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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 36 and 91

[Docket No.: FAA–2015–3782; Amdt. Nos. 36–31; 91–349]

RIN 2120–AK52

Stage 5 Airplane Noise Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new noise standard for certain newly certificated subsonic jet airplanes and subsonic transport category large airplanes. This noise standard, known as Stage 5, applies to any person submitting an application for a new airplane type design with a maximum certificated takeoff weight of 121,254 pounds (55,000 kg) or more on or after December 31, 2017; or with maximum certificated takeoff weight of less than 121,254 pounds (55,000 kg) on or after December 31, 2020. This change will set a lower noise limit for newly certificated airplanes and harmonize the noise certification standards for those airplanes certificated in the United States with those certificated under international standards.

DATES: This rule is effective November 3, 2017. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of November 3, 2017.

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

FOR FURTHER INFORMATION CONTACT: Mehmet Marsan, Office of Environment and Energy, AEE–100, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–7703; email *mehmet.marsan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules on 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 III, Section 44715 Controlling aircraft noise and sonic boom. Under that section, the FAA is charged with prescribing regulations to measure and abate aircraft noise. This regulation is within the scope of that authority since it would establish stricter noise limits for certain newly certificated airplanes. Applicants for type certificates and changes in type design made after the dates in this rulemaking will be required to comply with the new regulation.

I. Overview of Final Rule

This rulemaking adopts a new noise standard for newly certificated subsonic jet airplanes and subsonic transport category large airplanes. By lowering the noise limit, this standard requires quieter designs and encourages manufacturers to adopt the latest available noise reduction technology into their aircraft designs. This rulemaking adopts new noise certification standards for airplanes certificated in the United States (known as Stage 5) that are equivalent to the International Civil Aviation Organization (ICAO) Annex 16, Volume I standard known as Chapter 14.

II. Background

In a Notice of Proposed Rulemaking (NPRM) titled Stage 5 Airplane Noise Standards, the FAA proposed a new noise standard for certain aircraft to (81 FR 1923, January 14, 2016). A brief history of the FAA's regulation of aircraft noise since 1969 was presented in the preamble to that NPRM.

The new Stage 5 noise standard applies to any person submitting an application for a new airplane type design that has a maximum certificated takeoff weight (MTOW) of 121,254 pounds (maximum certificated takeoff mass (MTOM) 55,000 kg) or more on or after December 31, 2017; or that has a MTOW of less than 121,254 pounds (MTOM less than 55,000 kg) on or after December 31, 2020. This change reduces the noise that may be produced by newly certificated airplanes and harmonizes the noise certification standards for airplanes certificated in the United States with the standard adopted by the International Civil Aviation Organization in Annex 16, Volume 1 Chapter 14, effective July 14, 2014.

Much of the development of a Stage 5 noise standard took place in the international arena through ICAO. The Committee on Aviation Environmental Protection (CAEP) is a technical committee of the ICAO Council. The CAEP assists the Council specifically in formulating new policies and adopting new standards for aircraft noise and emissions, and more generally on matters of the environmental impacts of aviation. The development of ICAO standards follows a structured, transparent and multi-staged process involving a number of technical and non-technical working groups. These working groups are either part of the ICAO or closely associated with it. The activities of the CAEP working groups are guided by the CAEP Steering Group as their oversight committee.

The United States is an active member in CAEP, and has at least one member on each of the five working groups of CAEP. These working groups are named for their focus areas: WG1 for Noise, WG2 for Airports and Operations, WG3 for Emissions, MDG for Modeling and Databases, and FESG for Forecast Economic Analysis Support.

In 2010, the CAEP Working Group for Noise (WG1) was tasked to develop options that would further reduce permissible airplane noise levels. The group met several times over the following two years. Representatives from WG3, the MDG, and the FESG participated in the WG1 meetings to become familiar with the noise stringency options that would be considered when future noise standards were set, and to assist WG1 in setting up databases for comparing the options for costs and benefits.

In coordination with the other participating working groups, WG1 chose five options for reduced noise limits that were more stringent than Chapter 4. The group noted that the stringencies of earlier Chapter 2 and

Chapter 3 standards could be described as based on the ''traditional'' concept of specified reductions at each noise certification measurement point (flyover, lateral, and approach). Chapter 4, however, had adopted a ''cumulative margin'' concept under which reduction was expressed as a total and could be spread across the three measurement points as chosen by an applicant. The stringency options presented to CAEP for analysis continued to be based on the ''cumulative margin'' concept of Chapter 4. The options analyzed were cumulatively 3, 5, 7, 9, and 11 decibels lower than Chapter 4 levels. As the lead technical working group, WG1 prepared the results for the 2014 CAEP meeting. In reaching a recommendation for a new noise standard for subsonic jet and large transport airplanes, the CAEP considered estimates of comprehensive costs and benefits associated with the five options.

The activities of the working groups were overseen by the CAEP Steering Group. The Steering Group met in July 2012 to review the results of the analyses prepared by the working groups in order to formulate specific recommendations on the new standard, and on applicability options that were forwarded to the full CAEP.

In February 2013, the comprehensive costs and benefits analyses for the five stringency options that were prepared by the working groups, as well as a parallel analysis of the same five options prepared by the United States, were presented at the ninth meeting of CAEP (CAEP9). After lengthy discussion, the CAEP9 agreed to an increase in stringency of 7 EPNdB [1] (cumulative) relative to Chapter 4 levels. The new standard, known as Chapter 14,[2] introduced a condition in addition to the cumulative stringency requirement, one that requires a margin of not less than 1.0 dB below Chapter 3 [3] limits at each certification point.

Similar to Chapter 4 requirements, the noise margins for Chapter 14 are calculated by subtracting the measured noise levels at the three microphone locations from the three corresponding noise limits in Chapter 3. However, Chapter 14 includes a mandatory minimum reduction in the noise limits applicable to subsonic jet airplanes with MTOM less than 8,618 kg (MTOW 19,000 pounds). Figure 1 is a graphical representation of the reduction of noise limits at MTOM lower than 8,618 kg for each of the three measurement points. The figure includes the modified Chapter 3 noise limits that use the same gradient of the limit line at lower masses as the higher masses, and transitions to a flat limit line for airplanes with MTOM less than 2,000kg (MTOW 4,409 pounds). This figure is not included in the regulation since the actual limits are calculated based on the MTOM of the aircraft at certification. This figure is an illustration of how the noise limits compare for airplanes of different weights under Chapter 14.

[1] Effective Perceived Noise Level in decibels as described in ICAO Annex 16, Volume 1, Appendix 2, Section 4 or section A36.4.1 of appendix A to part 36.

[2] The ICAO publishes its aircraft noise standards in the Standards and Recommended Practices of Annex 16, Volume 1. Each new ICAO standard is published as a new chapter, and the chapter number becomes the shorthand designation of the new stringency. In the United States, the adoption of a new standard in 14 CFR part 36 is identified as the next 'Stage' number in sequence. Using this system, the U.S. and ICAO stringency levels tracked each other numerically, *e.g.,* Stage 3 was the equivalent of Chapter 3, and Stage 4 was the equivalent of Chapter 4. However, ICAO had already used Chapter 5 for a different standard, and the next number available was Chapter 14. Accordingly, while these noise stringency standards are known as Chapter 14 by ICAO, they are being adopted in the United States as Stage 5.

[3] As discussed, while Chapter 4 increased stringency, it did not contain a requirement for a minimum reduction at any of the measurement points; the gains could have been at one, two or all three points. Chapter 14 includes a minimum reduction of 1dB at each point (7dB overall), but since it was not a requirement in Chapter 4, the base level for decrease is referenced at Chapter 3 levels.

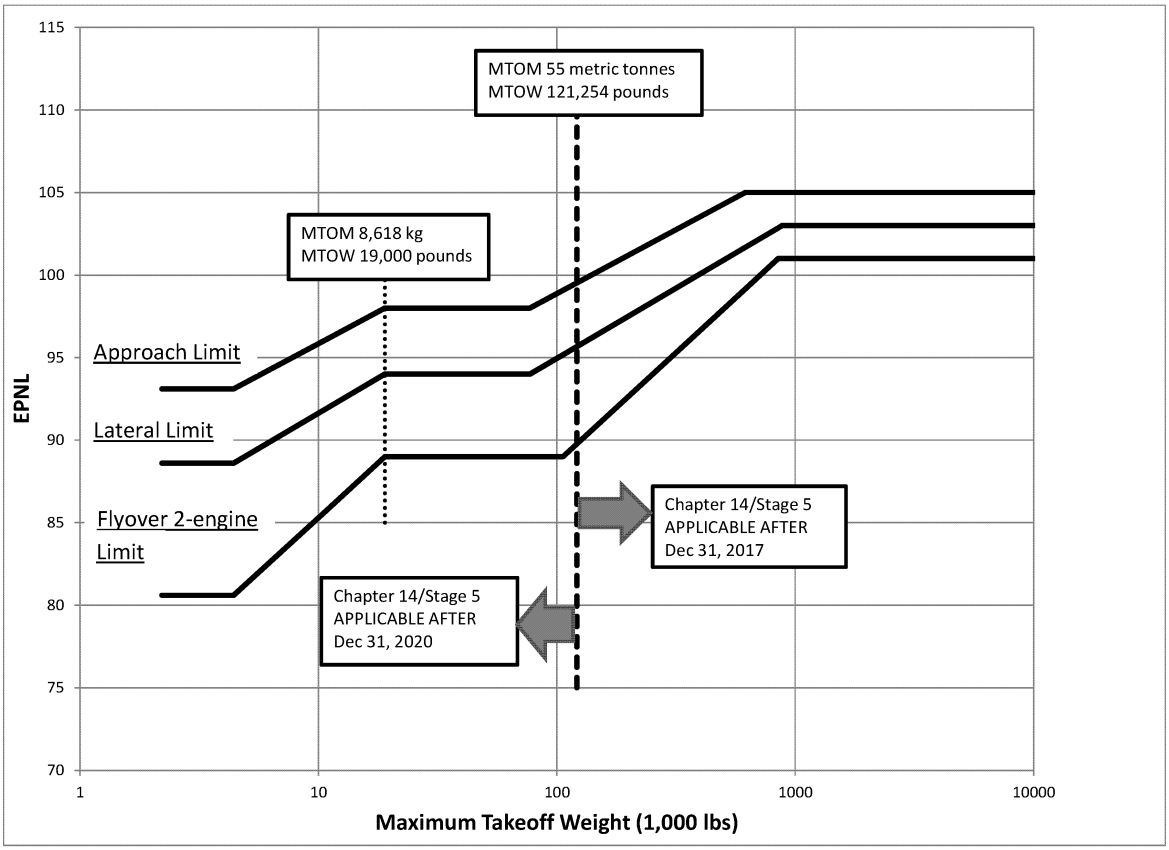

Figure 1. Representation of noise limits as calculated using Chapter 14 noise margins at each microphone location.

In March 2014, the 201st Session of the ICAO Council adopted the Chapter 14 noise standards for new airplane type designs. Chapter 14 will apply to new type certificates for airplanes with an MTOM of 55,000 kg (MTOW of 121,254 pounds) or more for which applications are submitted on and after December 31, 2017. For airplanes with an MTOM of less than 55,000 kg (MTOW less than 121,254 pounds) the limits apply to certification applications submitted on and after December 31, 2020.

It was noted in the NPRM, and restated for emphasis here, that the adoption of the Stage 5 noise standard for new airplane type designs does not signal the start of any action by the FAA to change the current operational noise limits for any aircraft in the United States. The current U.S. operating rules require that jet aircraft meet at least Stage 3 noise limits (see 14 CFR 91.853 and 91.881). The current noise limit applicable to new type designs is Stage 4 (see § 36.103(c)). The adoption of the Stage 5 noise standard for new airplane type designs does not affect either of these requirements. Changes to the noise operating rules in the United States would be subject to full notice and comment rulemaking procedures, and have not been proposed. The adoption of Stage 5 does not affect either the operation of the current U.S. fleet or new type designs submitted before the applicable compliance date for Stage 5.

A. Summary of the NPRM

On January 14, 2016, the FAA proposed a new noise standard for certain subsonic jet airplanes and subsonic transport category large airplanes, to be known as Stage 5. As proposed, the new certification standard would apply to any person submitting an application for a new airplane type design that has an MTOW of 121,254 pounds (MTOM 55,000 kg) or more on and after December 31, 2017; or with an MTOW of less than 121,254 pounds (MTOM 55,000 kg) on and after December 31, 2020. The change is intended to reduce the noise produced by new airplanes and harmonize the noise certification standards for those airplanes certificated in the United States with the new Chapter 14 ICAO noise standard that was effective July 14, 2014. Failure to harmonize the standards could result in a certification applicant having to show compliance with two different standards, unnecessarily adding to the cost of noise certification without any benefit.

The proposed rule also included a change to appendix B to part 36, section B36.1(b), which allows the use of Annex 16 standards as an alternative for noise testing. The FAA found that the regulation adopted in 2005 inadvertently omitted the phrase ''to paragraph (a) of this section'' to designate what the Annex was an alternative to. This phrase is added into section B36.1(b) in this rule so that paragraph (b) and the new paragraph (c) (the alternative for Stage 5) will read the same.

The NPRM invited interested persons to participate in the rulemaking by submitting written comments, data, or views. It also invited comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in the NPRM.

B. Response to Comments

The FAA received seven comments in response to the NPRM. Two commenters supported the rule as proposed, four suggested changes to the rule, and one identified a typographical error in the NPRM.

The Boeing Company and Airlines for America (A4A), an association of U.S. air carriers, supported all aspects of the proposal, with A4A including extensive comments supporting the process of working with ICAO in setting noise standards.

Two organizations, the Los Angeles International Airport/Community Roundtable (Roundtable) and the City of Culver City, California requested that the FAA include a phaseout of existing Stage 3 airplanes as part of the adoption of the new Stage 5 noise standards. The Roundtable is a voluntary organization with members from civil associations and government that work to identify and mitigate noise issues that affect the residential communities surrounding Los Angeles International Airport (LAX). Culver City is a municipality in close proximity to LAX.

Culver City considered the lack of a phaseout for Stage 3 airplanes a notable omission from the NPRM, stating that the Airport Noise and Capacity Act of 1990 (ANCA) mandated the implementation of Stage 3 technology by the end of 1999 along with the phase-out of all Stage 2 aircraft over 75,000 pounds. Culver City requested that the FAA promulgate a staged phaseout of Stage 3 aircraft beginning contemporaneously with the implementation of Stage 5 regulations.

The Roundtable requested the same action as Culver City, stating that a phaseout would reduce aircraft noise in a shorter time frame.

The FAA considers the requests to initiate a phaseout of Stage 3 jet aircraft to be beyond the scope of the proposed rule. The NPRM indicated that the proposed certification action was not to be considered a harbinger of a new operational standard. The previous eliminations of Stage 2 jet operations in the contiguous United States were required under two separate statutory provisions by Congress. For larger jets, the phaseout and ultimate prohibition on operation were mandated in ANCA. For jets under 75,000 pounds, Congress mandated a cessation of operations as of January 1, 2015; that statutory ban did not include a phaseout nor did it require any action by the FAA other than to enforce the operational prohibition. The NPRM noted for this rule that the proposal was limited to the adoption of a Stage 5 certification standard, in part to harmonize domestic U.S. certification standards with those of ICAO. These certification actions are sequential, reflect advances in technology, and serve to prevent backsliding by manufacturers. An operational phaseout, such as the one that took place in the 1990's following Congressional direction, is a significant undertaking affecting a different segment of the aviation industry. The ANCA phaseout had no effect on the noise certification basis of airplanes—Stage 3 had been adopted as the noise certification standard effective in 1975 (see § 36.106(b)) and was the standard included by Congress in the 1990 statute. The comments suggesting a new phaseout of Stage 3 jets did not address the significant differences between certification changes and operational restrictions, the length of time any suggested phaseout should take, nor did they present any indication of the significant costs and benefits that would necessarily form the basis of such an action. The proposed Stage 5 rule does not provide any basis to attach an operational restriction, and none is included in the final rule.

An individual commenter suggested five changes to the proposed rule. First, the commenter suggested that section B36.6 of appendix B to part 36 specify that noise tradeoffs are available only for Stage 1, 2 and 3 airplanes. The FAA disagrees in part. For a Stage 1 airplane, tradeoffs would be available only after recertification to Stage 2 (or higher) noise levels; there were no noise levels established for Stage 1 airplanes from which there could be tradeoffs. While the FAA agrees that the notation might be a helpful clarification for Stage 2 and 3 airplanes, the suggestion is outside the scope of the changes proposed in the NPRM. The FAA will keep note of the comment as a suggested change for any future cleanup rule for part 36.

The second suggestion, which was also made by an anonymous commenter, stated that regardless of the applicable noise stringency level, part 36 should specify the latest versions of referenced documents instead of one or more earlier versions.

The FAA disagrees. There are legal requirements attached to the use of non-FAA standards such as ICAO Annex 16. These requirements for Incorporation by Reference (IBR) allow for a specific document to be incorporated, and it must be submitted at the time IBR is requested. It must be identifiable, dated, and meet a certain level of availability. This ensures that a standard can be referenced as complete at the time a regulation is adopted. The IBR rules of the Office of the Federal Register do not allow for a nebulous ''current version'' to be referenced, since it would then depend on the time a person read a regulation and would present a shifting requirement. Changes to standards based on incorporated documents, such as a later version, can only be made by rulemaking. While this final rule makes changes to the IBR section of part 36 as discussed in the following section, no changes have been made to the final rule based on this comment. Persons interested in how IBR works can learn more by consulting the Office of the Federal Register's handbook that explains the process at *https://www.archives.gov/federal-register/write/handbook.*

The third suggestion by the individual commenter is to remove the proposed requirement in § 36.106 to include a Chapter 14 equivalency statement in an Airplane Flight Manual (AFM). The comment did not include any justification for this suggested change, nor state any reason it is inappropriate or ineffective in U.S. regulations. Starting with Stage 4, the equivalency statement became standard in the AFM pages. Over the years, noise-related information in the AFM (including the equivalency statements and other supporting documents) developed into an effective resource in demonstrating certificated noise levels of a U.S. registered aircraft operating outside the United States. The FAA plans to keep the equivalency statements for both Stage 4 and 5. No change was made based on this comment.

For reasons unrelated to this comment, we are amending § 36.105 to remove the reference to an IBR at the end of the paragraph. The required language for the flight manual, indicated by quotes in the rule, is not itself an IBR.

The fourth and fifth comments by the individual commenter requested changes to § 36.6, the IBR section for part 36 for matters of ''presentation'' and identification of ICAO Annex 16. The FAA is adopting a change to the format of § 36.6 as required by the Office of the Federal Register to update its use as a centralized IBR section. As adopted, the content of the IBR paragraph, including the order of the material as stated, complies with the publication requirements of the Office of the Federal Register. The FAA anticipates that the required update of the section will address the commenters concerns.

An anonymous commenter noted that the Web site address given for the availability of ICAO documents no longer works. The FAA will replace the Web site address in the final rule. The updated address for the ICAO Web site is: *http://www.icao.int/publications/Pages/default.aspx.*

The same anonymous commenter asked why Chapter 4 and Stage 4 (or Chapter 14 and Stage 5) do not have the same definitions in part 91, suggesting that they should all be referenced ''as described in part 36 of this chapter.''

The U.S. regulations cannot be used to determine what Chapter 4 or Chapter 14 contains or requires. Since the standards are incorporated by reference, their definitions necessarily cite back to the official source in ICAO Annex 16. Further, the FAA is not authorized to make findings of legal compliance to Chapter 4 or Chapter 14; it only certificates aircraft to Stage 4 or 5 (for example). This has led to the IBR references and eventually to the equivalency statements in AFMs since the U.S. does not make findings under ICAO standards. These equivalency statements are meant to assist operators of U.S.-certificated aircraft when they operate in ICAO countries and need to show the noise compliance of their aircraft.

However, we did find that the addition of the definition of Chapter 14 to part 91 is not necessary since part 91 is limited to domestic operating rules and references aircraft by stage. Accordingly, we are adding that definition only to part 36.

Other than the corrections noted, no changes are being made in this final rule based on the comments received. The rule is adopted as proposed.

C. Changes From the NPRM

The FAA was notified by the Office of the Federal Register that the centralized IBR section for part 36 (§ 36.6) needed to be updated to the new format published in 2016. Accordingly, this final rule includes format changes to § 36.6 and to various sections of part 36 and its appendices that reference incorporated documents. In no case is the content or intent of any regulation to be considered changed by this reformatting. Any changes to the substantive effect of any rule would be preceded by full notice and comment rulemaking.

In revising § 36.6 we discovered materials that are no longer referenced in the regulations and have removed them from that section. Within the text of regulations, we have reformatted the identified documents, removed two IBR references that were incorrect, updated Web site references where available and corrected other minor formatting errors discovered on review.

Also, as part of this review, the FAA discovered that § 36.5 contained an outdated reference to statutory authority. That section is amended to replace the old citation to the authority with the current one.

D. Incorporation by Reference

This final rule incorporates by reference the aircraft noise standards for Chapter 14 of the International Civil Aviation Organization (ICAO) Annex 16, Volume 1, Aircraft Noise, Seventh Edition, July 2014, Amendment 11–B, applicable January 1, 2015. These standards are incorporated into § 36.6, and are referenced in various sections as noted in the amendments. As explained in this document, these standards were developed by the ICAO with the participation of the United States. Airplanes that meet Stage 5 noise standards in the United States are considered equivalent of airplanes that meet the Chapter 14 standards.

The incorporated document is available for purchase through the ICAO Web site: *http://www.icao.int/publications/Pages/default.aspx.* Contact information for ICAO is also available on that Web site. The document may be inspected at FAA Headquarters, Office of Environment and Energy. Please contact the person listed in **FOR FURTHER INFORMATION CONTACT** in this document.

IV. Regulatory Notices and Analyses

A. Regulatory Evaluation

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

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

Based on the requirements in Executive Order (EO) 13771, the FAA has completed a further analysis of this rule and determined that this action is expected to be an EO 13771 deregulatory action as it will result in cost-savings. Without this rule, the industry will have to show compliance with two different noise standards—one in the United States and the other in EASA. This double noise certification standard will require revising type certification records, aircraft flight manuals, airline operational specifications that will generate unnecessary costs for both industry and the FAA.

This final rule will establish a new Stage 5 noise standard for subsonic jet airplanes and subsonic transport category large airplanes. The final noise standard will apply to new type designs for applications made on or after December 31, 2017, for airplanes with an MTOW of 121,254 pounds (MTOM of 55,000 kilograms) or more; and after December 31, 2020, for airplanes with an MTOW of less than 121,254 pounds (MTOM 55,000 kilograms).

The final noise standard will provide more stringent noise certification standards for Stage 5 airplanes certificated in the United States and will be consistent with those for airplanes certificated under the new ICAO Annex 16 Chapter 14 noise standards. Documents describing the development of the new ICAO rule in more detail, including cost analyses used by ICAO, are available in the docket. These documents include:

1. Cost-benefit Analysis of CAEP9 Noise Stringency Options, presented by U.S. CAEP Member, COMMITTEE ON AVIATION ENVIRONMENTAL PROTECTION (CAEP), NINTH MEETING, Montreal, 4 to 15 February 2013.
2. Report of the Ninth Meeting, COMMITTEE ON AVIATION ENVIRONMENTAL PROTECTION (CAEP), NINTH MEETING, Montreal, 4 to 15 February 2013.

Several airplanes currently in production that have an MTOW of more than 121,254 pounds already meet the final Stage 5 noise limits. These airplanes include the Airbus models A–380 and A–350, and Boeing models 747–8 and 787. The FAA received a comment from Boeing supporting the proposed rule.

The applicability date of December 31, 2020, for airplanes with an MTOW of less than 121,254 pounds (MTOM 55,000 kg) was adopted by the ICAO to accommodate the requests of the manufacturers of lighter jet and propeller-driven airplanes for more time to meet the new requirements. For many of the proposed airplane programs announced prior to CAEP9 (2013), analysis shows that such airplanes will be able to meet the proposed Stage 5 standard without any additional cost.

Technological advances that decrease noise are already being adopted on airplanes in the lower weight class, including the geared turbofan engine and quieter control surfaces. These technological advances support the FAA expectation that all manufacturers will be able to meet the new standards after the December 31, 2020, date. This expectation was crucial to the minimal cost determination in the proposed rule, and the FAA specifically requested comments regarding whether existing and expected technological advancements would be sufficient to achieve compliance with the provisions after December 31, 2020. The FAA received no comments on these regulatory estimates for any size airplanes. Accordingly, the FAA has determined that the final rule will have minimal cost and due to the reduced requirements from a single accepted noise certification standard, rather than two standards, this rule will lower industry and government costs. As these cost savings are clearly evident, the cost estimate of these future actions is too uncertain to provide quantified estimate.

B. Final Regulatory Flexibility Determination

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

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

In either 2017 or 2020, depending on the maximum certificated takeoff weight of the airplane, when the more stringent noise certification requirements in this final rule become effective, all new type design subsonic transport category jet airplanes and transport category large airplanes will be required to meet the Stage 5 noise limits. In the proposed rule, the FAA stated that all manufacturers of subsonic transport category jet airplanes and transport category large airplanes would be able to meet the new noise standards at minimal cost. The FAA invited industry comments on this determination and requested that all comments be accompanied with clear and detailed supporting data. The FAA received no responses to this request for comments on this determination. Accordingly, the FAA has determined that this rule will result in minimal cost.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, as provided in section 605 (b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

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

The FAA has assessed the potential effect of this final rule and determined that it will reduce impediments to international trade by aligning United States standards with ICAO standards.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 million in lieu of $100 million.

For the reasons stated above regarding the expected minimal cost of complying with these standards, this final rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The more stringent noise requirements adopted in this final rule will not require any new collection of information and none is associated with this final rule. The FAA has determined that there will be no new requirement for information collection associated with this final rule.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these regulations.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this

rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6d of the Order and involves no extraordinary circumstances.

H. Regulations Affecting Intrastate Aviation in Alaska

The agency did not receive any comments, and has determined, based on the administrative record of this rulemaking, that there is no need to make any regulatory distinctions applicable to intrastate aviation in Alaska.

V. Executive Order Determinations

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

Executive Order (EO) 13771 titled ''Reducing Regulation and Controlling Regulatory Costs,'' directs that, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed. In addition, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs. Only those rules deemed significant under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review,'' are subject to these requirements.

This rule is expected to be an EO 13771 deregulatory action. Details on the estimated costs savings of this rule can be found in the rule's economic analysis.

B. Executive Order 13132, Federalism

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

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

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

VI. How To Obtain Additional Information

A. Rulemaking Documents

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

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

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

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

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9677.

B. Comments Submitted to the Docket

Comments received may be viewed by going to *http://www.regulations.gov* and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

C. Small Business Regulatory Enforcement Fairness Act

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

List of Subjects

14 CFR Part 36

Aircraft, Aviation safety, Incorporation by reference, Life-limited parts, Reporting and recordkeeping requirements.

