them pro rata based on each participant's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each. The applicable Adviser will provide the Eligible Trustees of each participating Regulated Fund with information concerning each participating party's available capital to assist the Eligible Directors with their review of the Regulated Fund's investments for compliance with these allocation procedures.

(c) After making the determinations required in conditions 1 and 2(a), the applicable Adviser will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and Affiliated Account) to the Eligible Trustees of each participating Regulated Fund for their consideration. A Regulated Fund will co-invest with one or more other Regulated Funds and/or one or more Affiliated Accounts only if, prior to the Regulated Fund's participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its shareholders and do not involve overreaching in respect of the Regulated Fund or its shareholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(A) The interests of the shareholders of the Regulated Fund; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Funds or Affiliated Accounts would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from or less advantageous than that of other Regulated Funds or Affiliated Accounts; *provided that,* if any other Regulated Fund or Affiliated Account, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit the Required Majority from reaching the conclusions required by this condition (2)(c)(iii), if:

(A) The Eligible Trustees will have the right to ratify the selection of such director or board observer, if any;

(B) the applicable Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(C) any fees or other compensation that any Affiliated Account or any Regulated Fund or any affiliated person of any Affiliated Account or any Regulated Fund receives in connection with the right of an Affiliated Account or a Regulated Fund to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Affiliated Accounts (who each may, in turn, share its portion with its affiliated persons) and the participating Regulated Funds in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Regulated Fund will not benefit the Advisers, the Affiliated Accounts or the other Regulated Funds or Affiliated Accounts or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by condition 13, (B) to the extent permitted by Section 17(e) or 57(k) of the Act, as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in condition 2(c)(iii)(C).

3. Each Regulated Fund has the right to decline to participate in any Potential

Co-Investment Transaction or to invest less than the amount proposed.

4. The applicable Adviser will present to the Board of each Regulated Fund, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or Affiliated Accounts during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies that were not made available to the Regulated Fund, and an explanation of why the investment opportunities were not offered to the Regulated Fund. All information presented to the Board pursuant to this condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made in accordance with condition 8,[11] a Regulated Fund will not invest in reliance on the Order in any issuer in which another Regulated Fund, Affiliated Account, or any affiliated person of another Regulated Fund or Affiliated Account is an existing investor.

6. A Regulated Fund will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for each participating Regulated Fund and Affiliated Account. The grant to an Affiliated Account or another Regulated Fund, but not the Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. (a) If any Affiliated Account or any Regulated Fund elects to sell, exchange or otherwise dispose of an interest in a security that was acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by each Regulated Fund in the disposition.

(b) Each Regulated Fund will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the participating Affiliated Accounts and Regulated Funds.

(c) A Regulated Fund may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Account in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Board of the Regulated Fund is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees, and the Regulated Fund will participate in such disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(d) Each Affiliated Account and each Regulated Fund will bear its own expenses in connection with any such disposition.

8. (a) If any Affiliated Account or any Regulated Fund desires to make a Follow-On Investment in a portfolio company whose securities were acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed transaction at the earliest practical time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed Follow-On Investment, by each Regulated Fund.

(b) A Regulated Fund may participate in such Follow-On Investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Account in such investment is proportionate to its outstanding investments in the issuer immediately preceding the Follow-On Investment; and (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application). In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(c) If, with respect to any Follow-On Investment:

(i) The amount of the opportunity is not based on the Regulated Funds' and the Affiliated Accounts' outstanding investments immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Adviser to be invested by each Regulated Fund in the Follow-On Investment, together with the amount proposed to be invested by the participating Affiliated Accounts in the same transaction, exceeds the amount of the opportunity; then the amount invested by each such party will be allocated among them pro rata based on each participant's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each.

(d) The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and subject to the other conditions set forth in the application.

9. The Non-Interested Trustees of each Regulated Fund will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds or Affiliated Accounts that the Regulated Fund considered but declined to participate in, so that the Non-Interested Trustees may determine whether all investments made during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the conditions of the Order. In addition, the Non-Interested Trustees will consider at least annually the continued appropriateness for the Regulated Fund of participating in new and existing Co-Investment Transactions.

10. Each Regulated Fund will maintain the records required by Section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these conditions were approved by the Required Majority under Section 57(f) of the Act.

11. No Non-Interested Trustee of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise an ''affiliated person'' (as defined in the Act) of an Affiliated Account.

[11] This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the 1933 Act) will, to the extent not payable by the Advisers under their respective investment advisory agreements with Affiliated Accounts and the Regulated Funds, be shared by the Regulated Funds and the Affiliated Accounts in proportion to the relative amounts of the securities held or to be acquired or disposed of, as the case may be.

13. Any transaction fee [12] (including break-up or commitment fees but excluding broker's fees contemplated by Section 17(e) or 57(k) of the Act, as applicable), received in connection with a Co-Investment Transaction will be distributed to the participating Regulated Funds and Affiliated Accounts on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by such Adviser at a bank or banks having the qualifications prescribed in Section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided pro rata among the participating Regulated Funds and Affiliated Accounts based on the amounts they invest in such Co-Investment Transaction. None of the Affiliated Accounts, the Advisers, the other Regulated Funds or any affiliated person of the Regulated Funds or Affiliated Accounts will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Regulated Funds and the Affiliated Accounts, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C); and (b) in the case of an Adviser, investment advisory fees paid in accordance with the agreement between the Adviser and the Regulated Fund or Affiliated Account.

14. If the Holders [13] own in the aggregate more than 25 percent of the Shares [14] of a Regulated Fund, then the Holders will vote such Shares as directed by an independent third party when voting on (1) the election of trustees; (2) the removal of one or more trustees; or (3) any other matter under either the Act or applicable State law affecting the Board's composition, size or manner of election.

15. Each Regulated Fund's chief compliance officer, as defined in Rule 38a–1(a)(4), will prepare an annual report for its Board each year that evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and conditions of the Application and the procedures established to achieve such compliance.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20438 Filed 9–22–17; 8:45 am]

BILLING CODE 8011–01–P

[12] Applicants are not requesting and the staff is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

[13] ''Holders'' means the Advisers, certain employees and principals of MassMutual and its affiliated advisers (collectively, the ''Principals''), and any person controlling, controlled by, or under common control with the Advisers or the Principals, and the Affiliated Accounts.

[14] ''Shares'' means the outstanding voting shares of a Regulated Fund.

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15314 and #15315; Georgia Disaster Number GA–00100]

Presidential Declaration of a Major Disaster for the State of Georgia

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4338–DR), dated 09/15/2017.

Incident: Hurricane Irma.

Incident Period: 09/07/2017 and continuing.

DATES: Issued on 09/15/2017.

Physical Loan Application Deadline Date: 11/14/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/15/2018.

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 President's major disaster declaration on 09/15/2017, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Camden, Chatham, Glynn

Contiguous Counties (Economic Injury Loans Only):

Georgia: Brantley, Bryan, Charlton, Effingham, Mcintosh, Wayne

Florida: Nassau

South Carolina: Jasper

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 153148 and for economic injury is 153150.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–20315 Filed 9–22–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15291 and #15292; TEXAS Disaster Number TX–00488]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA–4332–DR), dated 09/04/2017.