14 CFR Part 91

Aircraft, Aviation safety, Incorporation by reference, Life-limited parts, Reporting and recordkeeping requirements.

The Amendment

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

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 42 U.S.C. 4321 *et seq.;* 49 U.S.C. 106(g), 40113, 44701–44702, 44704, 44715; sec. 305, Public Law 96–193, 94 Stat. 50, 57; E.O. 11514, 35 FR 4247, 3 CFR, 1966–1970 Comp., p. 902.

■ 2. Amend § 36.1 by adding paragraphs (f)(12) through (14) to read as follows:

§ 36.1 Applicability and definitions.

* * * * *

(f) * * *

(12) A ''Stage 5 noise level'' means a noise level at or below the Stage 5 noise limit prescribed in section B36.5(e) of appendix B to this part.

(13) A ''Stage 5 airplane'' means an airplane that has been shown under this part not to exceed the Stage 5 noise limit prescribed in section B36.5(e) of appendix B to this part.

(14) A ''Chapter 14 noise level'' means a noise level at or below the Chapter 14 maximum noise level prescribed in Chapter 14 of the ICAO Annex 16, Volume 1, Seventh Edition, Amendment 11–B (Incorporated by reference, see § 36.6).

* * * * *

§ 36.5 [Amended]

■ 3. Amend § 36.5 by removing ''49 U.S.C. 1431 (b)(4)'' and adding ''49 U.S.C. 44715'' in its place.

■ 4. Revise § 36.6 to read as follows:

§ 36.6 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the locations in this paragraph (a) and may be obtained from the sources detailed in paragraphs (a)(1) through (12) of this section.

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

(2) Federal Aviation Administration New England Regional Headquarters, 12 New England Executive Park, Burlington, MA 01801.

(3) Federal Aviation Administration Eastern Region Headquarters, Federal

Building, John F. Kennedy International Airport, Jamaica, NY 11430.

(4) Federal Aviation Administration Southern Region Headquarters, 1701 Columbia Avenue, College Park, GA 30337.

(5) Federal Aviation Administration Great Lakes Region Headquarters, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018.

(6) Federal Aviation Administration Central Region Headquarters, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

(7) Federal Aviation Administration Southwest Region Headquarters, 2601 Meacham Boulevard, Fort Worth, TX 76137.

(8) Federal Aviation Administration Northwest Mountain Region Headquarters, 1601 Lind Avenue SW, Renton, WA 98055.

(9) Federal Aviation Administration Western Pacific Region Headquarters, 15000 Aviation Boulevard, Hawthorne, CA 92007.

(10) Federal Aviation Administration Alaskan Region Headquarters, 222 West 7th Avenue, #14, Anchorage, AK 99513.

(11) Federal Aviation Administration European Office Headquarters, 15 Rue de la Loi, Third Floor, B–1040, Brussels, Belgium.

(12) The National Archives and Records Administration (NARA). For information on the availability of this information at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(b) International Civil Aviation Organization (ICAO), Document Sales Unit, 999 University Street, Montreal, Quebec, H3C 5H7, Canada. *http://www.icao.int/publications/Pages/default.aspx.*

(1) International Standards and Recommended Practices, Annex 16 to the Convention on International Civil Aviation, Environmental Protection, Volume I, Aircraft Noise, Third Edition, July 1993, Amendment 7 effective March 21, 2002, IBR approved for § 36.1(f), and appendices A and B to part 36.

(2) International Standards and Recommended Practices, Annex 16 to the Convention on International Civil Aviation, Environmental Protection, Volume I, Aircraft Noise, Seventh Edition, July 2014, Amendment 11–B, applicable January 1, 2015, IBR approved for § 36.1(f) and appendices A and B to part 36.

(c) International Electrotechnical Commission (IEC) 3 Rue de Varembe, Case Postale 131, 1211 Geneva 20, Switzerland, *http://www.iec.ch/standardsdev/publications/?ref=menu.*

(1) Publication No. 179, Precision Level Sound Meters, (IEC 179) 1973, IBR approved for appendix F to part 36.

(2) Publication No. 561, Electro-acoustical Measuring Equipment for Aircraft Noise Certification, first edition, 1976, (IEC 561), IBR approved for appendices G and J to part 36.

(3) Publication No. 651, Sound Level Meters, first edition, 1979, (IEC 651), IBR approved for appendices G and J to part 36.

(4) Publication No. 804, Integrating-averaging Sound Level Meters, first edition, 1985, (IEC 804), IBR approved for appendix J to part 36.

(5) Publication No. 61094–3, Measurement Microphones—Part 3: Primary Method for Free-Field Calibration of Laboratory Standard Microphones by the Reciprocity Technique, edition 1.0, 1995 (IEC 61094–3) IBR approved for appendix A to part 36.

(6) Publication No. 61094–4, Measurement Microphones—Part 4: Specifications for Working Standard Microphones, edition 1.0, 1995, (IEC 61094–4) IBR approved for appendix A to part 36.

(7) Publication No. 61260, Electroacoustics-Octave-Band and Fractional-Octave-Band Filters, edition 1.0, 1995, (IEC 61260), IBR approved for appendix A to part 36.

(8) Publication No, 60942, Electroacoustics-Sound Calibrators, edition 2.0, 1997, (IEC 60942) IBR approved for appendix A to part 36.

(d) Society of Automotive Engineers, Inc. (SAE), 400 Commonwealth Drive, Warrentown, PA 15096, *http://www.sae.org/pubs/.*

(1) ARP 866A, Standard Values at Atmospheric Absorption as a Function of Temperature and Humidity for use in Evaluating Aircraft Flyover Noise, March 15, 1975, IBR approved for appendix H to part 36.

(2) [Reserved]

■ 5. Amend § 36.7 by adding paragraph (e)(5), revising paragraph (f), and adding paragraph (g) to read as follows:

§ 36.7 Acoustical change: Transport category large airplanes and jet airplanes.

* * * * *

(e) * * *

(5) If an airplane is a Stage 3 airplane prior to a change in type design, and becomes a Stage 5 airplane after the change in type design, the airplane must remain a Stage 5 airplane.

(f) *Stage 4 airplanes.* (1) If an airplane is a Stage 4 airplane prior to a change in type design, the airplane must remain a Stage 4 airplane after the change in type design.

(2) If an airplane is a Stage 4 airplane prior to a change in type design, and becomes a Stage 5 airplane after the change in type design, the airplane must remain a Stage 5 airplane.

(g) *Stage 5 airplanes.* If an airplane is a Stage 5 airplane prior to a change in type design, the airplane must remain a Stage 5 airplane after the change in type design.

■ 6. Amend § 36.103 by revising paragraph (c) and adding paragraphs (d) and (e) to read as follows:

§ 36.103 Noise limits.

* * * * *

(c) Type certification applications between January 1, 2006, and the date specified in paragraph (d) or (e) of this section, as applicable for airplane weight. If application is made on or after January 1, 2006, and before the date specified in paragraph (d) or (e) of this section (as applicable for airplane weight), it must be shown that the noise levels of the airplane are no greater than the Stage 4 noise limit prescribed in section B36.5(d) of appendix B of this part. If an applicant chose to voluntarily certificate an airplane to Stage 4 prior to January 2006, then the requirements of § 36.7(f) apply to that airplane.

(d) For airplanes with a maximum certificated takeoff weight of 121,254 pounds (55,000 kg) or more, type certification applications on or after December 31, 2017. If application is made on or after December 31, 2017, it must be shown that the noise levels of the airplane are no greater than the Stage 5 noise limit prescribed in section B36.5(e) of appendix B of this part. Prior to December 31, 2017, an applicant may seek voluntary certification to Stage 5. If Stage 5 certification is chosen, the requirements of § 36.7(g) will apply.

(e) For airplanes with a maximum certificated take-off weight of less than 121,254 pounds (55,000 kg), type certification applications on or after December 31, 2020. If application is made on or after December 31, 2020, it must be shown that the noise levels of the airplane are no greater than the Stage 5 noise limit prescribed in section B36.5(e) of appendix B of this part. Prior to December 31, 2020, an applicant may seek voluntary certification to Stage 5. If Stage 5 certification is chosen, the requirements of § 36.7(g) will apply.

§ 36.105 [Amended]

■ 7. Amend § 36.105 by removing ''[Incorporated by reference, see § 36.6].'' from the end of the paragraph.

■ 8. Add § 36.106 to subpart B to read as follows:

§ 36.106 Flight Manual statement of Chapter 14 noise level equivalency.

For each airplane that meets the requirements for Stage 5 certification, the Airplane Flight Manual or operations manual must include the following statement: ''The following noise levels comply with part 36, appendix B, Stage 5 maximum noise level requirements and were obtained by analysis of approved data from noise tests conducted under the provisions of part 36, Amendment [insert part 36 amendment number to which the airplane was certificated]. The noise measurement and evaluation procedures used to obtain these noise levels are considered by the FAA to be equivalent to the Chapter 14 noise levels required by the International Civil Aviation Organization (ICAO) in Annex 16, Volume 1, Aircraft Noise, Seventh Edition, July 2014, Amendment 11–B, applicable January 1, 2015.''

■ 9. Amend appendix A by revising paragraph A36.1.4, adding paragraph A36.1.5, and revising paragraphs A36.3.1.3. A36.3.7.3, and A36.3.8.1 to read as follows:

Appendix A to Part 36—Aircraft Noise Measurement and Evaluation Under § 36.101

* * * * *

Section A36.1 Introduction

* * * * *

A36.1.4 For Stage 4 airplanes, an acceptable alternative for noise measurement and evaluation is Appendix 2 to ICAO Annex 16, Volume I, Amendment 7 (incorporated by reference, see § 36.6).

A36.1.5 For Stage 5 airplanes, an acceptable alternative for noise measurement and evaluation is Appendix 2 to ICAO Annex 16, Volume 1, Amendment 11–B (incorporated by reference, see § 36.6).

* * * * *

Section A36.3 Measurement of Airplane Noise Received on the Ground

* * * * *

A36.3.1.3 *Sound incidence angle* means in degrees, an angle between the principal axis of the microphone, as defined in IEC 61094–3 and IEC 61094–4, as amended and a line from the sound source to the center of the diaphragm of the microphone (incorporated by reference, see § 36.6).

* * * * *

A36.3.7.3 The minimum standard for the one-third octave band analysis system is the class 2 electrical performance requirements of IEC 61260 as amended, over the range of one-third octave nominal midband frequencies from 50 Hz through 10 kHz inclusive (incorporated by reference, see § 36.6).

Note: IEC 61260 specifies procedures for testing of one-third octave band analysis systems for relative attenuation, anti-aliasing filters, real time operation, level linearity, and filter integrated response (effective bandwidth).

* * * * *

A36.3.8 *Calibration Systems*

A36.3.8.1 The acoustical sensitivity of the measurement system must be determined using a sound calibrator generating a known sound pressure level at a known frequency. The minimum standard for the sound calibrator is the class 1L requirements of IEC 60942 as amended (incorporated by reference, see § 36.6).

* * * * *

■ 10. In appendix B:

■ a. Amend section B36.1 by revising paragraph (b) and adding paragraph (c); and

■ b. Amend section B36.5 by adding paragraph (e).

The revision and additions read as follows:

Appendix B to Part 36—Noise Levels for Transport Category and Jet Airplanes Under § 36.103

* * * * *

Section B36.1 Noise Measurement and Evaluation

* * * * *

(b) For Stage 4 airplanes, an acceptable alternative to paragraph (a) of this section for noise measurement and evaluation is Appendix 2 to ICAO Annex 16, Volume I, Amendment 7 (Incorporated by reference, see § 36.6).

(c) For Stage 5 airplanes, an acceptable alternative to paragraph (a) of this section for noise measurement and evaluation is Appendix 2 to ICAO Annex 16, Volume 1, Amendment 11–B (Incorporated by reference, see § 36.6).

* * * * *

Section B36.5 Maximum Noise Levels

* * * * *

(e) For any Stage 5 airplane, the flyover, lateral, and approach maximum noise levels are prescribed in Chapter 14, Paragraph 14.4, Maximum Noise Levels of ICAO Annex 16, Volume I, Amendment 11–B (Incorporated by reference, see § 36.6).

* * * * *

■ 11. In appendix F, amend section F36.105 by revising paragraph (b) to read as follows:

Appendix F to Part 36—Flyover Noise Requirements for Propeller-Driven Small Airplane and Propeller-Driven Commuter Category Airplane Certification Tests Prior to December 22, 1988

* * * * *

Section F36.105 Sensing, Recording and Reproducing Equipment

* * * * *

(b) The characteristics of the system must comply with the recommendations in IEC 179 (incorporated by reference, see § 36.6).

* * * * *

■ 12. In appendix G, amend section G36.105 by revising paragraphs (b), (c), and (e) to read as follows:

Appendix G to Part 36—Takeoff Noise Requirements for Propeller-Driven Small Airplane and Propeller-Driven Commuter Category Airplane Certification Tests On or After December 22, 1988

* * * * *

Section G36.105 Sensing, Recording and Reproducing Equipment

* * * * *

(b) The characteristics of the complete system must comply with the requirements in IEC 651 and IEC 561 (incorporated by reference, see § 36.6). Sound level meters must comply with the requirements for Type 1 sound level meters as specified in IEC 651.

(c) The response of the complete system to a sensibly plane progressive sinusoidal wave of constant amplitude must be within the tolerance limits specified in IEC 651, over the frequency range 45 to 11,200 Hz.

* * * * *

(e) The output noise signal must be read through an ''A'' filter with dynamic characteristics designated ''slow'' as defined in IEC 651. A graphic recorder, sound level meter, or digital equipment may be used.

* * * * *

■ 13. In appendix H, amend section H36.113 by revising paragraph (b) to read as follows:

Appendix H to Part 36—Noise Requirements for Helicopters Under Subpart H

* * * * *

Section H36.113 Atmospheric Attenuation of Sound

* * * * *

(b) *Attenuation rates.* The procedure for determining the atmospheric attenuation rates of sound with distance for each one-third octave bands must be determined in accordance with SAE ARP 866A (Incorporated by reference, see § 36.6). The atmospheric attenuation equations are provided in both the International and English systems of units in section A36.7 of appendix A to this part.

* * * * *

■ 14. In appendix J, amend section J36.109 by revising paragraphs (d)(1)(i) through (iv) and by adding reserved paragraph (d)(2) to read as follows:

Appendix J to Part 36—Alternative Noise Certification Procedure for Helicopters Under Subpart H Having a Maximum Certificated Takeoff Weight of Not More Than 7,000 Pounds

* * * * *

Section J36.109 Measurement of Helicopter Noise Received on the Ground

* * * * *

(d) * * *

(1) * * *

(i) The SEL values from each flyover test may be directly determined from an integrating sound level meter complying with the standards of IEC 804 (Incorporated by reference, see § 36.6) for a Type 1 instrument set at ''slow'' response.

(ii) The acoustic signal from the helicopter, along with the calibration signals specified under paragraph (e) of this section and the background noise signal required under paragraph (f) of this section, may be recorded on a magnetic tape recorder for subsequent analysis for an integrating sound level meter identified in paragraph (d)(1)(i) of this section. The record/playback system (including the audio tape) of the tape recorder must conform to the requirements prescribed in section A36.3.6 of appendix A to this part. The tape recorder shall comply with the specifications of IEC 561 (Incorporated by reference, see § 36.6).

(iii) The characteristics of the complete system shall comply with the recommendations given in IEC 651 (Incorporated by reference, see § 36.6) with regard to the specifications concerning microphone, amplifier, and indicating instrument characteristics.

(iv) The response of the complete system to a sensibly plane progressive wave of constant amplitude shall lie within the tolerance limits specified in Table IV and Table V for Type 1 instruments in IEC 651 for weighting curve ''A'' over the frequency range of 45 Hz to 11500 Hz.

(2) [Reserved]

PART 91—GENERAL OPERATING AND FLIGHT RULES

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

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

■ 16. Amend § 91.851 by adding in alphabetical order definitions for the terms ''Stage 5 airplane'' and ''Stage 5 noise level'' to read as follows:

§ 91.851 Definitions.

* * * * *

Stage 5 airplane means an airplane that has been shown not to exceed the Stage 5 noise limit prescribed in part 36 of this chapter. A Stage 5 airplane complies with all of the noise operating rules of this part.

Stage 5 noise level means a noise level at or below the Stage 5 noise limit prescribed in part 36 of this chapter.

■ 17. Revise § 91.853 to read as follows:

§ 91.853 Final compliance: Civil subsonic airplanes.

Except as provided in § 91.873, after December 31, 1999, no person shall operate to or from any airport in the contiguous United States any airplane subject to § 91.801(c), unless that airplane has been shown to comply with Stage 3, Stage 4, or Stage 5 noise levels.

■ 18. Amend § 91.855 by revising paragraph (a) to read as follows:

§ 91.855 Entry and nonaddition rule.

* * * * *

(a) The airplane complies with Stage 3, Stage 4, or Stage 5 noise levels.

* * * * *

■ 19. Amend § 91.858 by revising paragraph (a)(2) to read as follows:

§ 91.858 Special flight authorizations for non-revenue Stage 2 operations.

(a) * * *

(2) Obtain modifications to meet Stage 3, Stage 4, or Stage 5 noise levels.

* * * * *

■ 20. Revise § 91.859 to read as follows:

§ 91.859 Modification to meet Stage 3, Stage 4, or Stage 5 noise levels.

For an airplane subject to § 91.801(c) of this subpart and otherwise prohibited from operation to or from an airport in the contiguous United States by § 91.855, any person may apply for a special flight authorization for that airplane to operate in the contiguous United States for the purpose of obtaining modifications to meet Stage 3, Stage 4, or Stage 5 noise levels.

■ 21. Revise § 91.881 to read as follows:

§ 91.881 Final compliance: Civil subsonic jet airplanes weighing 75,000 pounds or less.

Except as provided in § 91.883, after December 31, 2015, a person may not operate to or from an airport in the contiguous United States a civil subsonic jet airplane subject to § 91.801(e) of this subpart that weighs less than 75,000 pounds unless that airplane has been shown to comply with Stage 3, Stage 4, or Stage 5 noise levels.

■ 22. Amend § 91.883 by revising paragraph (a)(3) to read as follows:

§ 91.883 Special flight authorizations for jet airplanes weighing 75,000 pounds or less.

(a) * * *

(3) To obtain modifications to the airplane to meet Stage 3, Stage 4, or Stage 5 noise levels.

* * * * *

Issued under authority of 49 U.S.C. 106(f), 44701(a), and 44715 in Washington, DC, on September 11, 2017.

Michael P. Huerta,

Administrator.

[FR Doc. 2017–21092 Filed 10–3–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0585]

RIN 1625–AA00

Safety Zone; Upper Mississippi River, Crystal City, MO

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone for all navigable waters on the Upper Mississippi River between mile marker (MM) 147.5 and MM 148.5. This action is necessary to provide for the safety of life, vessels and property on these navigable waters near Crystal City, MO while construction work is completed on new power lines extending across the river. Entry of vessels or persons into this safety zone is prohibited unless authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative.

DATES: This rule is effective from 7:30 a.m. on October, 17, 2017 through 6:30 p.m. on November 1, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0585 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Sean Peterson, Chief of Prevention, U.S. Coast Guard; telephone 314–269–2332, email *Sean.M.Peterson@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard preceded this final rule with a Notice of Proposed Rulemaking (NPRM). The NPRM was published in the **Federal Register** on August 9, 2017, (82 FR 37182). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to work on power lines extending over the Upper Mississippi River in Crystal City, MO. The NPRM listed dates and times of enforcement of the safety zone. During the comment period that ended September 8, 2017, we received no comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to public interest in ensuring the safety of spectators and vessels during the power line work because immediate action is necessary to prevent possible loss of life and property.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Sector Upper Mississippi River (COTP) has determined that potential hazards associated with power line work over the Upper Mississippi River will cause safety concerns. The purpose of this rule is to ensure safety of life, vessels and the navigable waters in the safety zones, before, during, and after the scheduled work.

IV. Discussion of the Comments, Changes, and the Rule

As noted above, during the comment period for our NPRM that published August 9, 2017, no comments were received. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone from 7:30 a.m. on October 17, 2017 through 6:30 p.m. on November 1, 2017. The safety zone will be enforced from 7:30 a.m. through 6:30 p.m. each day. The safety zone will cover all navigable waters between mile marker (MM) 147.5 and MM 148.5 on the Upper Mississippi River in Crystal City, MO. The duration of the zone is intended to ensure the safety of vessels and participants on the navigable waters before, during, and after the power line construction work. Entry of vessels or persons into this safety zone is prohibited without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. This final rule establishes a safety zone will only be enforced for a period of eleven hours on each of sixteen days on one mile of navigable waters. Entry into the safety zone established through this rulemaking may be requested from the COTP or a designated representative and will be considered on a case-by-case. During the enforcement period, vessels are prohibited from entering into or remaining within the safety zone unless specifically authorized by the COTP or other designated representative. Additionally, notice of the safety zone or any changes in the planned schedule will be made via Broadcast and Local Notice to Mariners.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for

federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting for eleven hours on each of sixteen days during daylight hours and restricts transit on a section of the Upper Mississippi River extending one mile. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0585 to read as follows:

§ 165.T08–0585 Safety Zone; Upper Mississippi River, Crystal City, MO.

(a) *Location.* The following area is a safety zone: All navigable waters of the Upper Mississippi River between mile marker (MM) 147.5 and MM 148.5, Crystal City, MO.

(b) *Definitions.* As used in this section, a *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Upper Mississippi River (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in § 165.23, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or a designated representative.

(2) To seek permission to enter, contact the COTP or a designated representative via VHF–FM channel 16, or Coast Guard Sector Upper Mississippi River by telephone at 314–269–2332. Those persons authorized to be in the safety zone must comply with all lawful orders or directions given to them by the COTP or a designated representative.

(d) *Effective period.* This section will be effective from 7:30 a.m. through 6:30 p.m. on October 17, 2017 through November 1, 2017.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone as well as any changes in the dates and times of enforcement.

Dated: September 27, 2017.

Scott A. Stoermer,

Captain, U.S. Coast Guard, Captain of the Port Upper Mississippi River.

[FR Doc. 2017–21256 Filed 10–3–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0321; FRL–9968–72–Region 4]

Air Plan Approval; North Carolina; Interstate Transport

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving North Carolina's December 9, 2015, State Implementation Plan (SIP) submission pertaining to the Clean Air Act's (CAA or Act) ''good neighbor'' provision for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). The good neighbor provision requires each state's SIP to address the interstate transport of air pollution in amounts that contribute significantly to nonattainment, or interfere with maintenance, of a NAAQS in any other state. EPA concludes that North Carolina's SIP contains adequate provisions to prohibit emissions within the state from contributing significantly to nonattainment or interfering with maintenance of the 2008 8-hour ozone NAAQS in any other state.

DATES: This rule will be effective November 3, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2017–0321. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Ashten Bailey, 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. Ms. Bailey can also be reached via telephone at (404) 562–9164 and via electronic mail at *bailey.ashten@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 27, 2008, EPA promulgated an ozone NAAQS that revised the levels of the primary and secondary 8-hour ozone standards from 0.08 parts per million (ppm) to 0.075 ppm. *See* 73 FR 16436. Pursuant to CAA section 110(a)(1), within three years after promulgation of a new or revised NAAQS (or shorter, if EPA prescribes), states must submit SIPs that meet the applicable requirements of section 110(a)(2). EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. One of the structural requirements of section 110(a)(2) is section 110(a)(2)(D)(i), which generally requires SIPs to contain adequate provisions to prohibit in-state emissions activities from having certain adverse air quality effects on neighboring states due to interstate transport of air pollution. There are four sub-elements, or ''prongs,'' within section 110(a)(2)(D)(i) of the CAA. CAA section 110(a)(2)(D)(i)(I), also known as the ''good neighbor'' provision, requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from emitting any air pollutant in amounts that will contribute significantly to nonattainment, or interfere with maintenance, of the NAAQS in another state. The two provisions of this section are referred to as prong 1 (significant contribution to nonattainment) and prong 2 (interference with maintenance). Section 110(a)(2)(D)(i)(II) requires SIPs to contain adequate provisions to prohibit emissions that will interfere with measures required to be included in the applicable implementation plan for any other state under part C to prevent significant deterioration of air quality (prong 3) or to protect visibility (prong 4).

On December 9, 2015, North Carolina submitted a SIP submittal containing a certification that North Carolina is meeting the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 8-hour ozone NAAQS because, based on available emissions and air quality modeling data, emissions activities within North Carolina will not significantly contribute to nonattainment or interfere with maintenance of the 2008 8-hour ozone NAAQS in any other state. In a notice of proposed rulemaking (NPRM) published on August 10, 2017 (82 FR 37371), EPA proposed to approve North Carolina's SIP as meeting the requirements of prongs 1 and 2 for the 2008 8-hour ozone NAAQS.[1] The NPRM provides additional detail regarding the background and rationale for EPA's action. Comments on the NPRM were due on or before September 11, 2017. EPA received no adverse comments on the proposed action.

II. Final Action

EPA is taking final action to approve North Carolina's December 9, 2015, SIP submission addressing the good neighbor infrastructure SIP requirements, section 110(a)(2)(D)(i)(I) (prongs 1 and 2), for the 2008 8-hour ozone NAAQS. EPA is taking final action to approve the SIP submission because it is consistent with section 110 of the CAA. EPA notes that the Agency is not approving any specific rule, but rather concluding that North Carolina's already approved SIP meets certain CAA requirements.

III. 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 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

[1] This action addresses only prongs 1 and 2 of section 110(a)(2)(D)(i). All other infrastructure SIP elements for North Carolina for the 2008 8-hour ozone NAAQS were addressed in separate rulemakings. *See* 80 FR 68453 (November 5, 2015), 81 FR 35634 (June 3, 2016), and 81 FR 63107 (September 14, 2016).

circuit by December 4, 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 52

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

Dated: September 21, 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 II—North Carolina

■ 2. Section 52.1770(e) is amended by adding a new entry ''110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone NAAQS'' at the end of the table to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** citation	Explanation
*	*	*	*	*
110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone NAAQS.	12/9/2015	10/4/2017	[Insert citation of publication].	Addressing prongs 1 and 2 of section 110(a)(2)(D)(i) only.

[FR Doc. 2017–21247 Filed 10–3–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0634; FRL–9968–71–Region 4]

Air Plan Approval; Georgia; Regional Haze Progress Report

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of a State Implementation Plan (SIP) revision submitted by the State of Georgia, Department of Natural Resources, through the Georgia Environmental Protection Division (GA EPD) on January 8, 2014. Georgia's January 8, 2014, SIP revision (Progress Report) addresses requirements of the Clean Air Act (CAA or Act) and EPA's rules that require each state to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the state's existing SIP addressing regional haze (regional haze plan). EPA is finalizing approval of Georgia's determination that the State's regional haze plan is adequate to meet these RPGs for the first implementation period covering through 2018 and requires no substantive revision at this time.

DATES: This rule is effective November 3, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2016–0634. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michele Notarianni, 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. Ms. Notarianni can be reached by phone at (404) 562–9031 and via electronic mail at *notarianni.michele@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

States are required to submit a progress report in the form of a SIP revision that evaluates progress towards the RPGs for each mandatory Class I federal area [1] (Class I area) within the state and for each Class I area outside the state which may be affected by emissions from within the state. 40 CFR 51.308(g). In addition, the provisions of 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze plan. On January 8, 2014, Georgia submitted its Progress Report which, among other things, details the progress made in the first period toward implementation of the long term strategy outlined in the State's regional haze plan; the visibility improvement measured at the three Class I areas within its borders (Cohutta Wilderness Area, Okefenokee Wilderness Area, and Wolf Island Wilderness Area) and at Class I areas

[1] Areas designated as mandatory Class I federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). These areas are listed at 40 CFR part 81, subpart D.

outside of the State potentially impacted by emissions from Georgia; and a determination of the adequacy of the State's existing regional haze plan.

In a notice of proposed rulemaking (NPRM) published on August 15, 2017 (82 FR 38654), EPA proposed to approve Georgia's January 8, 2014, Progress Report. The details of Georgia's submission and the rationale for EPA's actions are explained in the NPRM. Comments on the proposed rulemaking were due on or before September 14, 2017. EPA received no adverse comments on the proposed action.

II. Final Action

EPA is finalizing approval of Georgia's January 8, 2014, Progress Report as meeting the applicable regional haze requirements set forth in 40 CFR 51.308(g) and 51.308(h).

III. 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 Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 4, 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 52

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

Dated: September 21, 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. Section 52.570(e) is amended by adding an entry for ''January 2014 Regional Haze Progress Report'' at the end of the table to read as follows:

§ 52.570 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approval date	Explanation
*	*	*	*	*
January 2014 Regional Haze Progress Report.	Georgia	01/8/2014	10/4/17 [Insert citation of publication].	

[FR Doc. 2017–21246 Filed 10–3–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 405, 412, 413, 414, 416, 486, 488, 489, and 495

[CMS–1677–CN]

RIN–0938–AS98

Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year 2018 Rates; Quality Reporting Requirements for Specific Providers; Medicare and Medicaid Electronic Health Record (EHR) Incentive Program Requirements for Eligible Hospitals, Critical Access Hospitals, and Eligible Professionals; Provider-Based Status of Indian Health Service and Tribal Facilities and Organizations; Costs Reporting and Provider Requirements; Agreement Termination Notices; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects technical and typographical errors in the final rule that appeared in the August 14, 2017, issue of the **Federal Register**, which will amend the Medicare hospital inpatient prospective payment systems (IPPS) for operating and capital related costs of acute care hospitals to implement changes arising from our continuing experience with these systems for FY 2018.

DATES: This correction is effective October 1, 2017.

FOR FURTHER INFORMATION CONTACT: Donald Thompson, (410) 786–4487.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2017–16434 of August 14, 2017 (82 FR 37990) there were a number of technical and typographical errors that are identified and corrected by the Correction of Errors section of this correcting document. The provisions in this correcting document are effective as if they had been included in the document that appeared in the August 14, 2017 **Federal Register**. Accordingly, the corrections are effective October 1, 2017.

II. Summary of Errors

A. Summary of Errors in the Preamble

On page 37990, we are making a conforming correction, removal of the reference to part 488, based on the removal of the regulations text for § 488.5 described in section II.B. of this correcting document.

On pages 38067 and 38068, we are correcting technical errors in our discussion and summary of and response to public comment regarding ICD–10–PCS procedure codes describing procedures involving percutaneous insertion of intraluminal or monitoring device. Specifically, we erroneously referred to a count of 28 procedure codes describing procedures involving the percutaneous insertion of intraluminal and monitoring devices into central nervous system and other cardiovascular body parts rather than 18 procedure codes. Of the 28 codes listed in Table 6P.4b associated with the proposed rule, 10 procedure codes were duplicative, and erroneously included in the table and in the total number of codes referenced in the preamble. As indicated in the final rule, after consideration of the public comments we received, we maintained the designation of 15 procedure codes identified by the commenters. For this reason, we are also correcting Table 6P.4b associated with the final rule (as discussed in section II.E. of this correcting document) to reflect the 3 distinct procedure codes for which we finalized a change in designation, including to remove the listings of ICD–10–PCS procedure codes 00H032Z (Insertion of Monitoring Device into Brain, Percutaneous Approach) and 00H632Z (Insertion of Monitoring Device into Cerebral Ventricle, Percutaneous Approach), which we finalized to maintain as O.R. procedures for FY 2018, and are making conforming changes to the corresponding count of codes listed in that table as indicated on page 38068. Consistent with these corrections, we are also correcting the description of the proposal on page 38067 of the final rule. As a result of the corrections to Table 6P.4b associated with the final rule and the conforming corrections on pages 38067 and 38068, we have made conforming changes to the ICD–10 MS–DRG Definitions Manual Version 35 and ICD–10 MS–DRG Grouper Software Version 35 for FY 2018 to reflect the O.R. designation of ICD–10–PCS procedure codes 00H032Z (Insertion of Monitoring Device into Brain, Percutaneous Approach) and 00H632Z (Insertion of Monitoring Device into Cerebral Ventricle, Percutaneous Approach), as finalized on page 38068 of the final rule for FY 2018.

In addition, after publication of the FY 2018 IPPS/LTCH PPS final rule, we became aware that the logic for the ICD–10 MS–DRG Definitions Manual Version 35 and the ICD–10 MS–DRG Grouper and Medicare Code Editor (MCE) Version 35 Software erroneously designated the following ICD–10–PCS procedure code as a non-O.R. procedure rather than as an O.R. procedure as finalized on page 38072 of the final rule for FY 2018: 0BCC8ZZ (Extirpation of matter from right upper lung lobe, via natural or artificial opening endoscopic). Therefore, we also made changes to the ICD–10 MS–DRG Definitions Manual Version 35 and the ICD–10 MS–DRG Grouper and MCE Version 35 Software to correctly reflect the O.R. designation for this procedure code for FY 2018.

We recalculated the FY 2018 MS–DRG relative weights (and associated statistics, such as average length of stay (ALOS)) as a result of the corrections to the logic for the ICD–10 MS–DRG Grouper Version 35 Software discussed above. In addition, since the MS–LTC–DRGs used under the LTCH PPS for FY 2018 are the same as the MS DRGs used under the IPPS for FY 2018 (and as such use the same ICD–10 MS–DRG Grouper Version 35 Software), we also recalculated the FY 2018 MS–LTC–DRG relative weights (and associated statistics, such as geometric ALOS) for the same reasons.

On page 38119, we made a technical error in describing which ICD–10–PCS procedure codes will be used to identify cases involving ZINPLAVA™ that are eligible for new technology add-on payments in FY 2018. Specifically, cases involving ZINPLAVA™ that are eligible for new technology add-on payments will be identified by either of the ICD–10–PCS procedure codes listed in the final rule (XW033A3 or XW043A3) (rather than requiring the combination of both ICD–10–PCS procedure codes).

On pages 38132 and 38137, in our discussion of the wage indexes, we provided incorrect values for the FY 2018 national average hourly wage (unadjusted for occupational mix) and the FY 2018 occupational mix adjusted national average hourly wage due to inadvertent errors related to the wage data collected from the Medicare cost reports of six hospitals (CMS Certification Numbers (CCNs) 240010, 420033, 420037, 420038, 420078, and 420102).

On page 38144, we made an inadvertent error in the mailing address

for the Medicare Geographic Review Board (MGCRB).

On page 38195, in our discussion regarding disproportionate share hospitals (DSHs), we made errors in the June 2017 Office of the Actuary's estimate for FY 2018 Medicare DSH payments.

On page 38225, we made typographical errors in our description of several Hospital Readmissions Reduction Program (HRRP) measures.

On page 38249, in our response to a comment, we advertently referenced the MORT–30–PN measure, instead of the PN Payment measure.

On page 38257 through 38259, in our discussion of the Hospital Value-Based Purchasing (HVBP) Program, we made several typographical and technical errors to references and dates.

On pages 38309 and 38310, we are correcting the MS–LTC–DRG normalization factor and the MS–LTC DRG budget neutrality factor based on the recalculation of the MS–LTC–DRG relative weights due to the corrections to the MS–DRG Grouper Software Version 35 described previously. (Because the MS–LTC–DRGs used under the LTCH PPS are the same as the MS–DRGs used under the IPPS, the corrections to the MS–DRG Grouper Software Version 35 described previously affect the MS–LTC–DRGs groupings by extension.)

On pages 38426, 38434, 38440, and 38458, in our discussion of the LTCH Quality Reporting Program (QRP), we made technical and typographical errors including an error in our description of a quality measure.

B. Summary of Errors in the Regulations Text

On page 38516, we inadvertently retained regulations language from the proposed rule at § 488.5(a)(21), regarding accrediting organizations, after stating in the preamble of the final rule that we had decided not to adopt such language. In addition, on page 38509, we inadvertently retained a description of subjects set out in 42 CFR part 488 in the ''List of Subjects.'' We are correcting these errors by removing the description of subjects, amendatory instructions, and regulations text for part 488.

On page 38516, in the regulations text provisions for § 495.4 (definitions for the Electronic Health Record (EHR) Incentive Program), we inadvertently omitted the definition of certified electronic health record technology (CEHRT) for 2018.

On page 38517, in the regulations text provisions for § 495.24, we inadvertently omitted an EHR measure change for eligible professionals (EPs) in § 495.24(d)(6)(i)(B)(*1*)(*iv*).

C. Summary of Errors in the Addendum

As discussed in section II.A. of this correcting document, we are making corrections to the logic for the ICD–10 MS–DRG Grouper Version 35 Software for three ICD–10–PCS procedure codes (0BCC8ZZ, 00H032Z and 00H632Z) that had been erroneously designated as non-O.R. procedures rather than as O.R. procedures as finalized for FY 2018. As a result, we have recalculated the FY 2018 MS–DRG relative weights after applying the changes in the Version 35 MS–DRG groupings to the FY 2016 MedPAR data used for the final rule.

The FY 2018 MS–DRG relative weights are used to calculate the MS–DRG reclassification and recalibration budget neutrality factor when comparing total payments using FY 2017 MS–DRG relative weights to total payments using the FY 2018 MS–DRG relative weights. Additionally, the FY 2018 MS–DRG relative weights are used when determining total payments for purposes of all other budget neutrality factors and the final outlier threshold, which are discussed in this section II.C. of this correcting document.

As discussed in section II.E. of this correcting document, we made several technical errors with regard to the calculation of Factor 3 of the uncompensated care payment methodology. Factor 3 is used to determine the total amount of the uncompensated care payment a hospital is eligible to receive for a fiscal year. This amount is then used to calculate the amount of the interim uncompensated care payments a hospital receives per discharge. Per discharge uncompensated care payments are included when determining total payments for purposes of all of the budget neutrality factors and the final outlier threshold.

As a result, the revisions made to address these technical errors regarding the calculation of Factor 3 directly affected the calculation of total payments and required the recalculation of all the budget neutrality factors and the final outlier threshold.

Because of the errors in the wage data for the six hospitals (CCNs 240010, 420033, 420037, 420038, 420078, and 420102), as discussed in section II.A. of this correcting document, we recalculated the FY 2018 national average hourly wages unadjusted for occupational mix and adjusted for occupational mix which resulted in the recalculation of the final FY 2018 IPPS wage indexes and the geographic adjustment factors (GAFs) (which are computed from the wage index). The final FY 2018 IPPS wage data are used in the calculation of the wage index budget neutrality adjustment when comparing total payments using the final FY 2017 IPPS wage index data to total payments using the final FY 2018 IPPS wage index data. Additionally, the final FY 2018 IPPS wage index data are used when determining total payments for purposes of the rest of the budget neutrality factors (except for the MS–DRG reclassification and recalibration budget neutrality factor) and the final outlier threshold. In addition, the final FY 2018 IPPS wage index data are used to calculate the FY 2018 LTCH PPS wage index values, certain budget neutrality factors, and the LTCH PPS standard Federal payment rate in the FY 2018 IPPS/LTCH PPS final rule.

Due to the correction of the combination of errors listed previously (recalculation of the MS–DRG relative weights, revisions to Factor 3 of the uncompensated care methodology and correction to the final FY 2018 IPPS wage index data), we recalculated all IPPS budget neutrality adjustment factors, the fixed-loss cost threshold, the final wage indexes (and GAFs), and the national operating standardized amounts and capital Federal rate. Therefore, we made conforming changes to the following:

- On page 38522 and 38532, the MS–DRG reclassification and recalibration budget neutrality factor.
- On page 38522, the wage index budget neutrality adjustment.
- On page 38522, the reclassification hospital budget neutrality adjustment.
- On page 38523, the rural and imputed floor budget neutrality adjustment.
- On page 38527, the calculation of the outlier fixed-loss cost threshold, the national outlier adjustment factors, total operating Federal payments, total operating outlier payments, and percentage of capital outlier payments.
- On page 38529, the table titled ''Changes From FY 2017 Standardized Amounts to the FY 2018 Standardized Amounts''.

On pages 38532 and 38534 through 38535, in our discussion of the determination of the Federal hospital inpatient capital related prospective payment rate update, due to the recalculation of the MS–DRG relative weights and GAFs we have made conforming corrections to the increase in the capital Federal rate, the capital outlier payment adjustment (budget neutrality) factor, the GAF/DRG budget neutrality adjustment factors, the capital Federal rate, and the outlier threshold (as discussed previously), along with

certain statistical figures (for example, percent change) in the accompanying discussions.

Also, as a result of these errors, on page 38535, we have made conforming corrections in the tables showing the comparison of factors and adjustments for the FY 2017 capital Federal rate and FY 2018 capital Federal rate and the proposed FY 2018 capital Federal rate and final FY 2018 capital Federal rate.

On pages 38537 and 38539, we are correcting the area wage level budget neutrality factor and making a conforming change to the FY 2018 LTCH PPS standard Federal payment rate due to corrections to the wage data discussed previously.

On page 38544, we are making conforming corrections to the fixed-loss amount for FY 2018 LTCH PPS standard Federal payment rate discharges and the high-cost outlier (HCO) threshold determined in absence of the required changes under the 21st Century Cures Act due to corrections in the MS–LTC–DRG data discussed previously.

On page 38545, we are making conforming corrections to the fixed-loss amount for site neutral discharges due to corrections in the IPPS rates and factors discussed previously.

On pages 38546 and 38547, we are making conforming corrections to the figures used in the example of computing the adjusted LTCH PPS Federal prospective payment for FY 2018.

On page 38548, we have made conforming corrections to the following:

- National adjusted operating standardized amounts and capital standard Federal payment rate (which also include the rates payable to hospitals located in Puerto Rico) in Tables 1A, 1B, 1C, and 1D as a result of the conforming corrections to certain budget neutrality factors and the outlier threshold (as described previously).
- LTCH PPS standard Federal payment rate in Table 1E as a result of the correction to area wage level budget neutrality factor (as discussed previously).

Also, on page 38548, in Table 1E, we are correcting a technical error in our terminology by replacing ''Standard Federal Rate'' with 'Standard Federal Payment Rate''.

D. Summary of Errors in the Appendices

On pages 38552 through 38560 and 38572 through 38574 in our regulatory impact analyses, we made conforming corrections to the factors, values, and tables and accompanying discussion of the changes in operating and capital IPPS payments for FY 2018 and the effects of certain budget neutrality factors as a result of the technical errors that lead to conforming changes in our calculation of the operating and capital IPPS budget neutrality factors, outlier threshold, final wage indexes, operating standardized amounts, and capital Federal rate (as described in sections II.A. and II.C. of this correcting document).

In particular, we made changes to the following tables.

- On pages 38552 through 38554, the table titled ''Table I.—Impact Analysis of Changes to the IPPS for Operating Costs for FY 2018''.
- On pages 38557 through 38558, the table titled ''FY 2018 IPPS Estimated Payments Due To Rural and Imputed Floor With National Budget Neutrality''.
- On pages 38559 and 38560, the table titled ''Table II—Impact Analysis of Changes for FY 2018 Acute Care Hospital Operating Prospective Payment System [Payments per Discharge]''.
- On pages 38572 through 38574, the table titled ''Table III—Comparison of Total Payments Per Case [FY 2017 Payments Compared to FY 2018 Payments]''.

On pages 38561 through 38564, we are correcting the discussion of the ''Effects of the Changes to Medicare DSH and Uncompensated Care Payments for FY 2018'' for purposes of the Regulatory Impact Analysis in Appendix A of the FY 2018 IPPS/LTCH PPS final rule in light of the corrections discussed in sections II.D. and II.E. of this correcting document.

On pages 38576 and 38578 through 38579, we made conforming corrections to the area wage level budget neutrality factor and the LTCH PPS standard Federal payment rate as described in section II.C. of this correcting document.

On page 38579, we are making conforming corrections to ''Table IV.—Impact of Payment Rate and Policy Changes to LTCH PPS Payments for Standard Payment Rate Cases for FY 2018.'' We are also correcting technical errors in the terminology used in the title and column headings of Table IV by ensuring the use of ''Standard Federal Payment Rate''.

On page 38585, we made conforming corrections to the estimated increase in capital payments in FY 2018 compared to FY 2017.

E. Summary of Errors in and Corrections to Files and Tables Posted on the CMS Web Site

We are correcting the errors in the following IPPS tables that are listed on pages 38547 and 38548 of the FY 2018 IPPS/LTCH PPS final rule and are available on the Internet on the CMS Web site at *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/FY2018-IPPS-Final-Rule-Home-Page.html.* The tables that are available on the Internet have been updated to reflect the revisions discussed in this correcting document.

Table 2—Case-Mix Index and Wage Index Table- FY 2018. The wage data errors related to the six hospitals required the recalculation of the FY 2018 national average hourly wages unadjusted for occupational mix and adjusted for occupational mix which resulted in recalculating the FY 2018 wage indexes. Also, the recalculation of the MS–DRG relative weights, the revisions to Factor 3 of the uncompensated care payment methodology and recalculation of the FY 2018 wage index necessitated the recalculation of the rural and imputed floor budget neutrality factor (as discussed in section II.C. of this correcting document). Therefore, we are correcting the values in the column titled ''FY 2018 Wage Index'' for all hospitals. Additionally, for the six hospitals for which we inadvertently used the incorrect wage data (as discussed in section II.A. of this correcting document), we are correcting the average hourly wages in the columns titled ''Average Hourly Wage FY 2018'' and ''3-Year Average Hourly Wage (2016, 2017, 2018)''.

Table 3.—Wage Index Table by CBSA–FY 2018. The wage data errors related to the six hospitals required the recalculation of the FY 2018 national average hourly wage adjusted for occupational mix which resulted in recalculating the FY 2018 wage indexes. Also, the recalculation of the MS–DRG relative weights, the revisions to Factor 3 of the uncompensated care payment methodology, and recalculation of the FY 2018 wage index necessitated the recalculation of the rural and imputed floor budget neutrality factor (as discussed in section II.C. of this correcting document). Therefore, we are making corresponding changes to the wage indexes and GAFs of all CBSAs listed in Table 3. Specifically, we are correcting the values and flags in the columns titled ''Wage Index'', ''Reclassified Wage Index'', ''GAF'', ''Reclassified GAF'', ''Pre-Frontier and/or Pre-Rural or Imputed Floor Wage Index'' and ''Eligible for Rural or Imputed Floor Wage Index''. Additionally, for the two CBSAs (24860 and 40340) where the six hospitals for which we inadvertently used the incorrect wage data are located (as discussed in section II.A. of this correcting document), we are correcting the average hourly wages in the

columns titled ''FY 2018 Average Hourly Wage'' and ''3-Year Average Hourly Wage (2016, 2017, 2018)''. As we described previously, we inadvertently used the incorrect wage data for the following hospitals: CCNs 240010, 420033, 420037, 420038, 420078 and 420102.

Table 5.—List of Medicare Severity Diagnosis-Related Groups (MS–DRGs), Relative Weighting Factors, and Geometric and Arithmetic Mean Length of Stay—FY 2018. We are correcting this table to reflect the recalculation of the FY 2018 MS–DRG relative weights and associated statistics as a result of the corrections to the logic for the ICD–10 MS–DRG Grouper Version 35 Software discussed in section II.A. of this correcting document. Specifically, we are correcting the values in the columns titled ''Weights'', ''Geometric mean LOS'', and ''Arithmetic mean LOS''.

Table 6P.—ICD–10–CM and ICD–10–PCS Code Designations, MCE and MS–DRG Changes—FY 2018. As discussed in section II.A of this correcting document, we are correcting the list of the ICD–10–PCS procedure codes in Table 6P.4b to reflect the three ICD–10–PCS procedure codes relating to the percutaneous insertion of intraluminal or monitoring devices that are finalized as non-O.R. procedures for FY 2018.

Table 7B.—Medicare Prospective Payment System Selected Percentile Lengths of Stay: FY 2016 MedPAR Update—March 2017 GROUPER V35.0 MS–DRGs. We are correcting this table to reflect the recalculation of the FY 2018 MS–DRG relative weights and associated statistics as a result of the corrections to the logic for the ICD–10 MS–DRG Grouper Version 35 Software discussed in section II.A. of this correcting document.

Table 10—New Technology Add-On Payment Thresholds for Applications for FY 2019. We are correcting the thresholds in this table as a result of the corrections to the operating standardized amounts discussed in section II.C. of this correcting document.

Table 18.—Final FY 2018 Medicare DSH Uncompensated Care Payment Factor 3. We are correcting this table to reflect revisions to the Factor 3 calculations for purposes of determining uncompensated care payments for the FY 2018 IPPS/LTCH PPS final rule for the following reasons:

- To apply our finalized policy of double weighting the 2013 Factor 3 instead of developing a 2014 Factor 3 using uncompensated care cost data from Worksheet S–10 for several all-inclusive rate providers.
- To reflect mergers where data for the merged hospital were not combined with the data for the surviving hospital for purposes of calculating Factor 3 for the FY 2018 IPPS/LTCH PPS Final Rule.
- To correct the Factor 3 that was computed for a hospital whose FY 2014 cost report in the March 2017 extract of Healthcare Cost Report Information System (HCRIS) inadvertently omitted amended uncompensated care cost data reported on an amended Worksheet S–10 that had been received timely per CR 9648 issued on July, 15, 2016, and that was inadvertently omitted from the hospital's 2014 cost report when it was uploaded into HCRIS.
- To correct the Factor 3 that was computed for a hospital that only had Factor 3 values for two cost reporting periods, but whose Factor 3 was inadvertently calculated by dividing by three cost reporting periods when averaging the Factor 3 values.
- To correct the misapplication of our new hospital policy, where hospitals with a CMS Certification Number (CCN) established after October 1, 2013, but before October 1, 2014, were inadvertently considered subject to that policy when calculating Factor 3. As stated in the FY 2018 IPPS/LTCH PPS final rule (82 FR 38212), only those hospitals with a CCN established after October 1, 2014, are considered new and subject to the new hospital policy when calculating Factor 3 for FY 2018.

We are revising Factor 3 for all hospitals to correct these errors. We are also revising the amount of the total uncompensated care payment calculated for each DSH-eligible hospital. The total uncompensated care payment that a hospital receives is used to calculate the amount of the interim uncompensated care payments the hospital receives per discharge. Per discharge uncompensated care payments are included when determining total payments for purposes of all of the budget neutrality factors and the final outlier threshold. As a result, these corrections to the uncompensated care payments impacted the calculation of all the budget neutrality factors as well as the outlier fixed-loss cost threshold for outlier payments. These corrections will be reflected in Table 18 and the Medicare DSH Supplemental Data File. In section II.D. of this correcting document, we have made corresponding revisions to the discussion of the ''Effects of the Changes to Medicare DSH and Uncompensated Care Payments for FY 2018'' for purposes of the Regulatory Impact Analysis in Appendix A of the FY 2018 IPPS/LTCH PPS final rule to reflect the corrections discussed previously.

We are also correcting the errors in the following LTCH PPS tables that are listed on page 38548 of the FY 2018 IPPS/LTCH PPS final rule and are available on the Internet on the CMS Web site at *https://www.cms.gov/Medicare/Medicare-Fee-for-ServicePayment/LongTermCareHospitalPPS/index.html* under the list item for regulation number CMS–1677–F. The tables that are available on the Internet have been updated to reflect the revisions discussed in this correcting document.

Table 11.—MS–LTC–DRGs, Relative Weights, Geometric Average Length of Stay, and Short-Stay Outlier (SSO) Threshold for LTCH PPS Discharges Occurring from October 1, 2017 through September 30, 2018. We are correcting this table to reflect the recalculation of the FY 2018 MS–LTC–DRG relative weights and associated statistics as a result of the corrections to the logic for the Version 35 Grouper Software discussed in section II.A. of this correcting document.

Table 12A.—LTCH PPS Wage Index for Urban Areas for Discharges Occurring from October 1, 2017 through September 30, 2018. We are correcting this table to reflect the revisions to the LTCH PPS wage index values discussed in section II.C. of this correcting document.

Table 12B.—LTCH PPS Wage Index for Rural Areas for Discharges Occurring from October 1, 2017 through September 30, 2018. We are correcting this table to reflect the revisions to the LTCH PPS wage index values discussed in section II.C. of this correcting document.

We also note that we have made conforming changes to the ICD–10 MS–DRG Definitions Manual Version 35 for consistency with the ICD–10 MS–DRG Grouper and Medicare Code Editor (MCE) Version 35 Software. First, the ICD–10–CM diagnosis code P05.18 (Newborn small for gestational age, 2000–2499 grams) was displayed in the ICD–10 MS–DRG Definitions Manual Version 35 as grouping to both MS–DRGs 793 (Full Term Neonate with Major Problems) and 795 (Normal Newborn). The correct MS–DRG assignment for diagnosis code P05.18 is only MS–DRG 795; therefore, corrections were made to the ICD–10 MS–DRG Definitions Manual Version 35 to reflect the correct MS–DRG assignment. Second, the following 9 diagnosis codes were not included in the major problem list in the MS–DRG Definitions Manual: K56.600 (Partial intestinal obstruction, unspecified as to cause); K56.601 (Complete intestinal obstruction, unspecified as to cause);

K56.609 (Unspecified intestinal obstruction, unspecified as to partial versus complete obstruction); K56.690 (Other partial intestinal obstruction); K56.691(Other complete intestinal obstruction); K56.699 (Other intestinal obstruction unspecified as to partial versus complete obstruction); K91.30 (Postprocedural intestinal obstruction, unspecified as to partial versus complete); K91.31 (Postprocedural partial intestinal obstruction); and K91.32 (Postprocedural complete intestinal obstruction). We made corrections to add these 9 diagnosis codes to the major problems list for MS–DRG 793 under Major Diagnostic Category (MDC) 15 (Newborns & Other Neonates with Conditions Originating in Perinatal Period) in the ICD–10 MS–DRG Definitions Manual Version 35.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in the effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

We believe that this correcting document does not constitute a rule that would be subject to the APA notice and comment or delayed effective date requirements. This correcting document corrects technical and typographic errors in the preamble, regulations text, addendum, payment rates, tables, and appendices included or referenced in the FY 2018 IPPS/LTCH PPS final rule but does not make substantive changes to the policies or payment methodologies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the information in the FY 2018 IPPS/LTCH PPS final rule accurately reflects the policies adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the FY 2018 IPPS/LTCH PPS final rule accurately reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, we are simply implementing correctly the policies that we previously proposed, received comment on, and subsequently finalized. This correcting document is intended solely to ensure that the FY 2018 IPPS/LTCH PPS final rule accurately reflects these payment methodologies and policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

Correction of Errors

In FR Doc. 2017–16434 of August 14, 2017 (82 FR 37990), we are making the following corrections:

A. Corrections of Errors in the Preamble

1. On page 37990, first column, line 8 (Part headings), the figures ''486, 488, 489, and 495'' are corrected to read ''486, 489, and 495''.