Incident: Hurricane Harvey.

Incident Period: 08/23/2017 through 09/15/2017.

DATES: Issued on 09/15/2017.

Physical Loan Application Deadline Date: 11/03/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/04/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Texas, dated 09/04/2017, is hereby amended to establish the incident period for this disaster as beginning 08/23/2017 through 09/15/2017.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008).

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–20349 Filed 9–22–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15274 and #15275; TEXAS Disaster Number TX–00487]

Presidential Declaration Amendment of a Major Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4332–DR), dated 08/25/2017.

Incident: Hurricane Harvey.

Incident Period: 08/23/2017 through 09/15/2017.

DATES: Issued on 09/15/2017.

Physical Loan Application Deadline Date: 10/24/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/25/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Texas, dated 08/25/2017, is hereby amended to establish the incident period for this disaster as beginning 08/23/2017 through 09/15/2017.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–20328 Filed 9–22–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15302 and #15303; FLORIDA Disaster Number FL–00130]

Presidential Declaration Amendment of a Major Disaster for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA–4337–DR), dated 09/10/2017.

Incident: Hurricane Irma.

Incident Period: 09/04/2017 and continuing.

DATES: Issued on 09/14/2017.

Physical Loan Application Deadline Date: 11/09/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/11/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Florida, dated 09/10/2017, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Alachua, Baker, Bradford, Columbia, Gilchrist, Levy, Nassau, Suwannee, Union

Contiguous Counties (Economic Injury Loans Only):

Florida: Dixie, Hamilton, Lafayette, Madison

Georgia: Camden, Charlton, Clinch, Echols, Ware

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–20320 Filed 9–22–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15302 and #15303; FLORIDA Disaster Number FL–00130]

Presidential Declaration Amendment of a Major Disaster for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA–4337–DR), dated 09/10/2017.

Incident: Hurricane Irma.

Incident Period: 09/04/2017 and continuing.

DATES: Issued on 09/16/2017.

Physical Loan Application Deadline Date: 11/09/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/11/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Florida, dated 09/10/2017, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Dixie, Lafayette

Contiguous Counties (Economic Injury Loans Only):

Florida: Taylor

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–20342 Filed 9–22–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15300 and #15301; PUERTO RICO Disaster Number PR–00030]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the Commonwealth of Puerto Rico

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Puerto Rico (FEMA–4336–DR), dated 09/10/2017.

Incident: Hurricane Irma.

Incident Period: 09/05/2017 and continuing.

DATES: Issued on 09/16/2017.

Physical Loan Application Deadline Date: 11/09/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/11/2018.

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: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Puerto Rico, dated 09/10/2017, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Aguas Buenas, Barranquitas, Bayamon, Camuy, Catano, Ciales, Comerio, Hatillo, Jayuya, Las Piedras, Quebradillas, Salinas, San Juan, Vega Baja, Yauco

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–20321 Filed 9–22–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15312 and #15313; U.S. VIRGIN ISLANDS Disaster Number VI–00010]

Presidential Declaration of a Major Disaster for Public Assistance Only for the U.S. Virgin Islands

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 U.S. Virgin Islands (FEMA–4335–DR), dated 09/15/2017.

Incident: Hurricane Irma.

Incident Period: 09/05/2017 and continuing.

DATES: Issued on 09/15/2017.

Physical Loan Application Deadline Date: 11/14/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/15/2018.

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 President's major disaster declaration on 09/15/2017, 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.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Saint Croix, Saint John, Saint Thomas

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 153128 and for economic injury is 153130.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–20311 Filed 9–22–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15293 and #15294; U.S. VIRGIN ISLANDS Disaster Number VI–00009]

Presidential Declaration Amendment of a Major Disaster for the U.S. Virgin Islands

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the U.S. Virgin Islands (FEMA–4335–DR), dated 09/07/2017.

Incident: Hurricane Irma.

Incident Period: 09/05/2017 and continuing.

DATES: Issued on 09/15/2017.

Physical Loan Application Deadline Date: 11/06/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/07/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the U.S. Virgin Islands, dated 09/07/2017, is hereby amended to re-establish the incident period for this disaster as beginning 09/05/2017 and continuing.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–20312 Filed 9–22–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15314 and #15315; GEORGIA Disaster Number GA–00100]

Presidential Declaration Amendment of a Major Disaster for the State of Georgia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4338–DR), dated 09/15/2017.

Incident: Hurricane Irma.

Incident Period: 09/07/2017 and continuing.

DATES: Issued on 09/18/2017.

Physical Loan Application Deadline Date: 11/14/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/15/2018.

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: The notice of the President's major disaster declaration for the State of Georgia, dated 09/15/2017, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Liberty, Mcintosh

Contiguous Counties (Economic Injury Loans Only):

Georgia: Evans, Long, Tattnall

All other information in the original declaration remains unchanged. of Federal Domestic Assistance Number 59008).

James E. Rivera,

Associate Administrator, for Disaster Assistance.

[FR Doc. 2017–20343 Filed 9–22–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10139]

Notice of Determinations; Additional Culturally Significant Objects Imported for Exhibition Determinations: ''Michelangelo: Divine Draftsman and Designer'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain additional objects to be included in the exhibition ''Michelangelo: Divine Draftsman and Designer,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The additional objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the additional exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about November 6, 2017, until on or about February 12, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the additional objects, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–20316 Filed 9–22–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 10141]

Notice of Determinations; Additional Culturally Significant Objects Imported for Exhibition Determinations: ''KLIMT & RODIN: An Artistic Encounter'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain additional objects to be included in the exhibition ''KLIMT & RODIN: An Artistic Encounter,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The additional objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the additional exhibit objects at the Fine Arts Museums of San Francisco, Legion of Honor, San Francisco, California, from on or about October 14, 2017, until on or about January 28, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the additional objects, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–20387 Filed 9–22–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10142]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Wiener Werkstätte, 1903–1932: The Luxury of Beauty'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Wiener Werkstätte, 1903–1932: The Luxury of Beauty,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Neue Galerie New York, in New York, New York, from on or about October 26, 2017, until on or about January 29, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–20388 Filed 9–22–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10140]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: Exhibition of Musical Instruments Played by Ostad Elahi

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be exhibited in the galleries of the Department of Musical Instruments of The Metropolitan Museum of Art, imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the aforesaid galleries of The Metropolitan Museum of Art, New York, New York, from on or about March 1, 2018, until on or about September 30, 2022, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–20317 Filed 9–22–17; 8:45 am]

BILLING CODE 4710–05–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Minor Modifications

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: July 1–31, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR 806.18 for the time period specified above:

Minor Modifications Issued Under 18 CFR 806.18

1. SWEPI LP, Docket No. 20161218–1, Deerfield Township, Tioga County, Pa.; approval to change the design of the surface water intake with respect to intake location; Approval Date: July 14, 2017.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: September 20, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–20410 Filed 9–22–17; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: July 1–31, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 717–

238–0423, ext. 1312, *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and 806.22 (f) for the time period specified above:

Approvals by Rule Issued Under 18 CFR 806.22(e)

1. DelGrosso Foods Inc., ABR–201707002, Antis Township, Blair County, Pa.; Consumptive Use of Up to 0.2500 mgd; Approval Date: July 25, 2017.