2. On page 38067—

a. Second column, last partial paragraph, line 1, the figure ''28'' is corrected to read ''18''.

b. Third column—

(1) First partial paragraph—

(a) Line 7, the phrase ''28 ICD–10–PCS'' is corrected to read ''28 (18 discrete) ICD–10–PCS''.

(b) Line 15, the phrase ''O.R. procedures. We invite public'' is corrected to read ''O.R. procedures. (We note that Table 6P.4b. associated with the proposed rule listed 28 rather than 18 ICD–10–PCS codes because we inadvertently included 10 duplicate codes. However only 18 discrete ICD–10–PCS codes were listed in that table.) We invite public''.

(2) First full paragraph—

(a) Line 3, the figure ''28'' is corrected to read ''18''.

(b) Line 9, the figure ''28'' is corrected to read ''18''.

3. On page 38068, top half of the page (between the untitled tables) first column—

a. First paragraph, line 5, the figure ''28'' is corrected to read ''18''.

b. Second paragraph, line 4, the figure ''13'' is corrected to read ''3''.

4. On page 38119, third column, first partial paragraph, lines 25 and 26, the phrase ''XW033A3 and XW043A3.'' is corrected to read ''XW033A3 or XW043A3.''

5. On page 38132—

a. Second column, first paragraph, last line, the figure ''$42.1027'' is corrected to read ''$42.0795''.

b. Third column, first partial paragraph, line 4, the figure $42.1027'' is corrected to read ''$42.0795''.

6. On page 38137, third column—

a. First full paragraph, last line, the figure $42.0564'' is corrected to read ''$42.0332''.

b. Last full paragraph, last line, the figure $42.0564'' is corrected to read ''$42.0332''.

7. On page 38144, first column, first partial paragraph, lines 8 through 10, the phrase ''2520 Lord Baltimore Drive, Suite L, Baltimore, MD 21244– 2670.'' is corrected to read ''1508 Woodlawn Drive, Suite 100, Baltimore, MD 21207.''.

8. On page 38195—

a. Top of the page, third column, first full paragraph, line 19, the figure ''$15.533'' is corrected to read ''$15.553''.

b. Bottom of the page in the table titled ''FACTORS APPLIED FOR FY 2015 THROUGH FY 2018 TO ESTIMATE MEDICARE DSH EXPENDITURES USING 2014 BASELINE'' last row (FY 2018), last column (Estimated DSH payment), the entry ''15.533'' is corrected to read ''15.553''.

9. On page 38225—

a. First column, last bulleted paragraph, lines 3 through 5, the phrase ''(AMI–Version 8.0, HF–Version 8.0, Pneumonia–Version 8.0, COPD–Version 4.0, and Stroke–Version 4.0: 2016'' is corrected to read ''(AMI–Version 9.0, HF–Version 9.0, Pneumonia–Version 9.0, COPD–Version 5.0, and Stroke–Version 5.0: 2016''.

b. Second column; first bulleted paragraph, lines 2 through 4, the phrase ''(THA and/or TKA–Version 4.0, CABG–Version 2.0: 2016'' is corrected to read ''(THA and/or TKA–Version 5.0, CABG–Version 3.0: 2016)''.

10. On page 38249, second column, last paragraph, lines 23 and 24, the parenthetical phrase ''(for example, the MORT–30–PN measure)'' is corrected to read ''(for example, PN Payment measure)''.

11. On page 38257, third column, footnote paragraph (footnote 69), last line, the date ''Mar 1997'' is corrected to read ''Mar 1977''.

12. On page 38258, first column, third paragraph—

a. Lines 8 and 9, the reference ''(78 FR 50074;'' is corrected to read ''(79 FR 50074;''.

b. Line 9, the reference ''80 FR 49588).'' is corrected to read ''80 FR 49558).''.

13. On page 38259, first column, first partial paragraph, line 14, the date ''June 0'' is corrected to read ''June 30''.

14. On page 38309, third column, first full paragraph, line 29 the figure ''1.28590'' is corrected to read ''1.28593''.

15. On page 38310, first column—

a. First full paragraph, line 29, the figure ''0.9907845'' is corrected to read ''0.9907437''.

b. Second full paragraph—

(1) Line 5, the figure ''1.28590'' is corrected to read ''1.28593''.

(2) Line 6, the figure ''0.9907845'' is corrected to read ''0.9907437''.

16. On page 38426—

a. First column, second full paragraph, line 21, the phrase ''an Application of Percent'' is corrected to read ''Application of Percent''.

b. Third column, third full paragraph, line 10, the phrase ''criteria; however should'' is corrected to read ''criteria. However, the measure should''.

17. On page 38434, in the first column, second paragraph—

a. Line 29, the phrase ''Stage 3 or 4 ulcers.'' is corrected to read ''Stage 3 or 4 pressure ulcers.''.

b. Line 31, the phrase ''Stage 1 and 2 ulcers decreased'' is corrected to read ''Stage 1 and 2 pressure ulcers decreased''.

c. Line 32, the phrase '' of Stage 3 and 4 ulcers'' is corrected to read ''of Stage 3 and 4 pressure ulcers''.

18. On page 38440, third column, last paragraph—

a. Lines 10 and 11, the phrase ''That nearly one third'' is corrected to read ''The fact that nearly one third''.

b. Lines 16 and 17, the phrase ''LTCH, and also indicates'' is corrected to read ''LTCH. It also indicates''.

19. On page 38458, third column, second full paragraph—

a. Lines 21 through 23, the phrase (measure name) ''Functional Outcome Measure: Change in Mobility Among Patients Requiring Ventilator Support (NQF #2632).'' is corrected to read ''Functional Outcome Measure: Change in Mobility Among Long-Term Care Hospital (LTCH) Patients Requiring Ventilator Support (NQF #2632).''.

b. Lines 31 through 34, the phrase (measure name) ''Functional Outcome Measure: Change in Mobility Among Patients Requiring Ventilator Support (NQF #2632)'' is corrected to read ''Functional Outcome Measure: Change in Mobility Among Long-Term Care Hospital (LTCH) Patients Requiring Ventilator Support (NQF #2632).''

20. On page 38509, second column, eighth full paragraph (List of subjects 42 CFR 488), the paragraph is corrected by removing the paragraph.

B. Correction of Errors in the Regulations Text

1. On page 38516, in the first column, remove the part heading for part 488 and remove amendatory instructions 34 and 35 in their entirety.

§ 495.4 [Corrected]

2. On page 38516, in the second column, after amendatory instruction 39a, add amendatory instruction a2 to read—

''a2. In the definition of ''Certified electronic health record technology (CEHRT)'':

i. In paragraph (1)(iii), removing the phrase ''for 2018 subsequent years'' and adding in its place the phrase ''for 2019 and subsequent years''; and

ii. In the introductory text of paragraph (2), removing the phrase ''For 2018 and subsequent years,'' and adding in its place the phrase ''For 2019 and subsequent years,''.''

§ 495.24 [Corrected]

3. On page 38517, second column, sixth full paragraph, amendatory instruction 41d is corrected and amendatory instructions 41e and f are correctly added to read as follows:

''d. Revising the paragraph (d) heading.

e. In paragraph (d)(6)(i)(B)(*1*)(*iv*) by removing the phrase ''For an EHR reporting period in 2017 only, an EP'' and adding in its place the phrase ''For an EHR reporting period in 2017 and 2018, an EP''.

f. Revising paragraphs (d)(6)(i)(B)(*2*)(*i*) and (*ii*), (d)(6)(ii)(B)(*1*)(*iv*), and (d)(6)(ii)(B)(*2*)(*i*) and (*ii*).''

C. Correction of Errors in the Addendum

1. On page 38522 —

a. Second column, first full paragraph—

(1) Line 3, the figure ''0.997432'' is corrected to read ''0.997439''.

(2) Line 8, the figure ''0.997432'' is corrected to read ''0.997439''.

b. Third column—

(1) First full paragraph, line 9, the figure ''1.001148'' is corrected to read ''1.000882''.

(2) Last paragraph, line 11 the figure ''0.988008'' is corrected to read ''0.987985''.

2. On page 38523, second column, first partial paragraph, line 2, the figure ''0.993348'' is corrected to read ''0.993324''.

3. On page 38527, lower two-thirds of the page (after the first untitled table), third column—

a. First partial paragraph—

(1) Line 4, the figure ''$26,601'' is corrected to read ''$26,537''.

(2) Line 5, the figure ''85,942,484,975'' is corrected to read ''$90,203,348,168''.

(3) Line 6, the figure ''$4,618,707,285'' is corrected to read ''$4,600,554,656''.

(4) Line 17, the figure ''$26,601'' is corrected to read ''$26,537''.

b. First full paragraph, line 13, the figure ''5.16'' is corrected to read ''5.17''.

c. Following the third full paragraph, the untitled table is corrected to read as follows:

	Operating standardized amounts	Capital federal rate
National	0.948998	0.948259

4. On page 38529, top of the page, the table titled ''CHANGES FROM FY 2017 STANDARDIZED AMOUNTS TO THE FY 2018 STANDARDIZED AMOUNTS'', is corrected to read as follows:

CHANGES FROM FY 2017 STANDARDIZED AMOUNTS TO THE FY 2018 STANDARDIZED AMOUNTS

	Hospital submitted quality data and is a meaningful EHR user	Hospital submitted quality data and is NOT a meaningful EHR user	Hospital did NOT submit quality data and is a meaningful EHR user	Hospital did NOT submit quality data and is NOT a meaningful EHR user
FY 2018 Base Rate after removing:				
1. FY 2017 Geographic Reclassification Budget Neutrality (0.988136).	If Wage Index is Greater Than 1.0000:	If Wage Index is Greater Than 1.0000:	If Wage Index is Greater Than 1.0000:	If Wage Index is Greater Than 1.0000:
2. FY 2017 Operating Outlier Offset (0.948998).	Labor (68.3%): $3,993.72.	Labor (68.3%): $3,993.72.	Labor (68.3%): $3,993.72.	Labor (68.3%): $3,993.72.
3. FY 2017 2-Midnight Rule One-Time Prospective Increase (1.006).	Nonlabor (30.4%): $1,853.60.	Nonlabor (30.4%): $1,853.60.	Nonlabor (30.4%): $1,853.60.	Nonlabor (30.4%): $1,853.60.
4. FY 2017 Labor Market Delineation Wage Index Transition Budget Neutrality Factor (0.999997).	If Wage Index is less Than or Equal to 1.0000:	If Wage Index is less Than or Equal to 1.0000:	If Wage Index is less Than or Equal to 1.0000:	If Wage Index is less Than or Equal to 1.0000:
	Labor (62%): $3,625.34 .... Nonlabor (38%): $2,221.98	Labor (62%): $3,625.34 .... Nonlabor (38%): $2,221.98	Labor (62%): $3,625.34 .... Nonlabor (38%): $2,221.98	Labor (62%): $3,625.34. Nonlabor (38%): $2,221.98.
FY 2018 Update Factor	1.0135	0.99325	1.00675	0.9865.
FY 2018 MS–DRG Recalibration Budget Neutrality Factor.	0.997439	0.997439	0.997439	0.997439.
FY 2018 Wage Index Budget Neutrality Factor.	1.000882	1.000882	1.000882	1.000882.
FY 2018 Reclassification Budget Neutrality Factor.	0.987985	0.987985	0.987985	0.987985.
FY 2018 Operating Outlier Factor.	0.948998	0.948998	0.948998	0.98998.
Adjustment for FY 2018 Required under Section 414 of Pub. L. 114–10 (MACRA) and Section 15005 of Pub. L. 114–255.	1.004588	1.004588	1.004588	1.004588.
National Standardized Amount for FY 2018 if Wage Index is Greater Than 1.0000; Labor/Non-Labor Share Percentage (68.3/31.7).	Labor: $3,806.04 ..... Nonlabor: $1,766.49	Labor: $3,729.99 ..... Nonlabor: $1,731.20	Labor: $3,780.69 ..... Nonlabor: $1,754.73	Labor: $3,704.65. Nonlabor: $1,719.43.
National Standardized Amount for FY 2018 if Wage Index is less Than or Equal to 1.0000; Labor/Non-Labor Share Percentage (62/38).	Labor: $3,454.97 ..... Nonlabor: $2,117.56	Labor: $3,385.94 ..... Nonlabor: $2,075.25	Labor: $3,431.96 ..... Nonlabor: $2,103.46	Labor: $3,362.93. Nonlabor: $2,061.15.

5. On page 38532, lower two-thirds of the page (after the untitled table)—

a. First column, second full paragraph, line 13, the figure ''0.997432'' is corrected to read ''0.997439''.

b. Third column, second full paragraph, line 6, the figure ''1.61'' is corrected to read ''1.60''.

6. On page 38534—

a. First column—

(1) First full paragraph—

(a) Line 8, the figure ''5.16'' is corrected to read ''5.17''.

(b) Line 12, the figure ''0.9484'' is corrected to read ''0.9483''.

(2) Second full paragraph—

(a) Lines 5 and 6, the phrase ''outlier adjustment of 0.9484 is a 1.04 percent change'' is corrected to read ''outlier adjustment of 0.9483 is a 1.03 percent change''.

(b) Line 10, the figures ''1.0104 (0.9484/0.9386)'' are corrected to read ''1.0103(0.9483/0.9386)''.

(c) Line 12, the figure ''1.04'' is corrected to read ''1.03''.

(3) Fourth full paragraph—

(a) Line 13, the figure ''0.9994'' is corrected to read ''0.9995''.

(b) Line 16, the figure ''0.9844'' is corrected to read ''0.99845''.

b. Second column—

(1). First partial paragraph, line 8, the figure ''0.9837'' is corrected to read ''0.9838''.

(2). Third full paragraph—

(a) Line 1, the figure ''0.9986'' is corrected to read ''0.9987''.

(b) Line 3, the figure ''0.9994'' is corrected to read ''0.9995''.

c. Third column—

(1). First full paragraph—

(a) Line 4, the figure ''1.61'' is corrected to read ''1.60''.

(b) Line 15, the figure ''$453.97'' is corrected to read ''$453.95''.

(c) Second bulleted paragraph, last line, the figure ''0.9986'' is corrected to read ''0.9987''.

(d) Third bulleted paragraph, last line, the figure ''0.9484'' is corrected to read ''0.9483''.

(e) Last paragraph—

(1) Line 15, the figure ''0.14'' is corrected to read ''0.13''.

(2) Line 18, the figure ''1.04'' is corrected to read ''1.03''.

7. On page 38535—

a. Top of page—

(1) Second column, first partial paragraph, last line, the figure ''1.61'' is corrected to read ''1.60''.

(2) The table titled ''COMPARISON OF FACTORS AND ADJUSTMENTS: FY 2017 CAPITAL FEDERAL RATE AND FY 2018 CAPITAL FEDERAL RATE'' is corrected to read as follows:

COMPARISON OF FACTORS AND ADJUSTMENTS: FY 2017 CAPITAL FEDERAL RATE AND FY 2018 CAPITAL FEDERAL RATE

	FY 2017	FY 2018	Change	Percent change [3]
Update Factor [1]	1.0090	1.0130	1.0130	1.30
GAF/DRG Adjustment Factor [1]	0.9990	0.9987	0.9987	−0.13
Outlier Adjustment Factor [2]	0.9386	0.9483	1.0103	1.03
Removal of One-Time 2-Midnight Policy Adjustment Factor	1.0060	1/1.006	0.9940	−0.60
Capital Federal Rate	$446.79	$453.95	1.0160	1.60

[1] The update factor and the GAF/DRG budget neutrality adjustment factors are built permanently into the capital Federal rates. Thus, for example, the incremental change from FY 2017 to FY 2018 resulting from the application of the 0.9987 GAF/DRG budget neutrality adjustment factor for FY 2018 is a net change of 0.9987 (or -0.13 percent).

[2] The outlier reduction factor is not built permanently into the capital Federal rate; that is, the factor is not applied cumulatively in determining the capital Federal rate. Thus, for example, the net change resulting from the application of the FY 2018 outlier adjustment factor is 0.9483/0.9386 or 1.0103 (or 1.03 percent).

[3] Percent change may not sum due to rounding.

b. Middle of page, the table titled ''COMPARISON OF FACTORS AND ADJUSTMENTS: PROPOSED FY 2018 CAPITAL FEDERAL RATE AND FINAL FY 2018 CAPITAL FEDERAL RATE'' is corrected to read as follows:

COMPARISON OF FACTORS AND ADJUSTMENTS: PROPOSED FY 2018 CAPITAL FEDERAL RATE AND FINAL FY 2018 CAPITAL FEDERAL RATE

	Proposed FY 2018	Final FY 2018	Change	Percent change
Update Factor [1]	1.0120	1.0130	1.0010	1.10
GAF/DRG Adjustment Factor [1]	0.9992	0.9987	0.9985	−0.05
Outlier Adjustment Factor [2]	0.9434	0.9483	1.0052	0.52
Removal of One-Time 2-Midnight Policy Adjustment Factor	1/1.006	1/1.006	0.0000	0.00
Capital Federal Rate	$451.37	$453.95	1.0057	0.57

c. Lower third of the page, first column, second full paragraph, last line, the figure, ''$26,601'' is corrected to read ''$26,537''.

8. On page 38537—

a. First column last paragraph—

(1) Line 22, the figure ''1.0006434'' is corrected to read ''1.0002704''.

(2) Line 35, the figure ''$41,430.56'' is corrected to read ''$41,415.11''.

(3) Line 36, the figure ''1.0006434'' is corrected to read ''1.0002704''.

b. Second column, first partial paragraph—

(1) Line 5, the figure ''40,610.16'' is corrected to read ''$40,595.02''.

(2) Line 6, the figure ''1.0006434'' is corrected to read ''1.0002704''.

9. On page 38539, second column, fourth full paragraph—

a. Line 6, the figure ''1.0006434'' is corrected to read ''1.0002704''.

b. Line 11, the figure ''1.0006434'' is corrected to read ''1.0002704''.

10. On page 38544—

a. First column—

(1) First partial paragraph—

(a) Line 6, the figure ''27,382'' is corrected to read ''27,381''.

(b) Last line, the figure ''27,382'' is corrected to read ''27,381''.

(2) First full paragraph—

(a) Line 4, the figure ''27,382'' is corrected to read ''27,381''.

(b) Line 27, the figure ''27,240'' is corrected to read ''27,239''.

(3) Second column, first partial paragraph, line 25, the figure ''27,382'' is corrected to read ''27,381''.

10. On page 38545—

a. Second column, second full paragraph—

(1) Line 14, the figure, ''$26,601'' is corrected to read ''$26,537''.

(2) Last line, the figure, ''$26,601'' is corrected to read ''$26,537''.

b. Third column, second full paragraph, line 3, the figure, ''$26,601'' is corrected to read ''$26,537''.

11. On page 38546, third column—

a. Second full paragraph, line 27, the figure ''$41,430.56'' is corrected to read ''$41,415.11''.

b. Last paragraph, line 7, the figure ''1.0547'' is corrected to read ''1.0553''.

12. On page 38547, top of the page—

a. Second column, partial paragraph—

(1) Line 2, the figure ''$41,430.56'' is corrected to read ''$41,415.11''.

(2) Line 3, the figure ''1.0547'' is corrected to read ''1.0553''.

b. Third column, partial paragraph, line 5, the figure ''$41,449.71'' is corrected to read ''$41,450.13''.

c. Untitled table, the table is corrected to read as follows:

LTCH PPS Standard Federal Payment Rate	$41,415.11
Labor-Related Share	× 0.662
Labor-Related Portion of the LTCH PPS Standard Federal Payment Rate	= $27,416.80
Wage Index (CBSA 16974)	× 1.0553

Wage-Adjusted Labor Share of LTCH PPS Standard Federal Payment Rate	= $28,932.95
Nonlabor-Related Portion of the LTCH PPS Standard Federal Payment Rate ($41,415.11 x 0.338)	+ $13,998.31
Adjusted LTCH PPS Standard Federal Payment Amount	= $42,931.26
MS–LTC–DRG 189 Relative Weight	× 0.9655
Total Adjusted LTCH PPS Standard Federal Payment Rate	= $41,450.13

13. On page 38548—

a. Middle of the page,

(1) The table titled ''TABLE 1A.—NATIONAL ADJUSTED OPERATING STANDARDIZED AMOUNTS, LABOR/NONLABOR [(68.3 PERCENT LABOR SHARE/31.7 PERCENT NONLABOR SHARE IF WAGE INDEX IS GREATER THAN 1)—FY 2018''] is corrected to read as follows:

TABLE 1A—NATIONAL ADJUSTED OPERATING STANDARDIZED AMOUNTS, LABOR/NONLABOR

[(68.3 percent labor share/31.7 percent nonlabor share if wage index is greater than 1)—FY 2018]

Hospital submitted quality data and is a meaningful EHR user (update = 1.35 percent)		Hospital submitted quality data and is not a meaningful EHR user (update = −0.675 percent)		Hospital did NOT submit quality data and is a meaningful EHR user (update = 0.675 percent)		Hospital did NOT submit quality data and is NOT a meaningful EHR user (update = −1.35 percent)	
Labor	Nonlabor	Labor	Nonlabor	Labor	Nonlabor	Labor	Nonlabor
$3,806.04	$1,766.49	$3,729.99	$1,731.20	$3,780.69	$1,754.73	$3,704.65	$1,719.43

(2) The table titled ''TABLE 1B.—NATIONAL ADJUSTED OPERATING STANDARDIZED AMOUNTS, LABOR/NONLABOR [(62 PERCENT LABOR SHARE/38 PERCENT NONLABOR SHARE IF WAGE INDEX IS LESS THAN OR EQUAL TO 1)—FY 2018]'' is corrected to read as follows:

TABLE 1B—NATIONAL ADJUSTED OPERATING STANDARDIZED AMOUNTS, LABOR/NONLABOR

[(62 percent labor share/38 percent nonlabor share if wage index is less than or equal to 1)—FY 2018]

Hospital submitted quality data and is a meaningful EHR user (update = 1.35 percent)		Hospital submitted quality data and is not a meaningful EHR user (update = −0.675 percent)		Hospital did NOT submit quality data and is a meaningful EHR user (update = 0.675 percent)		Hospital did NOT submit quality data and is NOT a meaningful EHR user (update = −1.35 percent)	
Labor	Nonlabor	Labor	Nonlabor	Labor	Nonlabor	Labor	Nonlabor
$3,454.97	$2,117.56	$3,385.94	$2,075.25	$3,431.96	$2,103.46	$3,362.93	$2,061.15

(3) The table titled ''TABLE 1C.—ADJUSTED OPERATING STANDARDIZED AMOUNTS FOR HOSPITALS IN PUERTO RICO, LABOR/NONLABOR [(NATIONAL: 62 PERCENT LABOR SHARE/38 PERCENT NONLABOR SHARE BECAUSE WAGE INDEX IS LESS THAN OR EQUAL TO 1);—FY 2018]'' is corrected to read as follows:

TABLE 1C—ADJUSTED OPERATING STANDARDIZED AMOUNTS FOR HOSPITALS IN PUERTO RICO, LABOR/NONLABOR

[(National: 62 percent labor share/38 percent nonlabor share because wage index is less than or equal to 1);—FY 2018]

Standardized amount	Rates if wage index is greater than 1		Rates if wage index is less than or equal to 1	
	Labor	Nonlabor	Labor	Nonlabor
National [1]	Not Applicable	Not Applicable	$3,454.97	$2,117.56

[1] For FY 2018, there are no CBSAs in Puerto Rico with a national wage index greater than 1.

b. Bottom of the page—

(1) The table titled ''TABLE 1D.—CAPITAL STANDARD FEDERAL PAYMENT RATE [FY 2018]'' is corrected to read as follows:

TABLE 1D—CAPITAL STANDARD FEDERAL PAYMENT RATE

[FY 2018]

	Rate
National	$453.95

(2) The table titled ''TABLE 1E.—LTCH PPS STANDARD FEDERAL PAYMENT RATE [FY 2018]'' is corrected to read as follows:

TABLE 1E—LTCH PPS STANDARD FEDERAL PAYMENT RATE

[FY 2018]

	Full update (1 percent)	Reduced update * (−1.0 percent)
Standard Federal Payment Rate	$41,415.11	$40,595.02

D. Corrections of Errors in the Appendices

1. On pages 38552 through 38554, the table and table notes for the table titled ''TABLE I.—IMPACT ANALYSIS OF CHANGES TO THE IPPS FOR OPERATING COSTS FOR FY 2018'' are corrected to read as follows:

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TABLE I.—IMPACT ANALYSIS OF CHANGES TO THE IPPS FOR OPERATING COSTS FOR FY 2018

	Number of Hospitals [1]	Hospital Rate Update and Adjustments (1) [2]	FY 2018 Weights and DRG Changes with Application of Recalibration Budget Neutrality (2) [3]	FY 2018 Wage Data with Application of Wage Budget Neutrality (3) [4]	FY 2018 MGCRB Reclassifications (4) [5]	Rural and Imputed Floor with Application of National Budget Neutrality (5) [6]	Application of the Frontier Wage Index and Out-Migration Adjustment (6) [7]	Expiration of MDH Status (7) [8]	All FY 2018 Changes (8) [9]
All Hospitals	3,292	1.2	0	0	0	0	0.1	-0.1	1.3
By Geographic Location:									
Urban hospitals	2,492	1.2	0	0	-0.1	0	0.1	0	1.4
Large urban areas	1,340	1.2	0	0	-0.5	-0.1	0	0	1.4
Other urban areas	1,152	1.2	0	0	0.3	0.2	0.2	-0.1	1.4
Rural hospitals	800	0.9	0.1	0	1.4	-0.2	0.2	-0.9	0.2
Bed Size (Urban):									
0-99 beds	648	1.1	0.4	0.1	-0.6	0.1	0.2	-0.7	0.8
100-199 beds	763	1.2	0.2	0.1	0	0.3	0.2	-0.1	1.5
200-299 beds	441	1.2	0.1	0	0.1	0.1	0.1	0	1.5
300-499 beds	426	1.2	0	0.0	-0.1	0	0.1	0	1.4
500 or more beds	214	1.2	-0.2	-0.1	-0.2	-0.1	0.1	0	1.4
Bed Size (Rural):									
0-49 beds	318	0.9	0.3	0	0.4	-0.2	0.3	-1.6	-0.5
50-99 beds	282	0.9	0.2	0	0.6	-0.1	0.4	-2.2	-1.4
100-149 beds	117	0.8	0.1	-0.1	1.1	-0.2	0.1	-0.1	0.8
150-199 beds	44	0.9	0.1	0	2.2	-0.2	0.1	0	1.3
200 or more beds	39	0.9	0	0.2	2.9	-0.2	0	0	1.6
Urban by Region:									
New England	114	1.2	0	-0.5	1.2	1.4	0.1	-0.2	1.4
Middle Atlantic	315	1.2	0	-0.1	0.6	-0.3	0.1	0	1.1
South Atlantic	404	1.2	0	0.1	-0.4	-0.2	0	-0.1	1.6
East North Central	385	1.2	0.1	0.1	-0.3	-0.4	0	0	1.6
East South Central	147	1.2	0	-0.2	-0.3	-0.3	0	0	1.3
West North Central	160	1.1	-0.1	0.4	-0.8	-0.3	0.7	-0.1	1.6
West South Central	378	1.2	0	0.5	-0.5	-0.3	0	-0.1	1.7
Mountain	162	1.1	0	-0.2	0	0.1	0.3	0	0.6
Pacific	375	1.1	-0.1	-0.4	-0.2	0.9	0.1	0	1.5
Puerto Rico	52	1.2	-0.5	1.4	-1.0	0.2	0.1	0	1.1
Rural by Region:									
New England	20	1.0	0.1	1.1	2.1	-0.3	0.2	-2.2	0.6
Middle Atlantic	53	0.8	0.2	0	0.8	-0.2	0.2	-1.7	-0.9
South Atlantic	125	1.0	0.2	-0.1	1.8	-0.2	0.2	-0.8	-0.1

	Number of Hospitals [1]	Hospital Rate Update and Adjustments (1) [2]	FY 2018 Weights and DRG Changes with Application of Recalibration Budget Neutrality (2) [3]	FY 2018 Wage Data with Application of Wage Budget Neutrality (3) [4]	FY 2018 MGCRB Reclassifications (4) [5]	Rural and Imputed Floor with Application of National Budget Neutrality (5) [6]	Application of the Frontier Wage Index and Out-Migra-tion Adjustment (6) [7]	Expiration of MDH Status (7) [8]	All FY 2018 Changes (8) [9]
East North Central	115	0.9	0.1	-0.3	1.2	-0.1	0.1	-1.7	-0.9
East South Central	154	1.1	0.3	0.1	2.4	-0.3	0.1	-0.3	1.1
West North Central	97	0.6	-0.1	0	0.2	0.0	0.3	-0.3	0.6
West South Central	154	0.9	0.3	0.2	1.5	-0.2	0.2	-0.7	0.6
Mountain	58	0.6	0.2	-0.1	0.2	-0.1	0.3	0	0.9
Pacific	24	0.6	0	0	1.2	-0.1	0	0	0.4
By Payment Classification:									
Urban hospitals	2,373	1.2	0	0	-0.3	0	0.1	0	1.4
Large urban areas	1,354	1.2	0	0	-0.5	-0.1	0	0	1.4
Other urban areas	1,019	1.2	0	0	-0.1	0.2	0.2	0	1.4
Rural areas	919	1.0	0.1	0.1	1.6	-0.1	0.2	-0.7	0.8
Teaching Status:									
Nonteaching	2,204	1.1	0.1	0	0.2	0.2	0.1	-0.3	1.2
Fewer than 100 residents	839	1.2	0.1	0	-0.1	-0.1	0.2	0	1.4
100 or more residents	249	1.2	-0.2	-0.1	-0.1	-0.1	0	0	1.4
Urban DSH:									
Non-DSH	551	1.2	0	0	-0.2	-0.1	0.2	-0.3	1.0
100 or more beds	1,543	1.2	0	0	-0.3	0	0.1	0	1.4
Less than 100 beds	370	1.1	0.3	0	-0.2	0.1	0.2	-0.1	1.6
Rural DSH:									
SCH	257	0.6	0	0	-0.1	0	0	0	0.5
RRC	293	1.0	0	0.1	2.0	-0.1	0.2	-0.3	1.6
100 or more beds	34	1.2	0.2	0	1.7	-0.2	0.1	-0.1	0.4
Less than 100 beds	244	1.1	0.5	0	0.5	-0.3	0.7	-4.8	-3.9
Urban teaching and DSH:									
Both teaching and DSH	863	1.2	-0.1	-0.1	-0.3	-0.1	0.1	0	1.4
Teaching and no DSH	92	1.2	0	-0.1	-0.2	-0.2	0.1	0	1.0
No teaching and DSH	1,050	1.2	0.2	0	-0.2	0.3	0.1	0	1.5
No teaching and no DSH	368	1.2	0.1	0.1	-0.4	-0.1	0.2	0	1.5
Special Hospital Types:									
RRC	263	1.2	0.1	0.1	2.5	-0.1	0.3	-0.4	1.8
SCH	316	0.7	-0.2	-0.2	-0.1	0	0	0	0.4

	Number of Hospitals [1]	Hospital Rate Update and Adjustments (1) [2]	FY 2018 Weights and DRG Changes with Application of Recalibration Budget Neutrality (2) [3]	FY 2018 Wage Data with Application of Wage Budget Neutrality (3) [4]	FY 2018 MGCRB Reclassifications (4) [5]	Rural and Imputed Floor with Application of National Budget Neutrality (5) [6]	Application of the Frontier Wage Index and Out-Migra-tion Adjustment (6) [7]	Expiration of MDH Status (7) [8]	All FY 2018 Changes (8) [9]
SCH and RRC	131	0.7	-0.1	0.1	0.3	0	0	0	0.9
Type of Ownership:									
Voluntary	1,914	1.2	0	0	0	0	0.1	-0.1	1.3
Proprietary	863	1.2	0.2	0.2	0	0	0.1	-0.1	1.6
Government	513	1.1	0	-0.1	-0.2	0.1	0.1	-0.1	1.3
Medicare Utilization as a Percent of Inpatient Days:									
0-25	554	1.2	0	0	-0.3	0.1	0.1	0	1.4
25-50	2,149	1.2	0	0	0	0.0	0.1	-0.1	1.4
50-65	485	1.1	0.1	0.1	0.6	0.2	0.2	-0.6	0.8
Over 65	103	1.0	0.6	0.4	-0.9	-0.2	0.3	-4.0	-1.9
FY 2018 Reclassifications by the Medicare Geographic Classification Review Board:									
All Reclassified Hospitals	858	1.1	0.1	0.1	2.2	-0.1	0	-0.2	1.5
Non-Reclassified Hospitals	2,434	1.2	0	0	-0.9	0	0.2	-0.1	1.3
Urban Hospitals Reclassified	590	1.2	0.1	0.1	2.2	-0.1	0	-0.1	1.6
Urban Nonreclassified Hospitals	1,858	1.2	0	0.0	-0.9	0	0.1	0	1.4
Rural Hospitals Reclassified	268	0.9	0.1	0	2.3	-0.2	0	-0.5	0.7
Rural Nonreclassified Hospitals	485	0.9	0.2	0	-0.3	-0.1	0.4	-1.4	-0.5
All Section 401 Reclassified Hospitals:	166	1.1	0	0.1	1.9	0	0.3	-0.5	1.4
Other Reclassified Hospitals (Section 1886(d)(8)(B))	47	1.1	0.4	0.3	3.3	-0.3	0	-1.2	0.5

[1] Because data necessary to classify some hospitals by category were missing, the total number of hospitals in each category may not equal the national total. Discharge data are from FY 2016, and hospital cost report data are from reporting periods beginning in FY 2014 and FY 2015.

[2] This column displays the payment impact of the hospital rate update and other adjustments, including the 1.35 percent adjustment to the national standardized amount and the hospital-specific rate (the estimated 2.7 percent market basket update reduced by 0.6 percentage point for the multifactor productivity adjustment and the 0.75 percentage point reduction under the Affordable Care Act), the 0.4588 percent adjustment to the national standardized amount required under section 15005 of the 21st Century Cures Act and a factor of (1/1.006) to remove the 1.006 temporary one-time adjustment made in FY 2017 to address the effects of the 0.2 percent reduction in effect for FYs 2014 through 2016 related to the 2-midnight policy.

[3] This column displays the payment impact of the changes to the Version 35 GROUPER, the changes to the relative weights and the recalibration of the MS-DRG weights based on FY 2016 MedPAR data in accordance with section 1886(d)(4)(C)(iii) of the Act. This column displays the application of the recalibration budget neutrality factor of 0.997439 in accordance with section 1886(d)(4)(C)(iii) of the Act.

[4] This column displays the payment impact of the update to wage index data using FY 2014 and 2013 cost report data and the OMB labor market area delineations based on 2010 Decennial Census data. This column displays the payment impact of the application of the wage budget neutrality factor, which is calculated separately from the recalibration budget neutrality factor, and is calculated in accordance with section 1886(d)(3)(E)(i) of the Act. The wage budget neutrality factor is .1.000882.

[5] Shown here are the effects of geographic reclassifications by the Medicare Geographic Classification Review Board (MGCRB). The effects demonstrate the FY 2018 payment impact of going from no reclassifications to the reclassifications scheduled to be in effect for FY 2018. Reclassification for prior years has no bearing on the payment impacts shown here. This column reflects the geographic budget neutrality factor of 0.987985.

[6] This column displays the effects of the rural floor and imputed floor. The Affordable Care Act requires the rural floor budget neutrality adjustment to be 100 percent national level adjustment. The rural floor budget neutrality factor (which includes the imputed floor) applied to the wage index is 0.993324.

[7] This column shows the combined impact of the policy required under section 10324 of the Affordable Care Act that hospitals located in frontier States have a wage index no less than 1.0 and of section 1886(d)(13) of the Act, as added by section 505 of Pub. L. 108-173, which provides for an increase in a hospital's wage index if a threshold percentage of residents of the county where the hospital is located commute to work at hospitals in counties with higher wage indexes. These are not budget neutral policies.

[8] This column displays the impact of the expiration of MDH status for FY 2018, a non-budget neutral payment provision.

[9] This column shows the estimated change in payments from FY 2017 to FY 2018.

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2. On page 38555,

a. Second column, second full paragraph—

(1) Line 6, the figure ''0.997432'' is corrected to read ''0.997439''.

(2) Line 14, the figure ''0.2'' is corrected to read ''0.1''.

b. Third column, first full paragraph, line 26, the figure ''1.001148'' is corrected to read ''1.000882''.

3. On page 38556, lower half of the page—

a. First column, third full paragraph, line 6, the figure ''0.988008'' is corrected to read ''0.987985''.

b. Third column—

(1) First full paragraph, line 8, the figure ''0.993348'' is corrected to read ''0.993324''.

(2) Last paragraph, line 5, the figure ''0.993348'' is corrected to read ''0.993324''.

4. On page 38557, top of the page, first column, first partial paragraph, line 20, the figure ''$44 million'' is corrected to read ''$43 million''.

5. On pages 38557 and 38558, the table titled ''FY 2018 IPPS ESTIMATED PAYMENTS DUE TO RURAL AND IMPUTED FLOOR WITH NATIONAL BUDGET NEUTRALITY'' is corrected to read as follows:

FY 2018 IPPS Estimated Payments Due to Rural and Imputed Floor With National Budget Neutrality

State	Number of hospitals (1)	Number of hospitals that will receive the rural or imputed floor (2)	Percent change in payments due to application of rural floor and imputed floor with budget neutrality (3)	Difference (in $ millions) (4)
Alabama	84	3	−0.3	−5
Alaska	6	4	1.4	3
Arizona	57	38	0.4	7
Arkansas	44	1	−0.3	−4
California	299	177	1.2	134
Colorado	47	4	0.4	5
Connecticut	30	7	0.1	2
Delaware	6	6	1.8	8
Washington, DC	7	0	−0.4	−2
Florida	171	17	−0.2	−16
Georgia	103	0	−0.3	−9
Hawaii	12	0	−0.3	−1
Idaho	14	0	−0.2	−1
Illinois	127	3	−0.4	−17
Indiana	85	0	−0.3	−8
Iowa	34	0	−0.3	−3
Kansas	53	0	−0.3	−3
Kentucky	66	0	−0.3	−5
Louisiana	94	2	−0.3	−5
Maine	17	0	−0.4	−2
Massachusetts	57	36	1.3	43
Michigan	94	0	−0.3	−14
Minnesota	49	0	−0.3	−6
Mississippi	60	0	−0.3	−4
Missouri	74	0	−0.2	−6
Montana	13	4	0	0
Nebraska	24	0	−0.3	−2
Nevada	23	0	−0.4	−3
New Hampshire	13	9	3.7	20
New Jersey	64	17	−0.1	−4
New Mexico	25	0	−0.2	−1
New York	154	11	−0.3	−23
North Carolina	84	0	−0.3	−10
North Dakota	6	0	−0.2	−1
Ohio	128	6	−0.3	−12
Oklahoma	84	4	−0.2	−3
Oregon	34	5	−0.3	−3
Pennsylvania	150	3	−0.4	−17
Puerto Rico	52	10	0.2	0
Rhode Island	11	10	5.0	19
South Carolina	56	0	−0.3	−5
South Dakota	17	0	−0.2	−1
Tennessee	91	3	−0.3	−8
Texas	310	4	−0.3	−22
Utah	31	1	−0.3	−2
Vermont	6	0	−0.2	0
Virginia	73	1	−0.3	−7
Washington	48	3	−0.2	−5
West Virginia	29	3	−0.1	−1

FY 2018 IPPS ESTIMATED PAYMENTS DUE TO RURAL AND IMPUTED FLOOR WITH NATIONAL BUDGET NEUTRALITY—Continued

State	Number of hospitals (1)	Number of hospitals that will receive the rural or imputed floor (2)	Percent change in payments due to application of rural floor and imputed floor with budget neutrality (3)	Difference (in $ millions) (4)
Wisconsin	66	8	−0.2	−3
Wyoming	10	0	−0.1	0

6. On pages 38559 and 38560, the table titled ''TABLE II.—IMPACT ANALYSIS OF CHANGES FOR FY 2018 ACUTE CARE HOSPITAL OPERATING PROSPECTIVE PAYMENT SYSTEM (PAYMENTS PER DISCHARGE)'' is corrected to read as follows:

TABLE II—IMPACT ANALYSIS OF CHANGES FOR FY 2018 ACUTE CARE HOSPITAL OPERATING PROSPECTIVE PAYMENT SYSTEM

[Payments per discharge]

	Number of hospitals (1)	Estimated average FY 2017 payment per discharge (2)	Estimated average FY 2018 payment per discharge (3)	FY 2018 changes (4)
All Hospitals	3,292	$11,867	$12,024	1.3
By Geographic Location:				
Urban hospitals	2,492	12,207	12,379	1.4
Large urban areas	1,340	12,881	13,061	1.4
Other urban areas	1,152	11,477	11,642	1.4
Rural hospitals	800	8,911	8,930	0.2
Bed Size (Urban):				
0–99 beds	648	9,730	9,813	0.8
100–199 beds	763	10,248	10,404	1.5
200–299 beds	441	11,079	11,245	1.5
300–499 beds	426	12,366	12,538	1.4
500 or more beds	214	15,011	15,224	1.4
Bed Size (Rural):				
0–49 beds	318	7,523	7,486	−0.5
50–99 beds	282	8,487	8,372	−1.4
100–149 beds	117	8,896	8,966	0.8
150–199 beds	44	9,292	9,410	1.3
200 or more beds	39	10,514	10,679	1.6
Urban by Region:				
New England	114	13,125	13,303	1.4
Middle Atlantic	315	13,819	13,967	1.1
South Atlantic	404	10,783	10,952	1.6
East North Central	385	11,537	11,727	1.6
East South Central	147	10,245	10,375	1.3
West North Central	160	11,915	12,107	1.6
West South Central	378	10,948	11,134	1.7
Mountain	162	12,824	12,898	0.6
Pacific	375	15,634	15,867	1.5
Puerto Rico	52	8,851	8,947	1.1
Rural by Region:				
New England	20	12,091	12,166	0.6
Middle Atlantic	53	8,891	8,812	−0.9
South Atlantic	125	8,274	8,269	−0.1
East North Central	115	9,224	9,144	−0.9
East South Central	154	7,900	7,987	1.1
West North Central	97	9,736	9,794	0.6
West South Central	154	7,539	7,587	0.6
Mountain	58	10,620	10,718	0.9
Pacific	24	12,466	12,517	0.4
By Payment Classification:				
Urban hospitals	2,373	12,148	12,320	1.4

TABLE II—IMPACT ANALYSIS OF CHANGES FOR FY 2018 ACUTE CARE HOSPITAL OPERATING PROSPECTIVE PAYMENT SYSTEM—Continued

[Payments per discharge]

	Number of hospitals	Estimated average FY 2017 payment per discharge	Estimated average FY 2018 payment per discharge	FY 2018 changes
	(1)	(2)	(3)	(4)
Large urban areas	1,354	12,867	13,047	1.4
Other urban areas	1,019	11,200	11,362	1.4
Rural areas	919	10,568	10,656	0.8
Teaching Status:				
Nonteaching	2,204	9,850	9,967	1.2
Fewer than 100 residents	839	11,372	11,535	1.4
100 or more residents	249	17,228	17,461	1.4
Urban DSH:				
Non-DSH	551	10,357	10,456	1.0
100 or more beds	1,543	12,512	12,689	1.4
Less than 100 beds	370	8,960	9,102	1.6
Rural DSH:				
SCH	257	9,526	9,578	0.5
RRC	293	11,384	11,568	1.6
100 or more beds	34	10,297	10,339	0.4
Less than 100 beds	244	7,035	6,764	−3.9
Urban teaching and DSH:				
Both teaching and DSH	863	13,579	13,766	1.4
Teaching and no DSH	92	11,410	11,522	1.0
No teaching and DSH	1,050	10,217	10,374	1.5
No teaching and no DSH	368	9,854	10,000	1.5
Special Hospital Types:				
RRC	263	11,165	11,360	1.8
SCH	316	10,774	10,820	0.4
SCH and RRC	131	11,265	11,362	0.9
Type of Ownership:				
Voluntary	1,914	12,058	12,212	1.3
Proprietary	863	10,392	10,554	1.6
Government	513	12,810	12,980	1.3
Medicare Utilization as a Percent of Inpatient Days:				
0–25	554	14,910	15,115	1.4
25–50	2,149	11,728	11,890	1.4
50–65	485	9,617	9,695	0.8
Over 65	103	7,591	7,444	−1.9
FY 2018 Reclassifications by the Medicare Geographic Classification Review Board:				
All Reclassified Hospitals	858	11,661	11,830	1.5
Non-Reclassified Hospitals	2,434	11,956	12,108	1.3
Urban Hospitals Reclassified	590	12,202	12,396	1.6
Urban Nonreclassified Hospitals	1,858	12,210	12,381	1.4
Rural Hospitals Reclassified Full Year	268	9,339	9,399	0.7
Rural Nonreclassified Hospitals Full Year	485	8,422	8,379	−0.5
All Section 401 Reclassified Hospitals:	166	12,504	12,677	1.4
Other Reclassified Hospitals (Section 1886(d)(8)(B))	47	8,122	8,165	0.5

7. On pages 38561 through 38564 in the section titled ''Effects of the Changes to Medicare DSH and Uncompensated Care Payments for FY 2018'' (which begins with the phrase ''As discussed in section V.G of the preamble'' and ends with the phrase ''hospitals are projected to receive large increases'') the section is corrected to read as follows:

''5. Effects of the Changes to Medicare DSH and Uncompensated Care Payments for FY 2018.

As discussed in section V.G. of the preamble of this final rule, under section 3133 of the Affordable Care Act, hospitals that are eligible to receive Medicare DSH payments will receive 25 percent of the amount they previously would have received under the statutory formula for Medicare DSH payments under section 1886(d)(5)(F) of the Act. The remainder, equal to an estimate of 75 percent of what formerly would have been paid as Medicare DSH payments (Factor 1), reduced to reflect changes in the percentage of uninsured individuals and additional statutory adjustments (Factor 2), is available to make additional payments to each hospital that qualifies for Medicare DSH payments and that has uncompensated care. Each hospital eligible for Medicare DSH payments will receive an additional payment based on its estimated share of the total amount of uncompensated care for all hospitals eligible for Medicare DSH payments. The uncompensated care payment methodology has redistributive effects based on the proportion of a hospital's uncompensated care relative to the uncompensated care for all hospitals eligible for Medicare DSH payments (Factor 3).

For FY 2018, we are establishing a Factor 2 of 58.01 percent determined using the uninsured estimates produced by CMS' Office of the Actuary (OACT) as part of the development of the National Health Expenditure Accounts (NHEA). Although we are continuing to use low-income insured patient days as a proxy for uncompensated care, for the first time, we are using these data in combination with data on uncompensated care costs from Worksheet S–10 in the calculation of Factor 3. The uncompensated care payment methodology has redistributive effects based on the proportion of a hospital's uncompensated care relative to the total uncompensated care for all hospitals eligible for Medicare DSH payments. The change to Medicare DSH payments under section 3133 of the Affordable Care Act is not budget neutral.

In this final rule, we are establishing the amount to be distributed as uncompensated care payments to DSH eligible hospitals, which for FY 2018 is $6,766,695,163.56. This figure represents 75 percent of the amount that otherwise would have been paid for Medicare DSH payment adjustments adjusted by a Factor 2 of 58.01 percent. For FY 2017, the amount available to be distributed for uncompensated care was $5,977,483,146.86, or 75 percent of the amount that otherwise would have been paid for Medicare DSH payment adjustments adjusted by a Factor 2 of 55.36 percent. To calculate Factor 3 for FY 2018, we used an average of data computed using Medicaid days from hospitals' 2012 and 2013 cost reports from the March 2017 update of the HCRIS database, uncompensated care costs from hospitals' 2014 cost reports from the same extract of HCRIS, Medicaid days from 2012 cost report data submitted to CMS by IHS hospitals, and SSI days from the FY 2014 and FY 2015 SSI ratios. For each eligible hospital, we calculated an individual Factor 3 for cost reporting years FYs 2012, 2013, and 2014. We then added the individual amounts and divided the sum by the number of cost reporting periods with data to calculate an average Factor 3 for FY 2018. For purposes of this final rule, as we proposed, we used the most recent data from the March 2017 update of the HCRIS database for the Medicaid days component of the Factor 3 calculation as well as for the Worksheet S–10 uncompensated care cost component.

The FY 2018 policy of using data from hospitals' FY 2012, FY 2013, and FY 2014 cost reporting years to determine Factor 3 is based on our FY 2017 final policy (81 FR 56943 through 56973), which is in contrast to the methodology used in FY 2016, when we used Medicaid days from the more recent of a hospital's full year 2012 or 2011 cost report from the March 2015 update of the HCRIS database, Medicaid days from 2012 cost report data submitted to CMS by IHS hospitals, and SSI days from the FY 2013 SSI ratios to calculate Factor 3. In addition, as explained in section V.G.4.c. of the preamble of this final rule, we are making several additional modifications to the Factor 3 methodology: (1) To annualize Medicaid data and uncompensated care data if a hospital's cost report does not equal 12 months of data; (2) to apply a scaling factor to the uncompensated care payment amount calculated for each DSH eligible hospital so that total uncompensated care payments are consistent with the estimated amount available to make uncompensated care payments for FY 2018; (3) to apply statistical trims to the CCRs on Worksheet S–10 that are considered anomalies to ensure reasonable CCRs are used to convert charges to costs for purposes of determining uncompensated care costs; (4) to calculate Factor 3 for Puerto Rico hospitals, all-inclusive rate providers, and Indian Health Service and Tribal hospitals by substituting data regarding low-income insured days for FY 2013 for the Worksheet S–10 data on uncompensated care costs from FY 2014 cost reports; and (5) to determine the ratio of uncompensated care costs relative to total operating costs on the hospital's 2014 cost report (as of March 2017), and in cases where the ratio of uncompensated care costs relative to total operating costs exceeds 50 percent, to determine the ratio of uncompensated care costs to total operating costs from the hospital's 2015 cost report (as of March 2017) and apply that ratio to the hospital's total operating costs from its 2014 cost report to determine uncompensated care costs for FY 2014.

We also are continuing the policies that were finalized in the FY 2015 IPPS/LTCH PPS final rule (79 FR 50020 through 50022) to address several specific issues concerning the process and data to be employed in determining Factor 3 in the case of hospital mergers for FY 2018 and subsequent years, as well as continuing the policies finalized in the FY 2017 IPPS/LTCH PPS final rule concerning the methodology for calculating each hospital's relative share of uncompensated care, such as combining data from multiple cost reports beginning in the same fiscal year and calculating Factor 3 based on an average of the three individual Factor 3s for FYs 2012, 2013, and 2014, determined by adding the Factor 3 values for these years, and dividing by the number of cost reporting periods with data.

To estimate the impact of the combined effect of changes in Factors 1 and 2, as well as the changes to the data used in determining Factor 3, on the calculation of Medicare DSH payments, including both empirically justified Medicare DSH payments and uncompensated care payments, we compared total DSH payments estimated in the FY 2017 IPPS/LTCH PPS final rule to total DSH payments estimated in this FY 2018 IPPS/LTCH PPS final rule. For FY 2017, for each hospital, we calculated the sum of: (1) 25 percent of the estimated amount of what would have been paid as Medicare DSH in FY 2017 in the absence of section 3133 of the Affordable Care Act; and (2) 75 percent of the estimated amount of what would have been paid as Medicare DSH payments in the absence of section 3133 of the Affordable Care Act, adjusted by a Factor 2 of 55.36 percent and multiplied by a Factor 3 calculated as described in the FY 2017 IPPS/LTCH PPS final rule. For FY 2018, we calculated the sum of: (1) 25 percent of the estimated amount of what would be paid as Medicare DSH payments in FY 2018 absent section 3133 of the Affordable Care Act; and (2) 75 percent of the estimated amount of what would be paid as Medicare DSH payments absent section 3133 of the Affordable Care Act, adjusted by a Factor 2 of 58.01 percent and multiplied by a Factor 3 calculated using the methodology described previously.