Approvals by Rule Issued Under 18 CFR 806.22(f)

1. SWN Production Company, LLC, Pad ID: ENDLESS MOUNTAIN RECREATION, ABR–201209001.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 14, 2017.
2. SWN Production Company, LLC, Pad ID: WOOSMAN PAD, ABR–201209006.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 14, 2017.
3. Cabot Oil & Gas Corporation, Pad ID: Rag Apple LLC P1, ABR–201207015.R1, Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 18, 2017.
4. Cabot Oil & Gas Corporation, Pad ID: FlowerT P1, ABR–201207016.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 18, 2017.
5. Cabot Oil & Gas Corporation, Pad ID: ReillyJ P1, ABR–201207017.R1, Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 18, 2017.
6. Range Resources—Appalachia, LLC, Pad ID: State Game Lands 075A—West Pad, ABR–201207002.R1, Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: July 18, 2017.
7. Inflection Energy (PA), LLC, Pad ID: Converse Well Site, ABR–201707001, Mill Creek and Wolf Townships, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 20, 2017.
8. Repsol Oil & Gas USA, LLC, Pad ID: KUHLMAN (05 258) M, ABR–201208023.R1, Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 20, 2017.
9. SWN Production Company, LLC, Pad ID: SWOPE PAD, ABR–201209007.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 24, 2017.
10. SWN Production Company, LLC, Pad ID: MULLOY PAD, ABR–201209008.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 24, 2017.
11. SWN Production Company, LLC, Pad ID: MARVIN PAD, ABR–201209009.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 24, 2017.
12. SWN Production Company, LLC, Pad ID: FREITAG PAD, ABR–201209010.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 24, 2017.
13. Carrizo (Marcellus), LLC, Pad ID: Ricci Well Pad, ABR–201208019.R1, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.1000 mgd; Approval Date: July 26, 2017.
14. Chief Oil & Gas, LLC, Pad ID: Bishop Drilling Pad, ABR–201212014.R1, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 31, 2017.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: September 20, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–20411 Filed 9–22–17; 8:45 am]

BILLING CODE 7040–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2017–0019]

2017 Special 301 Out-of-Cycle Review of Colombia: Request for Public Comment

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments.

SUMMARY: In the 2017 Special 301 Report, the Office of the United States Trade Representative (USTR) announced that, in order to monitor progress on specific intellectual property rights (IPR) issues, USTR would conduct an out-of-cycle review of Colombia. At this time, USTR requests written comments concerning any act, policy, or practice that is relevant to the decision regarding whether and how USTR should identify Colombia based on Colombia's protection for intellectual property rights or market access Columbia provides to U.S. persons who rely on intellectual property protection.

DATES: *October 20, 2017 at midnight EST:* Deadline for submission of written comments.

October 27, 2017 at midnight EST: Deadline for submission of written comments from foreign governments.

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 USTR at *Special301@ustr.eop.gov* before transmitting a comment and in advance of the relevant deadline.

FOR FURTHER INFORMATION CONTACT: Joseph Whitlock, Director for Intellectual Property and Innovation, at *Joseph_P_Whitlock@ustr.eop.gov* or (202) 395–4359. You can find information about the Special 301 Review at *www.ustr.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to Section 182 of the Trade Act of 1974 (19 U.S.C. 2242), USTR must identify countries that deny adequate and effective protection for intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. USTR will identify the countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies, or practices have the greatest adverse impact (actual or potential) on relevant U.S. products as Priority Foreign Countries. Acts, policies, or practices that are the basis of a country's designation as a Priority Foreign Country normally are the subject of an investigation under the Section 301 provisions of the Trade Act (19 U.S.C. 2411 *et seq.*) USTR may not identify a country as a Priority Foreign Country if that country is entering into good faith negotiations or making significant progress in bilateral or multilateral negotiations to provide adequate and effective protection of intellectual property rights. In addition, USTR has created a ''Priority Watch List'' and a ''Watch List'' under the Special 301 provisions. Placement of a trading partner on the Priority Watch List or Watch List indicates that particular problems exist in that country

with respect to IPR protection, enforcement, or market access for persons relying on intellectual property. Countries placed on the Priority Watch List are the focus of increased bilateral attention concerning the problem areas.

An Out-of-Cycle Review (OCR) is a tool that USTR uses to encourage progress on IPR issues of concern. It provides an opportunity for heightened engagement with a trading partner to address and remedy such issues. Successful resolution of specific IPR issues of concern or lack of action on such issues can lead to a change in a trading partner's identification on a Special 301 list outside of the typical period for the annual Special 301 Report. USTR may conduct OCRs of other trading partners as circumstances warrant or as requested by the trading partner.

In the 2017 Special 301 Report, which you can find on the USTR Web site at *www.ustr.gov,* USTR placed Colombia on the Watch List and announced that it would conduct an OCR of Colombia in order to monitor progress on issues relating to IPR protection and enforcement. The OCR of Colombia will include a focus on Colombia's commitment to the intellectual property provisions of the United States-Colombia Trade Promotion Agreement and Colombia's implementation of its National Development Plan.

II. Public Comments

USTR invites written comments concerning any act, policy, or practice that is relevant to the decision regarding whether USTR should identify Colombia under Section 182 of the Trade Act. Submissions may report positive or negative developments with respect to Colombia. USTR requests that interested parties provide specific references to laws, regulations, policy statements, executive, presidential or other orders, administrative, court or other determinations that should factor into the review. USTR also requests that submissions include data, loss estimates, and other information regarding the economic impact on the United States, U.S. industry, and the U.S. workforce caused by the denial of adequate and effective intellectual property protection. For comments that include quantitative loss claims, you should include the methodology used to calculate the estimated losses. Comments should be as detailed as possible and should provide all necessary information for assessing the effect of the acts, policies, and practices. In particular, where applicable, comments should address Colombia's commitment to the intellectual property provisions of the United States-Colombia Trade Promotion Agreement and Colombia's implementation of its National Development Plan 2014–2018.

III. Submission Instructions

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments, locate the docket (folder) by entering the docket number USTR–2017–0019 in the ''Enter Keyword or IP'' window at the regulations.gov homepage and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Locate the reference to this notice by selecting ''Notice'' under ''Document Type'' on the left side of the search-results page, and click on the link entitled ''Comment Now!'' You should provide comments in an attached document, and name the file according to the following protocol, as appropriate: Commenter Name, or Organization_2017 Special 301 OCR Colombia. Please include the following information in the ''Type Comment'' field: ''2017 Out-of-Cycle Review of Columbia.'' 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. For further information on using the *www.regulations.gov* Web site, please select ''How to Use Regulations.gov'' on the bottom of any page.