Our analysis included 2,438 hospitals that are projected to be eligible for DSH in FY 2018. It did not include hospitals that had terminated their participation in the Medicare program as of July 1, 2017, Maryland hospitals, and SCHs that are expected to be paid based on their hospital specific rates. In addition, data from merged or acquired hospitals were combined under the surviving hospital's CCN, and the non-surviving CCN was excluded from the analysis. The estimated impact of the changes to Factors 1, 2, and 3 across all hospitals projected to be eligible for DSH payments in FY 2018, by hospital characteristic, is presented in the following table.

MODELED DISPROPORTIONATE SHARE HOSPITAL PAYMENTS FOR ESTIMATED FY 2018 DSHS BY HOSPITAL TYPE: MODEL DSH $ (IN MILLIONS) FROM FY 2017 TO FY 2018

	Number of estimated DSHs (FY 2018) (1)	FY 2017 final rule estimated DSH $ (in millions) (2)	FY 2018 final rule estimated DSH $ (in millions) (3)	Dollar difference: FY 2017–FY 2018 (in millions) (4)	Percent change ** (5)
Total	2,438	$9,553	$10,630	$1,077	11.3
By Geographic Location:					
Urban Hospitals	1,938	9,113	10,110	996	10.9
Large Urban Areas	1,043	5,717	6,377	660	11.5
Other Urban Areas	895	3,396	3,733	336	9.9
Rural Hospitals	500	439	520	80	18.3
Bed Size (Urban):					
0 to 99 Beds	342	185	241	57	30.7
100 to 249 Beds	843	2,154	2,386	233	10.8
250+ Beds	753	6,775	7,482	707	10.4
Bed Size (Rural):					
0 to 99 Beds	371	190	238	48	25.2
100 to 249 Beds	115	193	221	28	14.6
250+ Beds	14	56	60	5	8.2
Urban by Region:					
New England	91	387	415	29	7.4
Middle Atlantic	241	1,570	1,643	73	4.7
South Atlantic	316	1,724	2,037	314	18.2
East North Central	322	1,252	1,372	120	9.6
East South Central	131	566	618	53	9.3
West North Central	103	439	488	48	11.0
West South Central	257	1,165	1,448	283	24.3
Mountain	121	448	497	49	11.0
Pacific	316	1,448	1,463	15	1.0
Puerto Rico	40	116	129	13	10.9
Rural by Region:					
New England	12	16	21	5	32.0
Middle Atlantic	25	33	32	−1	−3.9
South Atlantic	86	92	115	23	25.2
East North Central	68	44	58	13	29.9
East South Central	136	141	150	9	6.2
West North Central	30	19	23	4	22.1
West South Central	111	72	95	23	32.1
Mountain	27	15	20	5	32.2
Pacific	5	7	6	−1	−11.4
By Payment Classification:					
Urban Hospitals	1,928	9,106	10,101	994	10.9
Large Urban Areas	1,043	5,717	6,377	660	11.5
Other Urban Areas	885	3,389	3,724	334	9.9
Rural Hospitals	510	447	529	82	18.5
Teaching Status:					
Nonteaching	1,526	2,955	3,276	321	10.9
Fewer than 100 residents	669	3,213	3,501	288	9.0
100 or more residents	243	3,384	3,853	468	13.8
Type of Ownership:					
Voluntary	1,434	5,971	6,533	563	9.4
Proprietary	552	1,650	1,662	12	0.7
Government	452	1,932	2,434	502	30.0
Medicare Utilization Percent:					
Missing or Unknown	15	1	15	14	2147.4
0 to 25	425	2,972	3,365	393	13.2
25 to 50	1,642	6,218	6,829	611	9.8
50 to 65	310	352	408	57	16.1
Greater than 65	46	11	13	2	17.4

Source: Dobson | DaVanzo analysis of 2012–2014 Hospital Cost Reports.

* Dollar DSH calculated by [0.25 * estimated section 1886(d)(5)(F) payments] + [0.75 * estimated section 1886(d)(5)(F) payments * Factor 2 * Factor 3]. When summed across all hospitals projected to receive DSH payments, DSH payments are estimated to be $9,553 million in FY 2017 and $10,630 million in FY 2018.

** Percentage change is determined as the difference between Medicare DSH payments modeled for the FY 2018 IPPS/LTCH PPS final rule (column 3) and Medicare DSH payments modeled for the FY 2017 IPPS/LTCH PPS final rule (column 2) divided by Medicare DSH payments modeled for the FY 2017 final rule (column 2) times 100 percent.

Changes in projected FY 2018 DSH payments from DSH payments in FY 2017 are primarily driven by (1) changes to Factor 1, which increased from $10.797 billion to $11.665 billion; (2) changes to Factor 2, which increased

from 55.36 percent to 58.01 percent; (3) changes to the data used to determine Factor 3; and (4) changes to the number of DSH-eligible hospitals within a given hospital type. The impact analysis found that, across all projected DSH eligible hospitals, FY 2018 DSH payments are estimated at approximately $10.630 billion, or an increase of approximately 11.3 percent from FY 2017 DSH payments (approximately $9.553 billion). While these changes result in a net increase in the amount available to be distributed in uncompensated care payments, DSH payments to select hospital types are expected to decrease. This redistribution of DSH payments is caused by changes in the data used to determine Factor 3 and changes in the number of DSH-eligible hospitals within a given hospital type.

As seen in the above table, percent changes in DSH payments of less than 11.3 percent indicate that hospitals within the specified category are projected to experience a smaller increase in DSH payments, on average, compared to the universe of projected FY 2018 DSH hospitals. Conversely, percent changes in DSH payments that are greater than 11.3 percent indicate a hospital type is projected to have a larger increase than the overall percent change on average, a larger increase than the overall percent change. The variation in the distribution of DSH payments by hospital characteristic is largely dependent on the change in a given hospital's number of Medicaid days and SSI days for purposes of the low-income insured days proxy between FY 2017 and FY 2018, as well as on its uncompensated care costs as reported on its FY 2014 Worksheet S–10.

Many rural hospitals, grouped by geographic location, payment classification, and bed size, are projected to experience a larger increase in DSH payments than their urban counterparts. Overall, rural hospitals are projected to receive an 18.3 percent increase in DSH payments, and urban hospitals are projected to receive a 10.9 percent increase. However, only smaller and medium-sized rural hospitals are projected to receive increases in DSH payments that are, on average, higher than the 11.3 percent change across all hospitals that are projected to be eligible for DSH in FY 2018. Rural hospitals that have 0–99 beds are projected to experience a 25.2 percent payment increase, those with 100–249 beds are projected to receive a 14.6 percent increase, and larger rural hospitals with 250+ beds are projected to experience an 8.2 percent payment increase. This trend is somewhat consistent with urban hospitals, in which the smallest urban hospitals (0– 99 beds) are projected to receive an increase in DSH payments of 30.7 percent. Medium sized hospitals (100–250 beds) and larger hospitals (250+ beds) are projected to receive increases of 10.8 and 10.4 percent in DSH payments, respectively, which are relatively consistent with the overall average.

By region, projected DSH payment increases for urban hospitals are smaller than the overall percent change in the New England, Middle Atlantic, East North Central, East South Central, and Pacific regions. Hospitals in the South Atlantic and West South Central regions are projected to receive increases in DSH payments that are, on average, larger than the 11.3 percent change across all hospitals projected to be eligible for DSH in FY 2018. Increases in the West North Central, Mountain, and Puerto Rico regions are generally consistent with the overall average percent increase of 11.3 percent. Regionally, rural hospitals are projected to receive a wider range of increases. Rural hospitals in the Middle Atlantic and Pacific regions are expected to receive a decrease in DSH payments, while those in the East South Central region are projected to receive an increase in DSH payments smaller than the 11.3 overall percent change. Increases are projected to be substantially larger than the overall average in many regions, including New England, South Atlantic, East North Central, West North Central, West South Central, and Mountain.

Nonteaching hospitals and teaching hospitals with fewer than 100 residents are projected to receive smaller increases than the overall percent change, at 10.9 and 9.0 percent respectively. Conversely, teaching hospitals with 100 or more residents are projected to receive, on average, larger increases than the overall percent change of 11.3 percent, with a projected increase of 13.8 percent. Voluntary hospitals are expected to receive a 9.4 percent increase, which is somewhat smaller than the overall percent change, while proprietary hospitals are expected to receive almost no change in DSH payments. Government hospitals are projected to receive a larger than average 30.0 percent increase. Hospitals with 25 to 50 percent Medicare utilization are projected to receive increases in DSH payments slightly below the overall average at 9.8 percent, while all other hospitals are projected to receive larger increases.''

8. On page 38572 top of the page—

a. First column, fourth bulleted paragraph—

(1) Line 4, the figure ''0.9986'' is corrected to read ''0.9987''

(2) Line 5, the figure ''0.9484'' is corrected to read ''0.9483''

b Second column, first full paragraph—

(1) Line 8, the figure ''0.9484'' is corrected to read ''0.9483''

(2) Line 9, the figure ''1.04'' is corrected to read ''1.03''.

c. Third column—

(1) First partial paragraph—

(a) Line 1, the figure ''2.9'' is corrected to read ''3.0''

(b) Line 4, the figure 2.0'' is corrected to read ''1.9''.

(2) First full paragraph –

(a) Line 4, the figure ''3.7'' is corrected to read ''3.8''.

(b) Line 9, the figure ''5.2'' is corrected to read ''5.3''.

(c) Line 12, the figure ''1.9'' is corrected to read ''2.0''.

(3) Second full paragraph—

(a) Line 7, the figure ''2.3'' is corrected to read ''2.2''.

(b) Lines 10 and 11, the phrase ''3.2 percent.'' is corrected to read ''3.2 percent and 3.3 percent, respectively.''.

(4) Last paragraph—

(a) Line 14, the figure ''1.6'' is corrected to read ''1.7''.

(b) Line 27, the figure ''6.6'' is corrected to read ''6.5''.

9. On pages 38572 through 38574, the table titled ''TABLE III.—COMPARISON OF TOTAL PAYMENTS PER CASE [FY 2017 PAYMENTS COMPARED TO FY 2018 PAYMENTS]'' is corrected to read as follows:

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TABLE III.—COMPARISON OF TOTAL PAYMENTS PER CASE [FY 2017 PAYMENTS COMPARED TO FY 2018 PAYMENTS]

	Number of hospitals	Average FY 2017 payments/ case	Average FY 2018 payments/ case	Change
By Geographic Location:				
All hospitals	3,292	920	943	2.5
Large urban areas (populations over 1 million)	1,340	1,007	1,037	3.0
Other urban areas (populations of 1 million of fewer)	1,152	896	913	1.9
Rural areas	800	625	644	3.0
Urban hospitals	2,492	953	977	2.5
0-99 beds	648	768	798	3.9
100-199 beds	763	825	850	3.0
200-299 beds	441	877	897	2.3
300-499 beds	426	965	989	2.4
500 or more beds	214	1,142	1,167	2.2
Rural hospitals	800	625	644	3.0
0-49 beds	318	523	544	3.9
50-99 beds	282	584	599	2.5
100-149 beds	117	625	642	2.7
150-199 beds	44	663	687	3.6
200 or more beds	39	749	771	2.9
By Region:				
Urban by Region	2,492	953	977	2.5
New England	114	1,038	1,056	1.8
Middle Atlantic	315	1,054	1,074	1.9
South Atlantic	404	849	869	2.4
East North Central	385	918	941	2.5
East South Central	147	800	815	1.8
West North Central	160	933	958	2.8
West South Central	378	863	896	3.8
Mountain	162	1,005	1,013	0.8
Pacific	375	1,209	1,250	3.4
Puerto Rico	52	437	451	3.2
Rural by Region	800	625	644	3.0
New England	20	860	905	5.3
Middle Atlantic	53	603	616	2.2
South Atlantic	125	584	596	2.0
East North Central	115	645	661	2.5
East South Central	154	574	591	3.0
West North Central	97	667	690	3.4
West South Central	154	555	574	3.4
Mountain	58	695	716	3.1
Pacific	24	805	836	3.8
By Payment Classification:				
All hospitals	3,292	920	943	2.5
Large urban areas (populations over 1 million)	1,354	1,005	1,036	3.0
Other urban areas (populations of 1 million of fewer)	1,019	883	907	2.8
Rural areas	919	768	771	0.4
Teaching Status:				
Non-teaching	2,204	779	802	2.9
Fewer than 100 Residents	839	890	910	2.3
100 or more Residents	249	1,283	1,314	2.4
Urban DSH:				
100 or more beds	1,543	975	1,003	2.8
Less than 100 beds	370	697	727	4.3
Rural DSH:				
Sole Community (SCH/EACH)	257	622	632	1.7
Referral Center (RRC/EACH)	293	833	834	0.1
Other Rural:				
100 or more beds	34	820	791	-3.5

	Number of hospitals	Average FY 2017 payments/ case	Average FY 2018 payments/ case	Change
Less than 100 beds	244	511	522	2.3
Urban teaching and DSH:				
Both teaching and DSH	863	1,043	1,072	2.8
Teaching and no DSH	92	921	938	1.9
No teaching and DSH	1,050	823	848	3.1
No teaching and no DSH	368	832	863	3.8
Rural Hospital Types:				
Non special status hospitals	2,580	946	973	2.8
RRC/EACH	263	861	862	0.2
SCH/EACH	316	716	734	2.5
SCH, RRC and EACH	131	763	782	2.5
Hospitals Reclassified by the Medicare Geographic Classification Review Board:				
FY 2018 Reclassifications:				
All Urban Reclassified	590	948	964	1.7
All Urban Non-Reclassified	1,858	956	984	2.9
All Rural Reclassified	268	660	679	2.8
All Rural Non-Reclassified	485	580	596	2.8
All Section 401 Reclassified Hospitals	166	937	922	-1.6
Other Reclassified Hospitals (Section 1886(d)(8)(B))	41	604	643	6.5
Type of Ownership:				
Voluntary	1,914	938	959	2.2
Proprietary	863	823	850	3.3
Government	513	952	983	3.2
Medicare Utilization as a Percent of Inpatient Days:				
0-25	554	1,072	1,100	2.6
25-50	2,149	921	944	2.5
50-65	485	754	774	2.7
Over 65	103	589	657	11.5

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10. On page 38576—

a. First column, last paragraph, line 4, the figure ''$41,430.56'' is corrected to read ''$41,415.11''.

b. Second column—

(1) First partial paragraph—

(a) Line 1, the figure ''1.0006434'' is corrected to read ''1.0002704''.

(b) Line 12, the figure ''$40,610.16'' is corrected to read ''$40,595.02''.

(2) Second full paragraph, line 14, the figure ''1.0006434'' is corrected to read ''1.0002704''.

11. On page 38578, second column, second full paragraph—

a. Line 21, the figure ''$41,430.56'' is corrected to read ''$41,415.11''.

b. Line 22, the figure ''$40,610.16'' is corrected to read ''$40,595.02''.

12. On page 38579—

a. Top of the page, the table title and the table titled ''TABLE IV: IMPACT OF PAYMENT RATE AND POLICY CHANGES TO LTCH PPS PAYMENTS FOR STANDARD PAYMENT RATE CASES FOR FY 2018 [Estimated FY 2017 payments compared to estimated FY 2018 payments]'' are corrected to read as follows:

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TABLE IV: IMPACT OF PAYMENT RATE AND POLICY CHANGES TO LTCH PPS PAYMENTS FOR STANDARD FEDERAL PAYMENT RATE CASES FOR FY 2018
[Estimated FY 2017 payments compared to estimated FY 2018 payments]

LTCH Classification (1)	No. of LTCHs (2)	Number of LTCH PPS Standard Federal Payment Rate Cases (3)	Average FY 2017 LTCH PPS Payment Per Standard Federal Payment Rate (4)	Average FY 2018 LTCH PPS Payment Per Standard Federal Payment Rate[1] (5)	Percent Change Due to Change to the Annual Update to the Standard Federal Payment Rate[2] (6)	Percent Change Due to Changes to Area Wage Adjustment with Wage Budget Neutrality[3] (7)	Proposed Percent Change Due to Change to the Short-Stay Outlier Payment Methodology Change[4] (8)	Percent Change Due to All Standard Federal Payment Rate Changes[5] (9)
ALL PROVIDERS	415	73,915	$46,637	$47,109	0.9	0.0	0.0	1.0
BY LOCATION:								
RURAL	21	2,223	$38,004	$37,969	0.9	-0.3	-0.3	-0.1
URBAN	394	71,692	$46,905	$47,392	0.9	0.0	0.0	1.0
LARGE	199	41,253	$49,568	$50,141	0.9	0.1	0.1	1.2
OTHER	195	30,439	$43,294	$43,665	0.9	-0.1	-0.2	0.9
BY PARTICIPATION DATE:								
BEFORE OCT. 1983	11	1,832	$43,730	$44,550	0.9	-0.6	0.7	1.9
OCT. 1983 - SEPT. 1993	42	9,202	$52,289	$52,672	0.8	-0.1	-0.2	0.7
OCT. 1993 - SEPT. 2002	167	27,657	$46,363	$46,847	0.9	0.1	0.1	1.0
AFTER OCTOBER 2002	195	35,224	$45,527	$45,993	0.9	0.0	-0.1	1.0

LTCH Classification (1)	No. of LTCHs (2)	Number of LTCH PPS Standard Federal Payment Rate Cases (3)	Average FY 2017 LTCH PPS Payment Per Standard Federal Payment Rate (4)	Average FY 2018 LTCH PPS Payment Per Standard Federal Payment Rate[1] (5)	Percent Change Due to Change to the Annual Update to the Standard Federal Payment Rate[2] (6)	Percent Change Due to Changes to Area Wage Adjustment with Wage Budget Neutrality[3] (7)	Proposed Percent Change Due to Change to the Short-Stay Outlier Payment Methodology Change[4] (8)	Percent Change Due to All Standard Federal Payment Rate Changes[5] (9)
BY OWNERSHIP TYPE:								
VOLUNTARY	72	9,636	$48,980	$49,287	0.9	-0.1	-0.3	0.6
PROPRIETARY	329	62,783	$46,105	$46,619	0.9	0.0	0.1	1.1
GOVERNMENT	14	1,496	$53,851	$53,609	0.9	-0.2	-1.1	-0.5
BY REGION:								
NEW ENGLAND	12	2,757	$43,309	$44,407	0.9	-0.3	0.7	2.5
MIDDLE ATLANTIC	25	5,896	$51,862	$52,195	0.9	-0.1	0.2	0.6
SOUTH ATLANTIC	66	13,333	$46,700	$47,213	0.9	-0.1	0.2	1.1
EAST NORTH CENTRAL	68	11,540	$46,371	$46,731	0.9	0.0	-0.1	0.8
EAST SOUTH CENTRAL	34	5,276	$43,787	$44,297	0.9	0.0	0.5	1.2
WEST NORTH CENTRAL	28	4,402	$45,291	$45,233	0.9	0.1	-1.3	-0.1
WEST SOUTH CENTRAL	126	18,529	$41,578	$41,921	0.9	0.01	-0.4	0.8
MOUNTAIN	31	4,279	$48,360	$48,774	0.9	-0.2	-0.1	0.9
PACIFIC	25	7,903	$57,760	$58,810	0.8	0.0	0.5	1.8
BY BED SIZE:								
BEDS: 0-24	26	1,770	$46,206	$46,345	0.9	0.5	-0.7	0.3
BEDS: 25-49	195	26,171	$43,608	$43,971	0.9	-0.1	0.0	0.8
BEDS: 50-74	117	20,276	$48,220	$48,529	0.9	-0.1	-0.2	0.6
BEDS: 75-124	45	12,708	$49,890	$50,560	0.9	0.2	0.1	1.3
BEDS: 125-199	23	8,079	$47,633	$48,228	0.9	0.0	0.0	1.2
BEDS: 200+	9	4,911	$46,341	$47,463	0.8	0.0	0.8	2.4

[1] Estimated FY 2018 LTCH PPS payments for LTCH PPS standard Federal payment rate criteria based on the payment rate and factor changes applicable to such cases presented in the preamble of and the Addendum to this final rule.
[2] Percent change in estimated payments per discharge for LTCH PPS standard Federal payment rate cases from FY 2017 to FY 2018 for the annual update to the LTCH PPS standard Federal payment rate.
[3] Percent change in estimated payments per discharge for LTCH PPS standard Federal payment rate cases from FY 2017 to FY 2018 for changes to the area wage level adjustment under § 412.525(c) (as discussed in section V.B. of the Addendum to this final rule).
[4] Percent change in estimated payments per discharge for LTCH PPS standard Federal payment rate cases from FY 2017 to FY 2018 for change to the SSO payment methodology.
[5] Percent change in estimated payments per discharge for LTCH PPS standard Federal payment rate cases from FY 2017 (shown in Column 4) to FY 2018 (shown in Column 5), including all of the changes to the rates and factors applicable to such cases presented in the preamble and the Addendum to this final rule. We note that this column, which shows the percent change in estimated payments per discharge for all changes, does not equal the sum of the percent changes in estimated payments per discharge for the annual update to the LTCH PPS standard Federal payment rate (Column 6) and the changes to the area wage level adjustment with budget neutrality (Column 7) due to the effect of estimated changes in both estimated payments to SSO cases (prior to accounting for the change to the SSO payment methodology) and aggregate HCO payments for LTCH PPS standard Federal payment rate cases (as discussed in this impact analysis), as well as other interactive effects that cannot be isolated.

b. Lower fourth of the page, third column, partial paragraph, line 5, the figure "1.0006434" is corrected to read "1.0002704".

13. On page 38585, middle of the page, first column, first paragraph—

a. Lines 34, the figure ''2.7'' is corrected to read ''2.5''.

b. Line 38, the figure ''$226'' is corrected to read ''$227''.

Dated: September 29, 2017.

Ann C. Agnew,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2017–21325 Filed 9–29–17; 4:15 pm]

BILLING CODE 4120–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 409, 411, 413, 424, and 488

[CMS–1679–CN]

RIN 0938–AS96

Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2018, SNF Value-Based Purchasing Program, SNF Quality Reporting Program, Survey Team Composition, and Correction of the Performance Period for the NHSN HCP Influenza Vaccination Immunization Reporting Measure in the ESRD QIP for PY 2020; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors in the final rule that appeared in the August 4, 2017 **Federal Register**, which will update the payment rates used under the prospective payment system (PPS) for skilled nursing facilities (SNFs) for fiscal year (FY) 2018.

DATES: This correction is effective October 1, 2017.

FOR FURTHER INFORMATION CONTACT: John Kane, (410) 786–0557.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2017–16256 (82 FR 36530), the final rule entitled ''Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2018, SNF Value-Based Purchasing Program, SNF Quality Reporting Program, Survey Team Composition, and Correction of the Performance Period for the NHSN HCP Influenza Vaccination Immunization Reporting Measure in the ESRD QIP for PY 2020'', there were a number of technical errors that are identified and corrected in section IV., Correction of Errors. The provisions in this correcting document are effective as if they had been included in the document that appeared in the August 4, 2017, **Federal Register** (hereinafter referred to as the FY 2018 SNF PPS final rule). Accordingly, the corrections are effective October 1, 2017.

II. Summary of Errors

A. Summary of Errors in the Preamble

As discussed in the FY 2018 SNF PPS final rule (82 FR 36539), in developing the wage index to be applied to skilled nursing facilities (SNFs) under the SNF prospective payment system (PPS), we use the updated, pre-reclassified hospital inpatient prospective payment system (IPPS) wage data, exclusive of the occupational mix adjustment. For FY 2018, the updated, unadjusted, pre-reclassified IPPS wage data used under the SNF PPS are for hospital cost reporting periods beginning on or after October 1, 2013, and before October 1, 2014 (FY 2014 cost report data), as discussed in the FY 2018 IPPS final rule (82 FR 38130). In calculating the wage index under the FY 2018 IPPS final rule, we made inadvertent errors related to the wage data collected from the Medicare cost reports of six hospitals which are located in CBSAs 24860 and 40340. Specifically, we used incorrect wage data for these six hospitals to calculate the final FY 2018 IPPS wage indexes, the geographic adjustment factor (GAF) (which is computed from the wage index), as well as certain other IPPS factors and adjustments.

These errors are identified, discussed and corrected in the Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year 2018 Rates; Quality Reporting Requirements for Specific Providers; Medicare and Medicaid Electronic Health Record (EHR) Incentive Program Requirements for Eligible Hospitals, Critical Access Hospitals, and Eligible Professionals; Provider-Based Status of Indian Health Services and Tribal Facilities and Organizations; Cost Reporting and Provider Requirements; Agreement Termination Notices; Correction (CMS–1677–CN) that appears elsewhere in this issue of the **Federal Register**.

As discussed above, we use the updated, pre-reclassified, unadjusted IPPS wage data in developing the wage index used under the SNF PPS. Due to the technical errors described above, the published FY 2018 SNF PPS wage indexes were incorrect. Thus, the use of the corrected wage data for the six hospitals required the recalculation of the final FY 2018 SNF PPS wage indexes. Additionally, as discussed on page 36543 of the FY 2018 SNF PPS final rule, section 1888(e)(4)(G)(ii) of the Act requires that we apply the wage index in a manner that does not result in aggregate payments under the SNF PPS that are greater or less than would otherwise be made if the wage index adjustment had not been made. To achieve this, we apply a budget neutrality factor to the unadjusted SNF PPS federal per diem base rates. Due to the recalculation and subsequent revision of the final FY 2018 SNF PPS wage indexes, it was necessary to recalculate the FY 2018 SNF PPS wage index budget neutrality factor as well. Revising the wage index budget neutrality factor causes a change in the unadjusted SNF PPS federal per diem rates (provided in Tables 2 and 3 of the FY 2018 SNF PPS final rule (82 FR 36535)), which then causes changes in the case-mix adjusted SNF PPS rates (provided in Tables 4 and 5 in the FY 2018 SNF PPS final rule (82 FR 36537 through 36538), as well as the labor adjusted SNF PPS rates (provided in Tables 6 and 7 of the FY 2018 SNF PPS final rule (82 FR 36541 through 36543). Finally, due to the recalculated wage indexes, we recalculated the impact analysis provided in Table 26 of the FY 2018 SNF PPS final rule (82 FR 36629). The corrections to these errors are found in section IV. of this document.

B. Summary of Errors in and Corrections to Tables Posted on the CMS Web Site

We are correcting the wage indexes in Tables A and B setting forth the wage indexes for urban (Table A) and non-urban (Table B) areas based on CBSA labor market areas, which are available exclusively on the CMS Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SNFPPS/WageIndex.html.* These tables have been updated to reflect the revisions discussed in this correcting document.