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 comment submitted electronically that contains 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. A filer requesting business confidential treatment must certify that the information is business confidential and would not customarily be released to the public by the submitter. Additionally, the submitter should type ''Business Confidential 2017 Special 301 OCR Colombia'' in the ''Comment'' field.

Filers of comments 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 non-business confidential version will be placed in the docket at *www.regulations.gov* and be available for public inspection.

As noted, USTR strongly urges submitters to file comments through *www.regulations.gov.* You must make any alternative arrangements in advance of the relevant deadline and before transmitting a comment by contacting USTR at *Special301@ustr.eop.gov.*

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–2017–0019 in the search field on the home page.

Elizabeth Kendall,

Acting Assistant U.S. Trade Representative for Innovation and Intellectual Property, Office of the United States Trade Representative.

[FR Doc. 2017–20354 Filed 9–22–17; 8:45 am]

BILLING CODE 3290–F7–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2017–0109; Notice No. 2017–07]

Hazardous Materials: Emergency Waiver No. 1

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of emergency waiver order.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration is issuing an emergency waiver order to persons conducting operations under the direction of Environmental Protection Agency Region 6 within the Hurricane and Tropical Storm Harvey disaster and emergency areas of Texas and Louisiana. This Waiver Order is effective September 1, 2017, and shall remain in effect for 30 days from the date of issuance.

FOR FURTHER INFORMATION CONTACT: Adam Horsley, Deputy Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, telephone: (202) 366–4400.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of 49 U.S.C. 5103(c), the Acting Administrator for the Pipeline and Hazardous Materials Safety Administration (PHMSA), hereby declares that an emergency exists that warrants issuance of a Waiver of the Hazardous Materials Regulations (HMR, 49 CFR parts 171–180) to persons conducting operations under the direction of Environmental Protection Agency (EPA) Region 6 (1445 Ross Avenue, Dallas, TX 75202) within the Hurricane and Tropical Storm Harvey disaster and emergency areas of Texas and Louisiana. The Waiver is granted to support EPA in taking appropriate actions to prepare for, respond to, and recover from a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents resulting from Hurricane and Tropical Storm Harvey.

On August 25, 2017, the President issued a Major Disaster Declaration for Hurricane Harvey for affected counties in Texas (DR–4332); and an Emergency Declaration for Tropical Storm Harvey for affected counties in Louisiana (EM–3382) on August 28, 2017. This Waiver Order covers all counties identified in both declarations, as amended. Pursuant to 49 U.S.C. 5103(c), PHMSA has authority delegated by the Secretary (49 CFR 1.97(b)(3)) to waive compliance with any part of the HMR provided that the grant of the waiver is: (1) In the public interest; (2) not inconsistent with the safety of transporting hazardous materials; and (3) necessary to facilitate the safe movement of hazardous materials into, from, and within an area of a major disaster or emergency that has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*).

Given the continuing impacts caused by Hurricane and Tropical Storm Harvey, PHMSA's Acting Administrator has determined that regulatory relief is in the public interest and necessary to ensure the safe transportation in commerce of hazardous materials while EPA executes its recovery and cleanup efforts in Texas and Louisiana. Specifically, PHMSA's Acting Administrator finds that issuing this Waiver Order will allow EPA to conduct its emergency support function under the National Response Framework to safely remove, transport, and dispose of hazardous materials. By execution of this Waiver Order, persons conducting operations under the direction of EPA Region 6 within the Hurricane/Tropical Storm Harvey disaster and emergency areas of Texas and Louisiana are authorized to offer and transport non-radioactive hazardous materials under alternative safety requirements imposed by EPA Region 6 when compliance with the HMR is not practicable. Under this Waiver Order, non-radioactive hazardous materials may be transported to staging areas within 50 miles of the point of origin. Further transportation of the hazardous materials from staging areas must in be full compliance with the HMR.

This Waiver Order is effective September 1, 2017, and shall remain in effect for 30 days from the date of issuance.

Drue Pearce,

Acting Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2017–20357 Filed 9–22–17; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2017–0109; Notice No. 2017–09]

Hazardous Materials: Emergency Waiver No. 3

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of emergency waiver order.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration is issuing an emergency waiver order to persons conducting operations under the direction of Environmental Protection Agency Region 4 or United States Coast Guard 7th District within the Hurricane Irma emergency area of Georgia. This Waiver Order is effective September 10, 2017, and shall remain in effect for 30 days from the date of issuance.

FOR FURTHER INFORMATION CONTACT: Adam Horsley, Deputy Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, telephone: (202) 366–4400.

SUPPLEMENTARY INFORMATION:

In accordance with the provisions of 49 U.S.C. 5103(c), the Acting Administrator for the Pipeline and Hazardous Materials Safety Administration (PHMSA), hereby declares that an emergency exists that warrants issuance of a Waiver of the Hazardous Materials Regulations (HMR, 49 CFR parts 171–180) to persons conducting operations under the direction of Environmental Protection Agency (EPA) Region 4 (61 Forsyth Street SW., Atlanta, GA 30303) or United States Coast Guard (USCG) 7th District (Brickell Plaza Federal Building, 909 SE 1st Avenue, Miami, FL 33131–3050) within the Hurricane Irma emergency area of Georgia. The Waiver is granted to support EPA and USCG in taking appropriate actions to prepare for, respond to, and recover from a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents resulting from Hurricane Irma.

On September 8, 2017, the President issued an Emergency Declaration for Hurricane Irma for the counties of Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Burke, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Echols, Effingham, Emanuel, Evans, Glynn, Jenkins, Jeff Davis, Liberty, Long, McIntosh, Pierce, Screven, Tattnall, Toombs, Treutlen, Wayne, and Ware in Georgia (EM–3387).

This Waiver Order covers all areas identified in the declaration, as amended. Pursuant to 49 U.S.C. 5103(c), PHMSA has authority delegated by the Secretary (49 CFR 1.97(b)(3)) to waive compliance with any part of the HMR provided that the grant of the waiver is: (1) In the public interest; (2) not inconsistent with the safety of transporting hazardous materials; and (3) necessary to facilitate the safe movement of hazardous materials into, from, and within an area of a major disaster or emergency that has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*).

Given the continuing impacts caused by Hurricane Irma, PHMSA's Acting Administrator has determined that regulatory relief is in the public interest and necessary to ensure the safe transportation in commerce of hazardous materials while EPA and USCG execute their recovery and cleanup efforts in Georgia. Specifically, PHMSA's Acting Administrator finds that issuing this Waiver Order will allow EPA and USCG to conduct their emergency support function under the National Response Framework to safely remove, transport, and dispose of hazardous materials. By execution of this Waiver Order, persons conducting operations under the direction of EPA Region 4 or USCG 7th District within the Hurricane Irma emergency area of Georgia are authorized to offer and transport non-radioactive hazardous materials under alternative safety requirements imposed by EPA Region 4 or USCG 7th District when compliance with the HMR is not practicable. Under this Waiver Order, non-radioactive

hazardous materials may be transported to staging areas within 50 miles of the point of origin. Further transportation of the hazardous materials from staging areas must be in full compliance with the HMR.

This Waiver Order is effective September 10, 2017, and shall remain in effect for 30 days from the date of issuance.

Drue Pearce,

Acting Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2017–20355 Filed 9–22–17; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0128]

Pipeline Safety: Meeting of the Voluntary Information-Sharing System Working Group

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting of the Voluntary Information-Sharing System (VIS) Working Group. The VIS Working Group will convene to continue the discussion on the need for, and the identification of, a voluntary information-sharing system.

DATES: The VIS Working Group will meet on November 29, 2017, from 8:30 a.m. to 5:00 p.m. and on November 30, 2017, from 8:30 a.m. to 5:00 p.m., ET. Members of the public who wish to attend in person are asked to register no later than November 19, 2017. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify the working group by November 22, 2017. For additional information see the **ADDRESSES** section.

ADDRESSES: The meeting will be held at the Hilton Arlington, 950 North Stafford Street, Arlington, Virginia 22203. The meeting agenda and any additional information will be published on the following VIS Working Group and registration page at: *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=126.*

The meeting will not be web cast; however, any documents presented will be available on the meeting Web site and posted on the E-Gov Web site: *http://www.regulations.gov* under docket number PHMSA–2016–0128 within 30 days following the meeting.

Public Participation

This meeting will be open to the public. Members of the public who wish to attend in person are asked to register at: *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=126* to facilitate entry and guarantee seating. Members of the public who attend in person will also be provided an opportunity to make a statement during the meeting.

Services for Individuals with Disabilities: The public meeting will be physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Cheryl Whetsel at *cheryl.whetsel@dot.gov.*

Written comments: Written comments on the meeting may be submitted to the docket in the following ways:

E-Gov Web site: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except on Federal holidays.

Instructions: Identify the docket number PHMSA–2016–0128 at the beginning of your comments. Note that all comments received will be posted without change to *www.regulations.gov,* including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or view the Privacy Notice at *www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2016–0128.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail.

Privacy Act Statement

DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information about the meeting, contact Cheryl Whetsel by phone at 202–366–4431 or by email at *cheryl.whetsel@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The VIS Working Group is a recently created advisory committee established in accordance with Section 10 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016 (Pub. L. 114–183), the Federal Advisory Committee Act of 1972 (5 U.S.C., App. 2, as amended), and 41 CFR 102–3.50(a). On December 15, 2016, the Secretary of Transportation (the Secretary) appointed 24 members to the committee. The first committee meeting convened on December 19, 2016, to conduct committee and staff introductions, review the mandate requirements, review the committee charter and bylaws, introduce the concept of voluntary information-sharing, and discuss plans for future meetings. The last committee meeting was on June 29–30, 2017, to discuss existing integrity management regulations, assessment types and tools, geographic information system pipeline data, operator implementation, and the potential need for short-term subcommittees.

II. Meeting Details and Agenda

The VIS Working Group agenda will include briefings on topics such as the mission and objective of the VIS effort, best practices, examples of existing information-sharing systems, safety management systems, and the establishment of subcommittees. As part of its work, the committee will ultimately provide recommendations to

the Secretary, as required and specifically outlined in Section 10 of Public Law 114–183, addressing:

(a) The need for, and the identification of, a system to ensure that dig verification data are shared with in-line inspection operators to the extent consistent with the need to maintain proprietary and security-sensitive data in a confidential manner to improve pipeline safety and inspection technology;

(b) Ways to encourage the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(c) Opportunities to share data, including dig verification data between operators of pipeline facilities and in-line inspector vendors to expand knowledge of the advantages and disadvantages of the different types of in-line inspection technology and methodologies;

(d) Options to create a secure system that protects proprietary data while encouraging the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(e) Means and best practices for the protection of safety and security-sensitive information and proprietary information; and

(f) Regulatory, funding, and legal barriers to sharing the information described in paragraphs (a) through (d).

The Secretary will publish the VIS Working Group's recommendations on a publicly available DOT Web site. The VIS Working Group will fulfill its purpose once its recommendations are published online.

The agenda will be published on the PHMSA meeting page *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=126,* once it is finalized.

Issued in Washington, DC on September 19, 2017, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2017–20389 Filed 9–22–17; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2017–0109; Notice No. 2017–08]

Hazardous Materials: Emergency Waiver No. 2

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of emergency waiver order.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration is issuing an emergency waiver order to persons conducting operations under the direction of Environmental Protection Agency Regions 2 or 4 or United States Coast Guard 7th District within the Hurricane Irma emergency and disaster areas of Florida, Puerto Rico, South Carolina, and the United States Virgin Islands. This Waiver Order is effective September 8, 2017, and shall remain in effect for 30 days from the date of issuance.

FOR FURTHER INFORMATION CONTACT: Adam Horsley, Deputy Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, telephone: (202) 366–4400.

SUPPLEMENTARY INFORMATION:

In accordance with the provisions of 49 U.S.C. 5103(c), the Acting Administrator for the Pipeline and Hazardous Materials Safety Administration (PHMSA), hereby declares that an emergency exists that warrants issuance of a Waiver of the Hazardous Materials Regulations (HMR, 49 CFR parts 171–180) to persons conducting operations under the direction of Environmental Protection Agency (EPA) Region 2 (290 Broadway, New York, NY 10007–1866) or Region 4 (61 Forsyth Street SW., Atlanta, GA 30303) or United States Coast Guard (USCG) 7th District (Brickell Plaza Federal Building, 909 SE 1st Avenue, Miami, FL 33131–3050) within the Hurricane Irma emergency and disaster areas of Florida, Puerto Rico, South Carolina, and the United States Virgin Islands. The Waiver is granted to support EPA and USCG in taking appropriate actions to prepare for, respond to, and recover from a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents resulting from Hurricane Irma.

On September 5, 2017, the President issued an Emergency Declaration for Hurricane Irma for all 67 Florida counties (EM–3385), and all 78 municipalities in the Commonwealth of Puerto Rico (EM–3384). On September 7, 2017, the President issued an Emergency Declaration for Hurricane Irma for all 46 South Carolina counties and the Catawba Indian Nation (EM–3386), and a Major Disaster Declaration for all of the United States Virgin Islands (DR–4335).

This Waiver Order covers all areas identified in the declarations, as amended. Pursuant to 49 U.S.C. 5103(c), PHMSA has authority delegated by the Secretary (49 CFR 1.97(b)(3)) to waive compliance with any part of the HMR provided that the grant of the waiver is: (1) In the public interest; (2) not inconsistent with the safety of transporting hazardous materials; and (3) necessary to facilitate the safe movement of hazardous materials into, from, and within an area of a major disaster or emergency that has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*).