We are republishing the wage indexes in Tables A and B accordingly on the CMS Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SNFPPS/WageIndex.html.*

III. Waiver of Proposed Rulemaking and Delayed Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However,

we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefor in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

We believe that this correcting document does not constitute a rule that would be subject to the APA notice and comment or delayed effective date requirements. The document corrects technical errors in the FY 2018 SNF PPS final rule and in the tables referenced in the final rule, but does not make substantive changes to the policies or payment methodologies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the information in the FY 2018 SNF PPS final rule accurately reflects the policies adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the FY 2018 SNF PPS final rule and the tables referenced in the final rule accurately reflect our methodologies, payment rates, and policies. Furthermore, such procedures would be unnecessary, as we are not making substantive changes to our payment methodologies or policies, but rather, we are simply implementing correctly the methodologies and policies that we previously proposed, requested comment on, and subsequently finalized. This correcting document is intended solely to ensure that the FY 2018 SNF PPS final rule and the tables referenced in the final rule accurately reflect these methodologies and policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

Correction of Errors

In FR Doc. 2017–16256 of August 4, 2017 (82 FR 36530), make the following corrections:

1. On page 36535, TABLE 2—FY 2018 UNADJUSTED FEDERAL RATE PER DIEM URBAN is corrected to read as follows:

TABLE 2—FY 2018 UNADJUSTED FEDERAL RATE PER DIEM URBAN

Rate component	Nursing—case-mix	Therapy—case-mix	Therapy—non-case-mix	Non-case-mix
Per Diem Amount	$177.21	$133.48	$17.58	$90.44

2. On page 35535, TABLE 3—FY 2018 UNADJUSTED FEDERAL RATE PER DIEM RURAL is corrected to read as follows:

TABLE 3—FY 2018 UNADJUSTED FEDERAL RATE PER DIEM RURAL

Rate component	Nursing—case-mix	Therapy—case-mix	Therapy—non-case-mix	Non-case-mix
Per Diem Amount	$169.29	$153.92	$18.78	$92.11

3. On page 36536, third column, first full paragraph,

a. Line 21, the figure ''$443.08'' is corrected to read ''$442.95''.

b. Line 26, the figure ''$1,010.22.'' is corrected to read ''$1,009.93.''.

4. On page 36537, TABLE 4—RUG-IV CASE-MIX ADJUSTED FEDERAL RATES AND ASSOCIATED INDEXES—URBAN is corrected to read as follows:

TABLE 4—RUG-IV CASE-MIX ADJUSTED FEDERAL RATES AND ASSOCIATED INDEXES—URBAN

RUG-IV category	Nursing index	Therapy index	Nursing component	Therapy component	Non-case mix therapy comp	Non-case mix component	Total rate
RUX	2.67	1.87	$473.15	$249.61		$90.44	$813.20
RUL	2.57	1.87	455.43	249.61		90.44	795.48
RVX	2.61	1.28	462.52	170.85		90.44	723.81
RVL	2.19	1.28	388.09	170.85		90.44	649.38
RHX	2.55	0.85	451.89	113.46		90.44	655.79
RHL	2.15	0.85	381.00	113.46		90.44	584.90
RMX	2.47	0.55	437.71	73.41		90.44	601.56
RML	2.19	0.55	388.09	73.41		90.44	551.94
RLX	2.26	0.28	400.49	37.37		90.44	528.30
RUC	1.56	1.87	276.45	249.61		90.44	616.50
RUB	1.56	1.87	276.45	249.61		90.44	616.50
RUA	0.99	1.87	175.44	249.61		90.44	515.49
RVC	1.51	1.28	267.59	170.85		90.44	528.88
RVB	1.11	1.28	196.70	170.85		90.44	457.99
RVA	1.10	1.28	194.93	170.85		90.44	456.22

TABLE 4—RUG-IV CASE-MIX ADJUSTED FEDERAL RATES AND ASSOCIATED INDEXES—URBAN—Continued

RUG-IV category	Nursing index	Therapy index	Nursing component	Therapy component	Non-case mix therapy comp	Non-case mix component	Total rate
RHC	1.45	0.85	256.95	113.46		90.44	460.85
RHB	1.19	0.85	210.88	113.46		90.44	414.78
RHA	0.91	0.85	161.26	113.46		90.44	365.16
RMC	1.36	0.55	241.01	73.41		90.44	404.86
RMB	1.22	0.55	216.20	73.41		90.44	380.05
RMA	0.84	0.55	148.86	73.41		90.44	312.71
RLB	1.50	0.28	265.82	37.37		90.44	393.63
RLA	0.71	0.28	125.82	37.37		90.44	253.63
ES3	3.58		634.41		17.58	90.44	742.43
ES2	2.67		473.15		17.58	90.44	581.17
ES1	2.32		411.13		17.58	90.44	519.15
HE2	2.22		393.41		17.58	90.44	501.43
HE1	1.74		308.35		17.58	90.44	416.37
HD2	2.04		361.51		17.58	90.44	469.53
HD1	1.60		283.54		17.58	90.44	391.56
HC2	1.89		334.93		17.58	90.44	442.95
HC1	1.48		262.27		17.58	90.44	370.29
HB2	1.86		329.61		17.58	90.44	437.63
HB1	1.46		258.73		17.58	90.44	366.75
LE2	1.96		347.33		17.58	90.44	455.35
LE1	1.54		272.90		17.58	90.44	380.92
LD2	1.86		329.61		17.58	90.44	437.63
LD1	1.46		258.73		17.58	90.44	366.75
LC2	1.56		276.45		17.58	90.44	384.47
LC1	1.22		216.20		17.58	90.44	324.22
LB2	1.45		256.95		17.58	90.44	364.97
LB1	1.14		202.02		17.58	90.44	310.04
CE2	1.68		297.71		17.58	90.44	405.73
CE1	1.50		265.82		17.58	90.44	373.84
CD2	1.56		276.45		17.58	90.44	384.47
CD1	1.38		244.55		17.58	90.44	352.57
CC2	1.29		228.60		17.58	90.44	336.62
CC1	1.15		203.79		17.58	90.44	311.81
CB2	1.15		203.79		17.58	90.44	311.81
CB1	1.02		180.75		17.58	90.44	288.77
CA2	0.88		155.94		17.58	90.44	263.96
CA1	0.78		138.22		17.58	90.44	246.24
BB2	0.97		171.89		17.58	90.44	279.91
BB1	0.90		159.49		17.58	90.44	267.51
BA2	0.70		124.05		17.58	90.44	232.07
BA1	0.64		113.41		17.58	90.44	221.43
PE2	1.50		265.82		17.58	90.44	373.84
PE1	1.40		248.09		17.58	90.44	356.11
PD2	1.38		244.55		17.58	90.44	352.57
PD1	1.28		226.83		17.58	90.44	334.85
PC2	1.10		194.93		17.58	90.44	302.95
PC1	1.02		180.75		17.58	90.44	288.77
PB2	0.84		148.86		17.58	90.44	256.88
PB1	0.78		138.22		17.58	90.44	246.24
PA2	0.59		104.55		17.58	90.44	212.57
PA1	0.54		95.69		17.58	90.44	203.71

5. On page 36538, TABLE 5—RUG-IV CASE-MIX ADJUSTED FEDERAL RATES AND ASSOCIATED INDEXES—RURAL is corrected to read as follows:

TABLE 5—RUG-IV CASE-MIX ADJUSTED FEDERAL RATES AND ASSOCIATED INDEXES—RURAL

RUG-IV Category	Nursing index	Therapy index	Nursing component	Therapy component	Non-case mix therapy comp	Non-case mix component	Total rate
RUX	2.67	1.87	$452.00	$287.83		$92.11	$831.94
RUL	2.57	1.87	435.08	287.83		92.11	815.02
RVX	2.61	1.28	441.85	197.02		92.11	730.98
RVL	2.19	1.28	370.75	197.02		92.11	659.88
RHX	2.55	0.85	431.69	130.83		92.11	654.63
RHL	2.15	0.85	363.97	130.83		92.11	586.91
RMX	2.47	0.55	418.15	84.66		92.11	594.92
RML	2.19	0.55	370.75	84.66		92.11	547.52
RLX	2.26	0.28	382.60	43.10		92.11	517.81

TABLE 5—RUG-IV CASE-MIX ADJUSTED FEDERAL RATES AND ASSOCIATED INDEXES—RURAL—Continued

RUG-IV Category	Nursing index	Therapy index	Nursing component	Therapy component	Non-case mix therapy comp	Non-case mix component	Total rate
RUC	1.56	1.87	264.09	287.83		92.11	644.03
RUB	1.56	1.87	264.09	287.83		92.11	644.03
RUA	0.99	1.87	167.60	287.83		92.11	547.54
RVC	1.51	1.28	255.63	197.02		92.11	544.76
RVB	1.11	1.28	187.91	197.02		92.11	477.04
RVA	1.10	1.28	186.22	197.02		92.11	475.35
RHC	1.45	0.85	245.47	130.83		92.11	468.41
RHB	1.19	0.85	201.46	130.83		92.11	424.40
RHA	0.91	0.85	154.05	130.83		92.11	376.99
RMC	1.36	0.55	230.23	84.66		92.11	407.00
RMB	1.22	0.55	206.53	84.66		92.11	383.30
RMA	0.84	0.55	142.20	84.66		92.11	318.97
RLB	1.50	0.28	253.94	43.10		92.11	389.15
RLA	0.71	0.28	120.20	43.10		92.11	255.41
ES3	3.58		606.06		18.78	92.11	716.95
ES2	2.67		452.00		18.78	92.11	562.89
ES1	2.32		392.75		18.78	92.11	503.64
HE2	2.22		375.82		18.78	92.11	486.71
HE1	1.74		294.56		18.78	92.11	405.45
HD2	2.04		345.35		18.78	92.11	456.24
HD1	1.60		270.86		18.78	92.11	381.75
HC2	1.89		319.96		18.78	92.11	430.85
HC1	1.48		250.55		18.78	92.11	361.44
HB2	1.86		314.88		18.78	92.11	425.77
HB1	1.46		247.16		18.78	92.11	358.05
LE2	1.96		331.81		18.78	92.11	442.70
LE1	1.54		260.71		18.78	92.11	371.60
LD2	1.86		314.88		18.78	92.11	425.77
LD1	1.46		247.16		18.78	92.11	358.05
LC2	1.56		264.09		18.78	92.11	374.98
LC1	1.22		206.53		18.78	92.11	317.42
LB2	1.45		245.47		18.78	92.11	356.36
LB1	1.14		192.99		18.78	92.11	303.88
CE2	1.68		284.41		18.78	92.11	395.30
CE1	1.50		253.94		18.78	92.11	364.83
CD2	1.56		264.09		18.78	92.11	374.98
CD1	1.38		233.62		18.78	92.11	344.51
CC2	1.29		218.38		18.78	92.11	329.27
CC1	1.15		194.68		18.78	92.11	305.57
CB2	1.15		194.68		18.78	92.11	305.57
CB1	1.02		172.68		18.78	92.11	283.57
CA2	0.88		148.98		18.78	92.11	259.87
CA1	0.78		132.05		18.78	92.11	242.94
BB2	0.97		164.21		18.78	92.11	275.10
BB1	0.90		152.36		18.78	92.11	263.25
BA2	0.70		118.50		18.78	92.11	229.39
BA1	0.64		108.35		18.78	92.11	219.24
PE2	1.50		253.94		18.78	92.11	364.83
PE1	1.40		237.01		18.78	92.11	347.90
PD2	1.38		233.62		18.78	92.11	344.51
PD1	1.28		216.69		18.78	92.11	327.58
PC2	1.10		186.22		18.78	92.11	297.11
PC1	1.02		172.68		18.78	92.11	283.57
PB2	0.84		142.20		18.78	92.11	253.09
PB1	0.78		132.05		18.78	92.11	242.94
PA2	0.59		99.88		18.78	92.11	210.77
PA1	0.54		91.42		18.78	92.11	202.31

6. On pages 36541 through 36542, TABLE 6—RUG-IV CASE–MIX ADJUSTED FEDERAL RATES FOR URBAN SNFS BY LABOR AND NON-LABOR COMPONENT is corrected to read as follows:

TABLE 6—RUG-IV CASE-MIX ADJUSTED FEDERAL RATES FOR URBAN SNFS BY LABOR AND NON-LABOR COMPONENT

RUG-IV category	Total rate	Labor portion	Non-labor portion
RUX	$813.20	$575.75	$237.45
RUL	795.48	563.20	232.28
RVX	723.81	512.46	211.35

TABLE 6—RUG-IV CASE-MIX ADJUSTED FEDERAL RATES FOR URBAN SNFS BY LABOR AND NON-LABOR COMPONENT—Continued

RUG-IV category	Total rate	Labor portion	Non-labor portion
RVL	649.38	459.76	189.62
RHX	655.79	464.30	191.49
RHL	584.90	414.11	170.79
RMX	601.56	425.90	175.66
RML	551.94	390.77	161.17
RLX	528.30	374.04	154.26
RUC	616.50	436.48	180.02
RUB	616.50	436.48	180.02
RUA	515.49	364.97	150.52
RVC	528.88	374.45	154.43
RVB	457.99	324.26	133.73
RVA	456.22	323.00	133.22
RHC	460.85	326.28	134.57
RHB	414.78	293.66	121.12
RHA	365.16	258.53	106.63
RMC	404.86	286.64	118.22
RMB	380.05	269.08	110.97
RMA	312.71	221.40	91.31
RLB	393.63	278.69	114.94
RLA	253.63	179.57	74.06
ES3	742.43	525.64	216.79
ES2	581.17	411.47	169.70
ES1	519.15	367.56	151.59
HE2	501.43	355.01	146.42
HE1	416.37	294.79	121.58
HD2	469.53	332.43	137.10
HD1	391.56	277.22	114.34
HC2	442.95	313.61	129.34
HC1	370.29	262.17	108.12
HB2	437.63	309.84	127.79
HB1	366.75	259.66	107.09
LE2	455.35	322.39	132.96
LE1	380.92	269.69	111.23
LD2	437.63	309.84	127.79
LD1	366.75	259.66	107.09
LC2	384.47	272.20	112.27
LC1	324.22	229.55	94.67
LB2	364.97	258.40	106.57
LB1	310.04	219.51	90.53
CE2	405.73	287.26	118.47
CE1	373.84	264.68	109.16
CD2	384.47	272.20	112.27
CD1	352.57	249.62	102.95
CC2	336.62	238.33	98.29
CC1	311.81	220.76	91.05
CB2	311.81	220.76	91.05
CB1	288.77	204.45	84.32
CA2	263.96	186.88	77.08
CA1	246.24	174.34	71.90
BB2	279.91	198.18	81.73
BB1	267.51	189.40	78.11
BA2	232.07	164.31	67.76
BA1	221.43	156.77	64.66
PE2	373.84	264.68	109.16
PE1	356.11	252.13	103.98
PD2	352.57	249.62	102.95
PD1	334.85	237.07	97.78
PC2	302.95	214.49	88.46
PC1	288.77	204.45	84.32
PB2	256.88	181.87	75.01
PB1	246.24	174.34	71.90
PA2	212.57	150.50	62.07
PA1	203.71	144.23	59.48

7. On pages 36542 through 36543, TABLE 7–RUG-IV CASE-MIX ADJUSTED FEDERAL RATES FOR RURAL SNFS BY LABOR AND NON-LABOR COMPONENT is corrected to read as follows:

TABLE 7—RUG–IV CASE-MIX ADJUSTED FEDERAL RATES FOR RURAL SNFS BY LABOR AND NON-LABOR COMPONENT

RUG–IV category	Total rate	Labor portion	Non-labor portion
RUX	$831.94	$589.01	$242.93
RUL	815.02	577.03	237.99
RVX	730.98	517.53	213.45
RVL	659.88	467.20	192.68
RHX	654.63	463.48	191.15
RHL	586.91	415.53	171.38
RMX	594.92	421.20	173.72
RML	547.52	387.64	159.88
RLX	517.81	366.61	151.20
RUC	644.03	455.97	188.06
RUB	644.03	455.97	188.06
RUA	547.54	387.66	159.88
RVC	544.76	385.69	159.07
RVB	477.04	337.74	139.30
RVA	475.35	336.55	138.80
RHC	468.41	331.63	136.78
RHB	424.40	300.48	123.92
RHA	376.99	266.91	110.08
RMC	407.00	288.16	118.84
RMB	383.30	271.38	111.92
RMA	318.97	225.83	93.14
RLB	389.15	275.52	113.63
RLA	255.41	180.83	74.58
ES3	716.95	507.60	209.35
ES2	562.89	398.53	164.36
ES1	503.64	356.58	147.06
HE2	486.71	344.59	142.12
HE1	405.45	287.06	118.39
HD2	456.24	323.02	133.22
HD1	381.75	270.28	111.47
HC2	430.85	305.04	125.81
HC1	361.44	255.90	105.54
HB2	425.77	301.45	124.32
HB1	358.05	253.50	104.55
LE2	442.70	313.43	129.27
LE1	371.60	263.09	108.51
LD2	425.77	301.45	124.32
LD1	358.05	253.50	104.55
LC2	374.98	265.49	109.49
LC1	317.42	224.73	92.69
LB2	356.36	252.30	104.06
LB1	303.88	215.15	88.73
CE2	395.30	279.87	115.43
CE1	364.83	258.30	106.53
CD2	374.98	265.49	109.49
CD1	344.51	243.91	100.60
CC2	329.27	233.12	96.15
CC1	305.57	216.34	89.23
CB2	305.57	216.34	89.23
CB1	283.57	200.77	82.80
CA2	259.87	183.99	75.88
CA1	242.94	172.00	70.94
BB2	275.10	194.77	80.33
BB1	263.25	186.38	76.87
BA2	229.39	162.41	66.98
BA1	219.24	155.22	64.02
PE2	364.83	258.30	106.53
PE1	347.90	246.31	101.59
PD2	344.51	243.91	100.60
PD1	327.58	231.93	95.65
PC2	297.11	210.35	86.76
PC1	283.57	200.77	82.80
PB2	253.09	179.19	73.90
PB1	242.94	172.00	70.94
PA2	210.77	149.23	61.54
PA1	202.31	143.24	59.07

8. On page 36543, under Table 7,

a. Second column, first partial paragraph, line 15, the figure ''1.0013'' is corrected to read ''1.0010''.

b. Third column, first full paragraph, line 16, the figure ''$47,596.42'' is corrected to read ''$47,602.52''.

9. On page 36543, TABLE 8—ADJUSTED RATE COMPUTATION EXAMPLE SNF XYZ: LOCATED IN FREDERICK, MD (URBAN CBSA 43524) WAGE INDEX: 0.9863 [See Wage Index in Table A] [1] is corrected to read as follows:

TABLE 8—ADJUSTED RATE COMPUTATION EXAMPLE SNF XYZ: LOCATED IN FREDERICK, MD (URBAN CBSA 43524)

[WAGE INDEX: 0.9869 (See Wage Index in Table A)] [1]

RUG-IV group	Labor	Wage index	Adjusted labor	Non-labor	Adjusted rate	Percent adjustment	Medicare days	Payment
RVX	$512.46	0.9869	$505.75	$211.35	$717.10	$717.10	14	$10,039.40
ES2	411.47	0.9869	406.08	169.70	575.78	575.78	30	17,273.40
RHA	258.53	0.9869	255.14	106.63	361.77	361.77	16	5,788.32
CC2 *	238.33	0.9869	235.21	98.29	333.50	760.38	10	7,603.80
BA2	164.31	0.9869	162.16	67.76	229.92	229.92	30	6,897.60
							100	47,602.52

* Reflects a 128 percent adjustment from section 511 of the MMA.

[1] Available on the CMS Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SNFPPS/WageIndex.html.*

10. On pages 36629, TABLE 26—PROJECTED IMPACT TO THE SNF PPS FOR FY 2018 is corrected to read as follows:

TABLE 26—PROJECTED IMPACT TO THE SNF PPS FOR FY 2018

	Number of facilities FY 2018	Update wage data	Total change
Group			
Total	15,468	0.0%	1.0%
Urban	11,008	0.1%	1.1%
Rural	4,460	−0.6%	0.4%
Hospital-based urban	518	0.2%	1.2%
Freestanding urban	10,490	0.1%	1.1%
Hospital-based rural	577	−0.7%	0.3%
Freestanding rural	3,883	−0.6%	0.4%
Urban by region			
New England	791	0.2%	1.2%
Middle Atlantic	1,487	0.4%	1.4%
South Atlantic	1,867	−0.2%	0.8%
East North Central	2,121	0.0%	1.0%
East South Central	551	−0.6%	0.4%
West North Central	919	0.4%	1.4%
West South Central	1,339	0.1%	1.1%
Mountain	511	−0.2%	0.8%
Pacific	1,417	0.5%	1.5%
Outlying	5	−2.0%	−1.0%
Rural by region			
New England	137	1.5%	2.5%
Middle Atlantic	215	−0.5%	0.5%
South Atlantic	502	−0.7%	0.3%
East North Central	937	−1.1%	−0.1%
East South Central	528	−0.9%	0.1%
West North Central	1,076	−0.4%	0.6%
West South Central	738	−0.6%	0.4%
Mountain	228	−0.3%	0.7%
Pacific	99	0.1%	1.1%
Ownership			
Profit	1,045	−0.3%	0.7%
Non-profit	10,822	0.0%	1.0%
Government	3,601	0.0%	1.0%

Note: The Total column includes the 1.0 percent market basket increase required by section 1888(e)(5)(B)(iii) of the Act. Additionally, we found no SNFs in rural outlying areas.

Dated: September 29, 2017.

Ann C. Agnew,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2017–21327 Filed 9–29–17; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket Nos. 090206140–91081–03 and 120405260–4258–02]

RIN 0648–XF723

Authorization of Revised Reporting Requirements Due to Catastrophic Conditions for Federal Seafood Dealers and Individual Fishing Quota Dealers in Portions of Florida

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

ACTION: Temporary delay in reporting requirements; determination of catastrophic conditions.

SUMMARY: In accordance with the regulations implementing the individual fishing quota (IFQ) and Federal dealer reporting programs specific to the commercial reef fish fishery in the Gulf of Mexico (Gulf), the coastal migratory pelagic (CMP) fisheries in the Gulf and the Atlantic, the spiny lobster fishery of the Gulf and Atlantic, and the snapper-grouper and dolphin-wahoo fisheries in the South Atlantic, the Regional Administrator, Southeast Region, NMFS (RA) has determined that Hurricane Irma has caused catastrophic conditions in the following Florida counties: Manatee, Sarasota, DeSoto, Charlotte, Lee, Collier, Monroe, Miami-Dade, and Broward. Consistent with those regulations, the RA has authorized any dealer in the affected area who does not have access to electronic reporting to delay reporting of trip tickets to NOAA Fisheries from September 29, 2017, through October 31, 2017. The RA has also authorized IFQ participants within this affected area to use paper-based forms, if necessary, for basic required administrative functions, *e.g.,* landing transactions, from September 29, 2017, through October 31, 2017. This temporary rule announcing the determination of catastrophic conditions and allowance of alternative methods for completing required IFQ and other dealer reporting administrative functions is intended to facilitate continuation of IFQ and dealer reporting operations during the period of catastrophic conditions. NMFS will continue to monitor and evaluate conditions. A subsequent **Federal Register** notice will be published, if needed.

DATES: The RA is authorizing applicable Federal dealers and IFQ participants reporting within this affected area to use revised reporting methods from September 29, 2017, through October 31, 2017.

FOR FURTHER INFORMATION CONTACT: IFQ Customer Service, telephone: 866–425–7627, fax: 727–824–5308, email: *SER-IFQ.Support@noaa.gov.* For federal dealer reporting, Fisheries Monitoring Branch, telephone: 305–361–4581.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf is managed under the Fishery Management Plan (FMP) for Reef Fish Resources of the Gulf of Mexico, prepared by the Gulf of Mexico Fishery Management Council. The snapper-grouper fishery of the South Atlantic is managed under the Snapper-Grouper FMP of the South Atlantic, prepared by the South Atlantic Fishery Management Council. The dolphin-wahoo fishery of the South Atlantic is managed under the Dolphin-Wahoo FMP of the South Atlantic, prepared by the South Atlantic Fishery Management Council. The fishery for CMP fish (king mackerel, Spanish mackerel, and cobia) is managed under the FMP for the CMP Resources of the Gulf of Mexico and South Atlantic, prepared by both Councils. The fishery for spiny lobster is managed under the FMP for Spiny Lobster of the Gulf of Mexico and South Atlantic, prepared by both Councils. All FMPs are implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The Generic Dealer Amendment established Federal dealer reporting requirements for federally permitted dealers in the Gulf and South Atlantic (79 FR 19490, April 9, 2014). Amendment 26 to the FMP established an IFQ program for the commercial red snapper component of the Gulf reef fish fishery (71 FR 67447, November 22, 2006). Amendment 29 to the FMP established an IFQ program for the commercial grouper and tilefish components of the Gulf reef fish fishery (74 FR 44732, August 31, 2009). Regulations implementing these IFQ programs (50 CFR 622.21 and 622.22) and the dealer reporting requirements (50 CFR 622.5(c)) require that Federal dealers and IFQ participants have access to a computer and Internet and that they conduct administrative functions associated with dealer reporting and the IFQ program, *e.g.,* landing transactions, online. However, these regulations also specify that during catastrophic conditions, as determined by the RA, the RA may waive or modify the reporting time requirements for dealers and authorize IFQ participants to use paper-based forms to complete administrative functions for the duration of the catastrophic conditions. The RA must determine that catastrophic conditions exist, specify the duration of the catastrophic conditions, and specify which participants or geographic areas are deemed affected.

Hurricane Irma made landfall in the U.S. near Cudjoe Key, Florida, as a Category 4 hurricane then made a subsequent landfall near Marco Island, Florida, as a Category 3 hurricane on September 10, 2017. Strong winds and flooding from this hurricane impacted communities throughout Florida, resulting in power outages and damage to homes, businesses, and infrastructure. As a result, the RA has determined that catastrophic conditions exist in the following Florida counties: Manatee, Sarasota, DeSoto, Charlotte, Lee, Collier, Monroe, Miami-Dade, and Broward. Through this temporary rule, the RA is authorizing Federal dealers to delay reporting of trip tickets to NOAA Fisheries and IFQ participants within this affected area to use paper-based forms, from September 29, 2017, through October 31, 2017. NMFS will provide additional notification to affected participants via NOAA Weather Radio, Fishery Bulletins, and other appropriate means. NOAA Fisheries will continue to monitor and re-evaluate the areas and duration of the catastrophic conditions.

Dealers may delay electronic reporting of trip tickets to NMFS during catastrophic conditions. Dealers are to report all landings to NMFS as soon as possible. Assistance for Federal dealers in effected areas is available from the Fisheries Monitoring Branch at 1–305–361–4581. NMFS previously provided IFQ dealers with the necessary paper forms (sequentially coded) and instructions for submission in the event of catastrophic conditions. Paper forms are also available from the RA upon request. The electronic systems for submitting information to NMFS will continue to be available to all participants, and participants in the affected area are encouraged to continue using these systems, if accessible.