Given the continuing impacts caused by Hurricane Irma, PHMSA's Acting Administrator has determined that regulatory relief is in the public interest and necessary to ensure the safe transportation in commerce of hazardous materials while EPA and USCG execute their recovery and cleanup efforts in Florida, Puerto Rico, South Carolina, and the United States Virgin Islands. Specifically, PHMSA's Acting Administrator finds that issuing this Waiver Order will allow EPA and USCG to conduct their emergency support function under the National Response Framework to safely remove, transport, and dispose of hazardous materials. By execution of this Waiver Order, persons conducting operations under the direction of EPA Regions 2 or 4 or USCG 7th District within the Hurricane Irma emergency and disaster areas of Florida, Puerto Rico, South Carolina, and the United States Virgin Islands are authorized to offer and transport non-radioactive hazardous materials under alternative safety requirements imposed by EPA Regions 2 or 4 or USCG 7th District when compliance with the HMR is not practicable. Under this Waiver Order, non-radioactive hazardous materials may be transported to staging areas within 50 miles of the point of origin. Further transportation of the hazardous materials from staging areas must be in full compliance with the HMR.

This Waiver Order is effective September 8, 2017, and shall remain in

effect for 30 days from the date of issuance.

Drue Pearce,

Acting Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2017–20356 Filed 9–22–17; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2017–0020]

Mutual Savings Association Advisory Committee

AGENCY: Office of the Comptroller of the Currency (OCC), Department of the Treasury.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The OCC announces a meeting of the Mutual Savings Association Advisory Committee (MSAAC).

DATES: A public meeting of the MSAAC will be held on Tuesday, October 17, 2017, beginning at 3:00 p.m. Central Daylight Time (CDT).

ADDRESSES: The OCC will hold the October 17, 2017 meeting of the MSAAC at One Financial Place, 440 South LaSalle Street, Third Floor, Chicago, IL 60605.

FOR FURTHER INFORMATION CONTACT: Michael R. Brickman, Deputy Comptroller for Thrift Supervision, (202) 649–5420, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: By this notice, the OCC is announcing that the MSAAC will convene a meeting on Tuesday, October 17, 2017, at One Financial Place, 440 South LaSalle Street, Third Floor, Chicago, IL 60605. The meeting is open to the public and will begin at 3:00 p.m. CDT. The purpose of the meeting is for the MSAAC to advise the OCC on regulatory or other changes the OCC may make to ensure the health and viability of mutual savings associations. The agenda includes a discussion of current topics of interest to the industry.

Members of the public may submit written statements to the MSAAC. The OCC must receive written statements no later than 5:00 p.m. Eastern Daylight Time (EDT) on Tuesday, October 10, 2017. Members of the public may submit written statements to *MSAAC@occ.treas.gov* or by mailing them to Michael R. Brickman, Designated Federal Officer, Mutual Savings Association Advisory Committee, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Members of the public who plan to attend the meeting should contact the OCC by 5:00 p.m. EDT on Tuesday, October 10, 2017, to inform the OCC of their desire to attend the meeting and to provide information that will be required to facilitate entry into the meeting. Members of the public may contact the OCC via email at *MSAAC@OCC.treas.gov* or by telephone at (202) 649–5420. Members of the public who are deaf or hard of hearing should call (202) 649–5597 (TTY) by 5:00 p.m. EDT on Tuesday, October 10, 2017, to arrange auxiliary aids such as sign language interpretation for this meeting.

Attendees should provide their full name, email address, and organization, if any. For security reasons, attendees will be subject to security screening procedures and must present a valid government-issued identification to enter the building.

Dated: September 19, 2017.

Keith A. Noreika,

Acting Comptroller of the Currency.

[FR Doc. 2017–20404 Filed 9–22–17; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Blocking of Persons and Property Under the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of eleven persons and one entity whose property and interests in property are blocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act).

DATES: OFAC's actions described in this notice were effective on May 24, 2017.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*http://www.treasury.gov/ofac).*

Notice of OFAC Actions

On May 24, 2017 OFAC's Acting Director determined that the property and interests in property of the following persons are blocked pursuant to section 805(b) of the Kingpin Act and placed them on the SDN List.

Individuals

1. BARRAZA ACEVES, Jose Carlos (Latin: BARRAZA ACEVES, José Carlos) (a.k.a. ''Luis 2525''), Mexico; DOB 06 Dec 1982; POB Guasave, Sinaloa, Mexico; nationality Mexico; Gender Male; R.F.C. BAAC821206RV9 (Mexico); C.U.R.P. BAAC821206HSLRCR09 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2) for materially assisting in, or providing services in support of, the international narcotics trafficking activities of the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION. Also designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION.

2. ESPINOZA RODRIGUEZ, Maria de Jesus (Latin: ESPINOZA RODRÍGUEZ, María de Jesús), Mexico; DOB 30 Aug 1980; POB Sinaloa, Sinaloa, Mexico; nationality Mexico; Gender Female; R.F.C. EIRJ900830781 (Mexico); C.U.R.P. EIRJ900830MSLSDS06 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial support for or to, or providing services in support of, the international narcotics trafficking activities of the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION. Also designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), being directed by, or acting for or on behalf of, the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION.

3. LUGO LEON, Toribio Alberto (Latin: LUGO LEÓN, Toribio Alberto), Mexico; DOB 26 Aug 1986; POB Sinaloa, Sinaloa, Mexico; citizen Mexico; Gender Male; C.U.R.P. LULT860826HSLGNR06 (Mexico); RFC LULT8608269R2 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing goods or services in support of, the international narcotics trafficking activities of the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION. Also designated pursuant to section 805(b)(3) of the Kingpin Act, 21

U.S.C. 1904(b)(3), being directed by, or acting for or on behalf of, the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION.

4. MONDACA AVILA, Sigi Alfredo (Latin: MONDACA ÁVILA, Sigi Alfredo), Mexico; DOB 09 Jan 1985; POB Sinaloa, Sinaloa, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. MOAS850109HSLNVG09 (Mexico); RFC MOAS850109DN7 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing services in support of, the international narcotics trafficking activities of the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION. Also designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), being directed by, or acting for or on behalf of, the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION.

5. RIVERA SANDOVAL, Hector Librado (Latin: RIVERA SANDOVAL, Héctor Librado), La Playita, Sinaloa, Sinaloa, Mexico; DOB 03 Jun 1982; POB Sinaloa, Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. RISH820603HSLVNC07 (Mexico); RFC RISH820603V75 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial support for or to, or providing services in support of, the international narcotics trafficking activities of the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION. Also designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), being directed by, or acting for or on behalf of, the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION.

6. RUELAS AVILA, Jesus Angel (Latin: RUELAS ÁVILA, Jesús Ángel), C 14 S/N, Loc Genaro Estrada, Sinaloa, Sinaloa 81960, Mexico; DOB 01 Nov 1988; POB Sinaloa, Sinaloa, Mexico; citizen Mexico; Gender Male; C.U.R.P. RUAJ881101HSLLVS01 (Mexico); RFC RUAJ881101824 (Mexico); I.F.E. RLAVJS88110125H400 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing services in support of, the international narcotics trafficking activities of the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION. Also designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), being directed by, or acting for or on behalf of, the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION.

7. RUELAS AVILA, Jose Luis (Latin: RUELAS ÁVILA, José Luis), C 14 S/N, Loc Genaro Estrada, Sinaloa, Sinaloa 81960, Mexico; DOB 11 Mar 1981; POB Sinaloa, Sinaloa, Mexico; nationality Mexico; Gender Male; R.F.C. RUAL810311933 (Mexico); C.U.R.P. RUAL810311HSLLVS02 (Mexico); I.F.E. RLAVLS81031125H800 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing services in support of, the international narcotics trafficking activities of the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION. Also designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), being directed by, or acting for or on behalf of, the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION.

8. RUELAS AVILA, Joel Efren (Latin: RUELAS ÁVILA, Joel Efren), Calle 10 Sin Numero, Localidad Genaro Estrada, Sinaloa, Mexico; DOB 20 Sep 1978; POB Guasave, Sinaloa, Mexico; nationality Mexico; Gender Male; R.F.C. RUAJ780920C10 (Mexico); C.U.R.P. RUAJ780920HSLLVL02 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial support for or to, or providing goods or services in support of, the international narcotics trafficking activities of the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION and Jose Luis RUELAS TORRES. Also designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), being directed by, or acting for or on behalf of, the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION and Jose Luis RUELAS TORRES.

9. RUELAS AVILA, Leobardo (Latin: RUELAS ÁVILA, Leobardo), Mexico; DOB 12 Mar 1976; POB Guasave, Sinaloa, Mexico; nationality Mexico; Gender Male; R.F.C. RUAL7603123I0 (Mexico); C.U.R.P. RUAL760312HSLLVB06 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing services in support of, the international narcotics trafficking activities of the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION. Also designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), being directed by, or acting for or on behalf of, the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION.

10. RUELAS TORRES, Jose Luis (Latin: RUELAS TORRES, José Luis), P 112, Genaro Estrada, Sinaloa, Mexico; DOB 10 Sep 1953; POB Choix, Sinaloa, Mexico; nationality Mexico; Gender Male; R.F.C. RUTL5309103B6 (Mexico); C.U.R.P. RUTL530910HSLLRS07 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Identified pursuant to section 805(b)(1) of the Kingpin Act, 21 U.S.C. 1904(b)(1) as a significant foreign narcotics trafficker.

11. RUELAS TORRES, Gilberto, Mexico; DOB 05 May 1966; POB Guasave, Sinaloa, Mexico; nationality Mexico; Gender Male; R.F.C. RUTG660505CH4 (Mexico); C.U.R.P. RUTG660505HSLLRL02 (Mexico) (individual) [SDNTK] (Linked To: RUELAS TORRES DRUG TRAFFICKING ORGANIZATION). Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing services in support of, the international narcotics trafficking activities of the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION. Also designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), being directed by, or acting for or on behalf of, the RUELAS TORRES DRUG TRAFFICKING ORGANIZATION.

Entity

1. RUELAS TORRES DRUG TRAFFICKING ORGANIZATION, Sinaloa, Mexico [SDNTK]. Identified pursuant to section 805(b)(1) of the Kingpin Act, 21 U.S.C. 1904(b)(1) as a significant foreign narcotics trafficker.

Dated: May 24, 2017.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017–20432 Filed 9–22–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Reasonable Charges for Inpatient MS–DRGs and SNF Medical Services; v3.22, Fiscal Year 2018 Update

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This document updates the acute inpatient and the skilled nursing facility (SNF)/sub-acute inpatient facility charges. The updated charges are based on the 2018 Medicare severity diagnosis related groups (MS–DRG).

FOR FURTHER INFORMATION CONTACT: Romona Greene, Office of Community Care, Revenue Operations, Payer Relations and Services, Rates and Charges (10D1C1), Veterans Health Administration (VHA), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 382–2521. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Section 17.101 of Title 38 of the Code of Federal Regulations (CFR) sets forth the Department of Veterans Affairs (VA) medical regulations concerning ''Reasonable Charges'' for medical care or services provided or furnished by VA to a veteran: For a nonservice-connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health plan contract; for a nonservice-connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or, for a nonservice-connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance. The methodologies for

establishing billed amounts for several types of charges are found in 38 CFR 17.101; however, this notice will only address the acute inpatient and the SNF/sub-acute inpatient facility charges.

Based on the methodologies set forth in 38 CFR 17.101(b), this notice updates the acute inpatient facility charges that were based on the 2017 MS–DRGs. Acute inpatient facility charges by MS–DRGs are posted on the Veterans Health Administration (VHA) Office of Community Care's Web site, at *www.va.gov/communitycare/revenue_ops/payer_rates.asp,* under the ''Reasonable Charges Data Tables'' section, Inpatient Data Table, as Table A (v3.19). This Table A corresponds to the Table A referenced in 81 FR 62977, September 13, 2016. Table A referenced in this notice is v3.22, which provides updated charges based on the 2018 MS–DRGs, will replace Table A (v3.19) posted on the VHA Office of Community Care's Web site.

Also, this document updates the SNF/sub-acute inpatient facility all-inclusive per diem charge using the methodologies set forth in 38 CFR 17.101(c) and this charge is adjusted by a geographic area factor that is based on the location where the care is provided. For the geographic area factors, see Table N, Acute Inpatient, and Table O, SNF, on the VHA Office of Community Care's Web site under the v3.21 link in the ''Reasonable Charges Data Tables'' section. Tables N and O are not being updated by this notice. The SNF/sub-acute inpatient facility per diem charge is posted on the VHA Office of Community Care's Web site under the ''Reasonable Charges Data Tables'' section, Table B (v3.19). This Table B corresponds to the Table B referenced in 81 FR 62977, September 13, 2016. Table B referenced in this notice is v3.22, which provides an update to the all-inclusive nationwide SNF/sub-acute inpatient facility per diem charge and will replace Table B posted on the VHA Office of Community Care's Web site.

The charges in this notice for acute inpatient and SNF/sub-acute inpatient facility services are effective October 1, 2017.

This notice is retaining the table designations used for acute inpatient facility charges by MS–DRGs, which is posted on the VHA Office of Community Care's Web site under ''Reasonable Charges Data Tables.'' This notice is also retaining the table designation used for SNF/sub-acute inpatient facility charges, which is also posted on the VHA Office of Community Care's Web site. Accordingly, the tables identified as being updated by this notice correspond to the applicable tables referenced in 81 FR 62977, September 13, 2016.

The list of data sources presented in Supplementary Table 1 (v3.22) reflects the updated data sources used to establish the updated charges described in this notice, and will be posted on the VHA Office of Community Care's Web site under the ''Reasonable Charges Data Sources'' section.

The list of VA medical facility locations is also updated. In Supplementary Table 3, posted on the VHA Office of Community Care's Web site under the VA Medical Facility Locations section, VA set forth the list of VA medical facility locations, which includes the first three digits of their zip codes and provider-based/non-provider-based designations.

Consistent with VA's regulations, the updated data tables and supplementary tables containing the changes described in this notice will be posted on the VHA Office of Community Care's Web site, under the ''Payer Rates and Charges'' information section.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on September 19, 2017, for publication.

Dated: September 19, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2017–20423 Filed 9–22–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Monday,

No. 184 September 25, 2017

Part II

The President

Executive Order 13810—Imposing Additional Sanctions With Respect to North Korea

Federal Register
Vol. 82, No. 184
Monday, September 25, 2017

Presidential Documents

Title 3—

The President

Executive Order 13810 of September 20, 2017

Imposing Additional Sanctions With Respect to North Korea

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the United Nations Participation Act of 1945 (22 U.S.C. 287c) (UNPA), section 1 of title II of Public Law 65–24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191), sections 212(f) and 215(a) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f) and 1185(a)), and section 301 of title 3, United States Code; and in view of United Nations Security Council Resolution (UNSCR) 2321 of November 30, 2016, UNSCR 2356 of June 2, 2017, UNSCR 2371 of August 5, 2017, and UNSCR 2375 of September 11, 2017, I, DONALD J. TRUMP, President of the United States of America, find that:

The provocative, destabilizing, and repressive actions and policies of the Government of North Korea, including its intercontinental ballistic missile launches of July 3 and July 28, 2017, and its nuclear test of September 2, 2017, each of which violated its obligations under numerous UNSCRs and contravened its commitments under the September 19, 2005, Joint Statement of the Six-Party Talks; its commission of serious human rights abuses; and its use of funds generated through international trade to support its nuclear and missile programs and weapons proliferation, constitute a continuing threat to the national security, foreign policy, and economy of the United States, and a disturbance of the international relations of the United States.

In order to take further steps with respect to the national emergency declared in Executive Order 13466 of June 26, 2008, as modified in scope by and relied upon for additional steps in subsequent Executive Orders, I hereby find, determine, and order:

Section 1. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

Any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) to operate in the construction, energy, financial services, fishing, information technology, manufacturing, medical, mining, textiles, or transportation industries in North Korea;

(ii) to own, control, or operate any port in North Korea, including any seaport, airport, or land port of entry;

(iii) to have engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology;

(iv) to be a North Korean person, including a North Korean person that has engaged in commercial activity that generates revenue for the Government of North Korea or the Workers' Party of Korea;

(v) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any person whose property and interests in property are blocked pursuant to this order; or

(vi) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the effective date of this order. The prohibitions in subsection (a) of this section are in addition to export control authorities implemented by the Department of Commerce.

(c) I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to subsection (a) of this section would seriously impair my ability to deal with the national emergency declared in Executive Order 13466, and I hereby prohibit such donations as provided by subsection (a) of this section.

(d) The prohibitions in subsection (a) of this section include:

(i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to subsection (a) of this section; and

(ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 2. (a) No aircraft in which a foreign person has an interest that has landed at a place in North Korea may land at a place in the United States within 180 days after departure from North Korea.

(b) No vessel in which a foreign person has an interest that has called at a port in North Korea within the previous 180 days, and no vessel in which a foreign person has an interest that has engaged in a ship-to-ship transfer with such a vessel within the previous 180 days, may call at a port in the United States.

(c) The prohibitions in subsections (a) and (b) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the effective date of this order.

Sec. 3. (a) All funds that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person and that originate from, are destined for, or pass through a foreign bank account that has been determined by the Secretary of the Treasury to be owned or controlled by a North Korean person, or to have been used to transfer funds in which any North Korean person has an interest, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) No United States person, wherever located, may approve, finance, facilitate, or guarantee a transaction by a foreign person where the transaction by that foreign person would be prohibited by subsection (a) of this section if performed by a United States person or within the United States.

(c) The prohibitions in subsections (a) and (b) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the effective date of this order.

Sec. 4. (a) The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to impose on a foreign financial institution the sanctions described in subsection (b) of this section upon determining that the foreign financial institution has, on or after the effective date of this order:

(i) knowingly conducted or facilitated any significant transaction on behalf of any person whose property and interests in property are blocked pursuant to Executive Order 13551 of August 30, 2010, Executive Order 13687 of January 2, 2015, Executive Order 13722 of March 15, 2016, or this order, or of any person whose property and interests in property are blocked pursuant to Executive Order 13382 in connection with North Korea-related activities; or

(ii) knowingly conducted or facilitated any significant transaction in connection with trade with North Korea.

(b) With respect to any foreign financial institution determined by the Secretary of the Treasury, in consultation with the Secretary of State, in accordance with this section to meet the criteria set forth in subsection (a)(i) or (a)(ii) of this section, the Secretary of the Treasury may:

(i) prohibit the opening and prohibit or impose strict conditions on the maintenance of correspondent accounts or payable-through accounts in the United States; or

(ii) block all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of such foreign financial institution, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(c) The prohibitions in subsection (b) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the effective date of this order.

(d) I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to subsection (b)(ii) of this section would seriously impair my ability to deal with the national emergency declared in Executive Order 13466, and I hereby prohibit such donations as provided by subsection (b)(ii) of this section.

(e) The prohibitions in subsection (b)(ii) of this section include:

(i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to subsection (b)(ii) of this section; and

(ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 5. The unrestricted immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria in section 1(a) of this order would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is therefore hereby suspended. Such persons shall be treated as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

Sec. 6. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 7. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government or the United Nations (including its specialized agencies, programmes, funds, and related organizations) by employees, grantees, or contractors thereof.

Sec. 8. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States;

(d) the term ''North Korean person'' means any North Korean citizen, North Korean permanent resident alien, or entity organized under the laws of North Korea or any jurisdiction within North Korea (including foreign branches). For the purposes of section 1 of this order, the term ''North Korean person'' shall not include any United States citizen, any permanent resident alien of the United States, any alien lawfully admitted to the United States, or any alien holding a valid United States visa;

(e) the term ''foreign financial institution'' means any foreign entity that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent. The term includes, among other entities, depository institutions; banks; savings banks; money service businesses; trust companies; securities brokers and dealers; commodity futures and options brokers and dealers; forward contract and foreign exchange merchants; securities and commodities exchanges; clearing corporations; investment companies; employee benefit plans; dealers in precious metals, stones, or jewels; and holding companies, affiliates, or subsidiaries of any of the foregoing. The term does not include the international financial institutions identified in 22 U.S.C. 262r(c)(2), the International Fund for Agricultural Development, the North American Development Bank, or any other international financial institution so notified by the Secretary of the Treasury; and

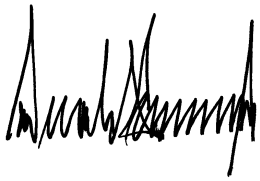
(f) the term ''knowingly,'' with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

Sec. 9. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13466, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 10. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including adopting rules and regulations, and to employ all powers granted to me by IEEPA and UNPA as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions to other officers and agencies of the United States. All agencies shall take all appropriate measures within their authority to implement this order.

Sec. 11. This order is effective at 12:01 a.m., Eastern Daylight Time, September 21, 2017.

Sec. 12. 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,
September 20, 2017.

[FR Doc. 2017–20647
Filed 9–22–17; 11:15 am]
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