The administrative program functions available to IFQ participants in the area

affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via the Catch Share Support line, 1–866–425–7627 Monday through Friday, between 8 a.m. and 4:30 p.m. eastern time.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of reef fish, CMP species, spiny lobster, dolphin-wahoo, and snapper-grouper, managed under the Gulf IFQ Programs and the Federal dealer reporting programs, as applicable, and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.5(c), 622.21(a)(3)(iii), and 622.22(a)(3)(iii), and is exempt from review under Executive Order 12866.

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule. Such procedures are unnecessary because the final rules implementing the Gulf IFQ programs and the Gulf and Atlantic Federal dealer reporting have already been subject to notice and public comment. These rules authorize the RA to determine when catastrophic conditions exist, and which participants or geographic areas are deemed affected by catastrophic conditions. The final rules also authorize the RA to provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA Weather Radio, Fishery Bulletins, and other appropriate means. All that remains is to notify the public that catastrophic conditions exist and that paper forms may be utilized by IFQ dealers in the affected area and that Federal dealers may submit delayed reports. Additionally, delaying this temporary rule to provide prior notice and opportunity for public comment would be contrary to the public interest because affected participants are still fishing for and receiving these species in the affected area and need a means of completing their landing transactions. With the power outages and damages to infrastructure that have occurred in the affected area due to Hurricane Irma, numerous businesses are unable to complete landings transactions and dealer reports electronically. In order to continue with their businesses, IFQ participants need to be aware they can still complete landing transactions and dealer reports using the paper forms.

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

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

Dated: September 29, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–21329 Filed 9–29–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF714

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific ocean perch in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area. This action is necessary to fully use the 2017 total allowable catch of Pacific ocean perch specified for the Bering Sea subarea of the Bering Sea and Aleutian Islands management area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 1, 2017, through 1200 hrs, A.l.t., December 31, 2017. Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 19, 2017.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2016–0140, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/docket?D=NOAA-NMFS-2016-0140,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and will post the comments 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 is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands management area (BSAI) exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands management area (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.

NMFS closed directed fishing for Pacific ocean perch (POP) in the Bering Sea subarea of the BSAI under § 679.20(d)(1)(iii) (82 FR 11826, February 27, 2017).

NMFS has determined that approximately 3,800 metric tons of POP remain in the directed fishing allowance. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the 2017 total allowable catch of POP in the Bering Sea subarea of the BSAI, NMFS is terminating the previous closure and is opening directed fishing for POP in Bering Sea subarea of the BSAI, effective 1200 hrs, A.l.t., October 1, 2017, through 1200 hrs, A.l.t., December 31, 2017. This will enhance the socioeconomic well-being of harvesters dependent on POP in this area.

The Administrator, Alaska Region considered the following factors in reaching this decision: (1) The current catch of POP in the BSAI and, (2) the

harvest capacity and stated intent on future harvesting patterns of vessels participating in this fishery.

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 the opening of POP directed fishing in the Bering Sea subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 20, 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.

Without this inseason adjustment, NMFS could not allow the fishery for POP in the Bering Sea subarea of the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until October 19, 2017.

This action is required by § 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: September 29, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–21356 Filed 9–29–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 191
Wednesday, October 4, 2017

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

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 740

RIN 3133–AE78

Accuracy of Advertising and Notice of Insured Status

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule with request for comments.

SUMMARY: The NCUA Board (Board) proposes to revise certain provisions of NCUA's advertising rule to provide regulatory relief to federally insured credit unions (FICUs). The advertising rule requires FICUs to use NCUA's ''official advertisement statement'' when advertising. In addition to being permitted to use any of the three current versions of the official advertising statement, the Board proposes to allow FICUs the option of using a fourth version, namely by stating ''Insured by NCUA.'' To provide additional regulatory relief, the Board proposes to expand a current exemption from the advertising statement requirement regarding radio and television advertisements, and eliminate the requirement to include the official advertising statement on statements of condition required to be published by law.

DATES: Comments must be received on or before December 4, 2017.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web site: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.
- *Email:* Address to *regcomments@ncua.gov.* Include ''[Your name] Comments on Notice of Proposed Rulemaking Regarding Accuracy of Advertising'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerard S. Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

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

FOR FURTHER INFORMATION CONTACT: Marvin Shaw, Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6553.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Credit Union Act (Act) requires each FICU to display NCUA's ''official sign'' regarding National Credit Union Share Insurance Fund insurance of the FICU's share accounts. The sign includes language that the coverage is backed by the full faith and credit of the United States Government.[1] Regulations implementing this statutory requirement are at 12 CFR part 740. Part 740 of NCUA's regulations also includes requirements relating to NCUA's official advertising statement as discussed in more detail below.

A. Part 740 Requirements

Part 740 applies to all FICUs. It prescribes requirements for both the NCUA's official sign that FICUs must display and the NCUA's official advertisement statement that FICUs must make when advertising. In relevant part, part 740 prohibits any FICU from using advertising[2] or making any representation which is inaccurate or deceptive or which misrepresents its services, contracts, financial condition, or the Truth in Savings requirements.

NCUA's official advertising statement is ''This credit union is federally insured by the National Credit Union Administration'' or the shorter version ''Federally insured by the NCUA.'' As a third option, the official sign may be displayed in advertisements in lieu of the advertising statement.

Section 740.5(c) of NCUA's regulations enumerates several kinds of advertisements that, for practical reasons, are exempted from the general rule requiring the use of the official advertising statement. With respect to these exempted advertisements, the Board is focusing on the exemptions relating to radio advertisements that are less than 15 seconds in duration[3] and television advertisements that are less than 15 seconds in duration.[4]

B. Regulatory History

For many years, NCUA's advertising and official sign regulations were essentially the same as those of the Federal Deposit Insurance Corporation (FDIC).[5] In 2011, however, the Board amended part 740 by making NCUA's advertising rules more stringent than FDIC's rules. Specifically, in 2011, while banks needed only to include the FDIC advertising statement in radio and television ads that exceeded 30 seconds, the 2011 NCUA rule change required FICUs to include NCUA's official advertising statement in radio and television ads that exceeded 15 seconds.[6] This additional requirement, which the Board now believes is unnecessary, affected more FICU ads and disrupted the balance between bank and FICU regulatory burden in this context. According to some FICUs, it also made it more difficult for FICUs to produce effective ads.

The 2011 NCUA rule change also required FICUs to include the advertising statement on statements of condition required to be published by law, whereas banks are exempt from this. The Board also proposes to relieve FICUs from this additional burden, which the Board believes is unnecessary.

[1] 12 U.S.C. 1785.

[2] This includes print, electronic and broadcast media, displays, signs, and stationary and other promotional material.

[3] 12 CFR 740.5(c)(7).

[4] 12 CFR 740.5(c)(8).

[5] 12 CFR 328.

[6] 76 FR 30521 (May 26, 2011).

Additionally, as a result of information we have received from the public, the Board proposes to amend part 740 to permit a fourth iteration of the official advertising statement, namely by stating ''Insured by NCUA.'' This change would provide FICUs with more flexibility without diminishing the purpose of the rule.

The current part 740 addresses conventional forms of advertising such as print, radio, and television. The Board requests comment about whether the regulation should be modified to facilitate the trend in advertising via new types of social media, mobile banking, text messaging and other digital communication platforms, including Twitter and Instagram. The comments should focus on specific recommendations that balance the regulation's goal to inform the public with space and other constraints inherent in new forms of advertising.

II. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small entities.[7] For purposes of this analysis, NCUA considers small credit unions to be those having under $100 million in assets. The proposed amendments provide regulatory relief and thus do not impose a significant burden on small credit unions. Accordingly, NCUA has determined and certifies that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (''PRA'') applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden.[8] For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. The proposed rule does not constitute a ''collection of information'' within the meaning of section 3502(3) and would not increase paperwork requirements under the PRA or regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. The proposed rule would not have substantial direct effect on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this proposed rule does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act of 1999—Assessment of Federal Regulations and Policies on Families

NCUA has determined that this proposed rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999.[9]

List of Subjects in 12 CFR Part 740

Advertisements, Credit unions, Share insurance, Signs and symbols.

By the National Credit Union Administration Board on September 28, 2017.

Gerard S. Poliquin,

Secretary of the Board.

For the reasons discussed above, the NCUA Board proposes to amend 12 CFR part 740 as follows:

PART 740—ACCURACY OF ADVERTISING AND NOTICE OF INSURED STATUS

■ 1. The authority for part 740 continues to read as follows:

Authority: 12 U.S.C. 1766, 1781, 1785, and 1789.

■ 2. Amend § 740.5 by revising paragraphs (a), (b), (c)(7) and (c)(8) to read as follows:

§ 740.5 Requirements for the official advertising statement.

(a) Each insured credit union must include the official advertising statement, prescribed in paragraph (b) of this section, in all of its advertisements, including on its main Internet page, except as provided in paragraph (c) of this section.

(b) The official advertising statement is in substance one of the following:

(1) This credit union is federally insured by the National Credit Union Administration;

(2) Federally insured by NCUA;

(3) Insured by NCUA; or

(4) A reproduction of the official sign as described in § 740.4(b) may be used in lieu of the other statements included in this section. If the official sign is used as the official advertising statement, an insured credit union may alter the font size to ensure its legibility as provided in § 740.4(b)(2).

(5) The official advertising statement must be in a size and print that is clearly legible and may be no smaller than the smallest font size used in other portions of the advertisement intended to convey information to the consumer.

(c) * * *

(7) Advertisements by radio that are less than thirty (30) seconds in time;

(8) Advertisements by television, other than display advertisements, that are less than thirty (30) seconds in time;

* * * * *

[FR Doc. 2017–21316 Filed 10–3–17; 8:45 am]

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[7] 5 U.S.C. 603(a).

[8] 44 U.S.C. 3507(d); 5 CFR part 1320.

[9] Public Law 105–277, 112 Stat. 2681 (1998).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2017–0091; FRL–9968–70–OAR]

Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019; Availability of Supplemental Information and Request for Further Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Availability of supplemental information; request for further comment.

SUMMARY: This document provides additional data and an opportunity to comment on that data and potential options for reductions in the 2018 biomass-based diesel, advanced biofuel, and total renewable fuel volumes, and/or the 2019 biomass-based diesel volume under the Renewable Fuel Standard (RFS) program. In a July 21, 2017 notice of proposed rulemaking, the EPA proposed certain reductions in the statutory volume targets for advanced biofuel and total renewable fuel for 2018, and requested comment on further reductions based on various considerations. This document presents additional data on production, imports and cost of renewable fuel and several options for how we may consider such

data in establishing the final volume requirements using the waiver authorities provided by the statute.

DATES: Comments must be received on or before October 19, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2017–0091, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. 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 the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: 734–214–4131; email address: *macallister.julia@epa.gov.*

SUPPLEMENTARY INFORMATION:

Outline of This Preamble

I. General Information
A. Does this action apply to me?
II. Overview
III. Costs and Supply of Advanced Biofuel
IV. Possible Further Reductions of 2018 Volume Requirements
A. General Waiver Authority
1. Inadequate Domestic Supply
2. Severe Economic Harm
B. Biomass-Based Diesel Waiver Authority
V. Consideration of Possible Reductions in the Biomass-Based Diesel Volume Requirement for 2019
VI. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

I. General Information

A. Would this rule, if finalized, apply to me?

Entities potentially affected by the July 21, 2017 proposed rule [1] (the July proposal), should it become final, are those involved with the production, distribution, and sale of transportation fuels, including gasoline and diesel fuel or renewable fuels such as ethanol, biodiesel, renewable diesel, and biogas. Potentially regulated categories include:

Category	NAICS [1] codes	SIC [2] codes	Examples of potentially regulated entities
Industry	324110	2911	Petroleum Refineries.
Industry	325193	3869	Ethyl alcohol manufacturing.
Industry	325199	2869	Other basic organic chemical manufacturing.
Industry	424690	5169	Chemical and allied products merchant wholesalers.
Industry	424710	5171	Petroleum bulk stations and terminals.
Industry	424720	5172	Petroleum and petroleum products merchant wholesalers.
Industry	221210	4925	Manufactured gas production and distribution.
Industry	454319	5989	Other fuel dealers.

[1] North American Industry Classification System (NAICS).
[2] Standard Industrial Classification (SIC) system code.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to engage in activities that may be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your entity would be affected by this rule, if finalized, you should carefully examine the applicability criteria in 40 CFR part 80. If you have any questions regarding the applicability of the July proposal to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

II. Overview

On July 21, 2017, EPA proposed reductions in the statutory volume targets for advanced biofuel and total renewable fuel using the cellulosic waiver authority in Clean Air Act (CAA) section 211(o)(7)(D).[2] We proposed using the maximum reduction permitted under that authority (considering the proposed cellulosic volume requirement) to reduce the 2018 volume targets for advanced biofuel and total renewable fuel to 4.24 and 19.24 billion gallons, respectively, in part by placing a greater emphasis on cost considerations than we have in the past. We requested comment on possible additional reductions in advanced biofuel (with corresponding reductions in total renewable fuel) using the general waiver authority in CAA section 211(o)(7)(A) or other authorities. Similarly, we requested comment on whether EPA should, in the final rule, reduce the 2019 volume requirement for biomass-based diesel (BBD) [3] to a level below the proposed level of 2.1 billion gallons.[4]

We did not specifically request comment in the proposed rule on a possible reduction of the 2018 volume requirement for BBD, which was set at 2.1 billion gallons in 2016.[5] We did, however, request comment on the use of the general waiver authority or other authorities to reduce the advanced biofuel requirement for 2018, and BBD is not only nested within advanced biofuel but is also the predominant source of advanced biofuel. Therefore, considerations leading to a reduction of the advanced biofuel volume may also be relevant in reducing the 2018 BBD volume requirement. In this document we are providing additional information on renewable fuel costs and supply as well as possible options for the exercise of our waiver authorities based on these and other considerations.

We note that the statute also provides EPA the authority to waive a portion of the BBD standard if there is a significant renewable feedstock disruption or other

[1] 82 FR 34206.

[2] 82 FR 34206.

[3] Advanced biodiesel and renewable diesel with a D code of 4.

[4] We note the possibility that in light of our consideration of comments received on this document and the NPRM that the final rule could implement volume requirements that deviate further from the volume targets in the statute than the proposed levels. We believe the statutory provisions embody multiple Congressional objectives, including both increasing renewable fuels and limiting in certain circumstances the additional cost or economic impact associated with such increases. We invite comment on how to balance these objectives in exercising our waiver authorities.

[5] 81 FR 89746, December 12, 2016.

market circumstance that would make the price of biomass-based diesel fuel increase significantly, and to make related reductions in the advanced biofuel and total renewable fuel volume requirements.[6] In light of recent developments, described below, we seek comment on whether it would be appropriate to use this waiver authority in the final rule.

III. Cost and Supply of Advanced Biofuel

As EPA indicated in the July proposal, the cost of advanced biofuels is high on a per gallon basis compared to the petroleum fuels they replace. The expiration of the biodiesel tax credit in the U.S. at the end of 2016 has already impacted the effective price of biodiesel to blenders, as well as the price of biodiesel blends to consumers. While it does not appear that the expiration of the tax credit has had a direct impact on the price of unblended biodiesel (B100) in 2017, we expect that the expiration of the tax credit has had a significant impact on the effective price of biodiesel sold to blenders. This is because the biodiesel tax credit that expired at the end of 2016 was received by biodiesel blenders, rather than biodiesel producers. The price of biodiesel and EPA's estimated effective price of biodiesel to blenders (net the $1/gallon tax credit when applicable) from January 2016 through August 2017 are shown in Figure III–1 below.[7] We also expect the price of biodiesel used in the U.S. could increase further following a recent preliminary determination by the Department of Commerce that it would be appropriate to place countervailing duties of 41% to 68% on imports of biodiesel from Argentina and Indonesia.[8] Cash deposits against preliminary duties are currently being collected, potentially impacting prices prior to a final determination. Such duties could also affect import volumes as pointed out in a recent letter from the American Fuel and Petrochemical Manufacturers (AFPM).[9] A final decision from the Department of Commerce and the International Trade Commission, which could include final countervailing duty orders, is scheduled for December 29, 2017.

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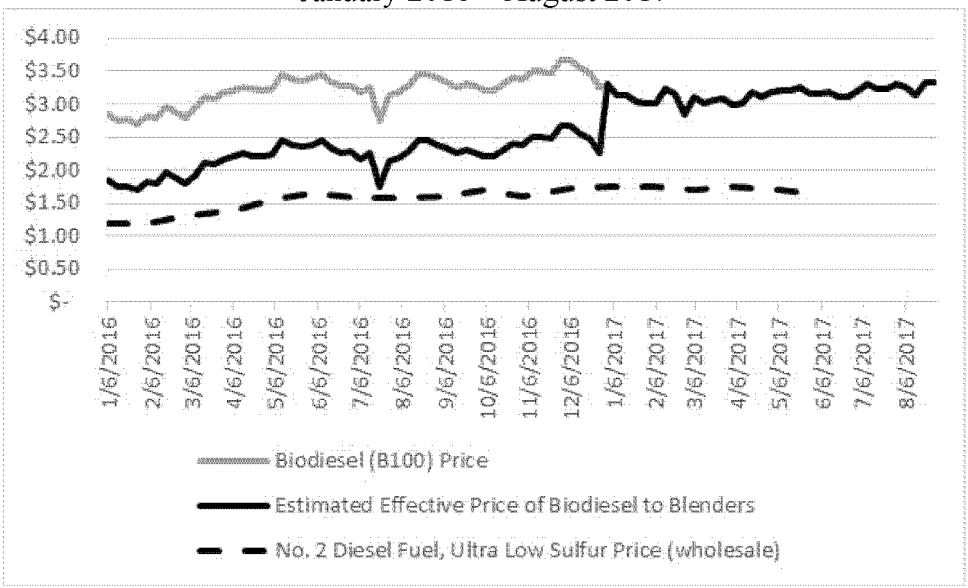
Figure III-1
Price of Biodiesel,[a] Estimated Effective Price of Biodiesel to Blenders,[b] and Price of Petroleum Diesel[c]
January 2016 – August 2017



[a] Biodiesel (B100) prices from USDA National Weekly Ag Energy Round-Up (Iowa prices)
[b] Estimated Effective Price of Biodiesel to Blenders calculated by subtracting $1 from the biodiesel (B100) prices in 2016, and equal to the biodiesel (B100) prices in 2017
[c] Diesel (No. 2 Diesel Fuel, Ultra Low Sulfur) prices from EIA; Refiner Petroleum Product Prices by Sales Type, Sales to End Users (Available online: https://www.eia.gov/dnav/pet/pet_pri_refoth_dcu_nus_m.htm)

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The level of imports and exports can also affect the price of renewable fuel used in the U.S., and both imports and export volumes have varied considerably over the last several years. Based on data collected on RIN generation and retirement from the EPA-Moderated Transaction System (EMTS), we have determined gross domestic production and import and export volumes for advanced biofuels and

[6] Under CAA section 211(o)(7)(E)(ii).

[7] After January 1, 2017 the price of biodiesel and the estimated effective price of biodiesel to blenders are identical, as the tax credit expired at the end of 2016.

[8] "Commerce Preliminary Finds Countervailable Subsidization of Imports of Biodiesel from Argentina and Indonesia," available in EPA docket number EPA–HQ–OAR–2017–0091.

[9] "AFPM letter on biodiesel supply in 2017," available in docket EPA–HQ–OAR–2017–0091.

biomass-based diesel for the years 2013 through 2016.[10] Further details can be found in a memorandum to the docket.[11]

TABLE III–1—SUPPLY OF ADVANCED BIOFUEL

[million RINs]

	2013	2014	2015	2016
Gross domestic production	2,278	2,308	2,327	3,023
Imports	911	479	710	1,177
Exports	128	134	143	202

TABLE III–2—SUPPLY OF BIOMASS-BASED DIESEL

[million RINs]

	2013	2014	2015	2016
Gross domestic production	2,162	2,196	2,155	2,791
Imports	476	415	596	1,121
Exports	125	134	143	202

Commenters raised concerns that along with affecting prices of renewable fuels in the U.S., imports may also have an impact on the energy independence and security status of the U.S.[12] Increasing the energy independence and security of the U.S. is one of the stated goals in the Energy Security and Independence Act of 2007, and the RFS program's standards affect the volumes of both domestic production and imports. EPA requests comment on whether it is appropriate to consider possible impacts of these volumes on U.S. energy independence and security in setting the applicable standards under the RFS program, insofar as they impact those factors that we are permitted to consider and evaluate under the available waiver authorities, and/or the standard-setting authority for BBD.

EPA remains concerned about the high cost of advanced biofuels. As a result, and in light of the pending action on countervailing duties on imported biodiesel from Argentina and Indonesia which we believe could, if finalized, further increase the cost and/or decrease the supply of advanced biofuel in the U.S., we believe it is appropriate to request further comment on appropriate ways to determine the applicable volume requirements for 2018, and the BBD volume requirement for 2019.

IV. Possible Further Reductions of 2018 Volume Requirements

A. General Waiver Authority

Section 211(o)(7)(A) of the CAA provides that EPA, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the applicable volumes specified in the Act in whole or in part based on a petition by one or more States, by any person subject to the requirements of the Act, or by the EPA Administrator on his own motion. Such a waiver must be based on a determination by the Administrator, after public notice and opportunity for comment that: (1) Implementation of the requirement would severely harm the economy or the environment of a State, a region or the United States, or (2) there is an inadequate domestic supply. We sought comment on the possible use of the general waiver authority in the proposal, and here are once again seeking comment in light of the data provided in Section III of this document and a possible revised interpretation of the inadequate domestic supply waiver authority, as discussed below. We also solicit further comment on our use of the general waiver authority under a determination of either inadequate domestic supply or severe economic harm to reduce volumes of renewable fuel.

1. Inadequate Domestic Supply

In the annual rule establishing the 2014–2016 renewable fuel standards, we determined that there would be an ''inadequate domestic supply'' of renewable fuel to consumers in 2016, and so exercised the general waiver authority to reduce volumes to levels we believed could be supplied.[13] The United States Court of Appeals for the District of Columbia Circuit recently ruled in a lawsuit challenging that rule that EPA improperly focused on supply of renewable fuel to consumers, and that the statue instead requires a ''supply-side'' assessment of the volumes of renewable fuel that can be supplied to refiners, importers and blenders. *Americans for Clean Energy (''ACE'')* v. *EPA,* 864 F.3d 691 (2017). Other components of EPA's interpretation of ''inadequate domestic supply'' were either upheld by the court in *ACE* (*e.g.,* EPA's interpretation that carryover RINs are not part of the ''supply'' for purposes of this waiver authority) or were not challenged (*e.g.,* EPA's consideration of biofuel imports as part of the domestic supply). In response to the proposed 2018 standards, we received comments suggesting that EPA should interpret the undefined term ''domestic'' in ''inadequate domestic supply'' to account for only volumes of renewable fuel that are produced domestically.[14] As we understand this suggestion, in determining the adequacy of supply, EPA would consider only whether there was an adequate supply of domestically produced volumes to satisfy the statutory volume targets. If there were not, EPA would be authorized to reduce the statutory

[10] The use of RIN data necessarily excludes renewable fuel import or export volumes for which no RINs were generated. RINs may not be generated, for instance, if ethanol has not been denatured or if a producer is exporting the renewable fuel. However, for advanced biofuels, RINless volumes (which would not be reflected in Tables III–1 or III–2) are expected to be an extremely small portion of all volumes.

[11] ''Imports and exports of renewable fuel in 2013 through 2016,'' memorandum from David Korotney to docket EPA–HQ–OAR–2017–0091.

[12] See *e.g.,* comments from AFPM/API, EPA–HQ–OAR–2017–0091–3645.

[13] See 80 FR 77420 (December 14, 2015).

[14] See, *e.g.,* comments from American Fuels and Petrochemical Manufacturers/American Petroleum Institute (AFPM/API) (Docket Item No. EPA–HQ–OAR–2017–0091–3645) and Valero (Docket Item No. EPA–HQ–OAR–2017–0091–3677).

applicable volumes. Having made the threshold finding that there was an inadequate domestic supply, EPA could consider the availability of imports as one factor among others in determining whether to exercise its discretion to use the waiver authority.

Some commenters suggested that this interpretation would rely on common dictionary definitions of ''domestic,'' as meaning ''of, or relating to, or originating within a country and especially one's own country,'' [15] or ''[o]f or pertaining to one's own country or nation; not foreign, internal, inland, 'home.''' [16] Commenters suggested that this interpretation could lead to volume requirements providing greater stability and certainty for obligated parties; they noted the increasing uncertainty in international trade markets for biofuels, including the potential for disruptions in supply and duties being placed on these biofuels. These commenters suggested that by basing the volume requirements on the projected domestic supply of biofuels, EPA could set volume requirements that would better ensure the availability of renewable fuel for compliance.[17]

We note that this interpretation of the statutory phrase ''inadequate domestic supply,'' would not in any way limit the use of qualifying imported biofuel by obligated parties to ultimately comply with the annual percentage standards. Imported and domestically produced biofuels would still have the same opportunities to compete in the U.S. market as they do now. The interpretation would only affect the way in which EPA calculates the volumes used to set the percentage standards with which obligated parties must comply, by allowing EPA to consider the supply of domestically produced biofuels in deciding whether to use the general waiver authority. Once the standards were established, however, qualifying imported renewable fuel could still be used to comply with the established standards, exactly as it is currently.

We request comment on whether this interpretation would comply with the Court's direction in *ACE* that we only consider ''supply-side factors'' in determining whether there is an inadequate domestic supply. Although the Court in *ACE* explained that EPA ''may'' or is ''authorized'' to consider renewable fuel imports as part of a supply-side assessment under this waiver authority,[18] we note that these statements were made in the context of comparing supply-side considerations to demand-side considerations, and finding EPA's demand-side consideration to be impermissible. Thus, the court's statements may indicate the scope of permissible, but not required, interpretations, and not foreclose further consideration by EPA of the scope of appropriate supply-side considerations in light of the statute and the court's decision.[19]

We believe there are a number of reasons why this interpretation of the phrase ''inadequate domestic supply'' may be appropriate. First, as noted by commenters, this interpretation may be consistent with a straightforward reading of the term ''domestic supply'' as referring to volumes of domestically-produced renewable fuels. Second, as also noted by commenters, basing EPA's use of the general waiver authority on domestic supply only may better meet the energy independence and security purposes of EISA. Third, as EPA has noted in past rulemakings,[20] it is extremely difficult to project volumes that can be made available in the U.S. through imports, and we believe that in light of this substantial uncertainty, that EPA could reasonably interpret the statute as allowing it the discretion to waive statutory applicable volumes on the basis of a more certain assessment of the likely supply of domestically-produced fuels.

We invite comment on this possible interpretation of the term ''inadequate domestic supply,'' and the possibility of applying this interpretation to reduce the final 2018 advanced biofuel volume requirement beyond the level proposed. In Section III of this document we provide data on the domestic production of advanced biofuels for 2013 through 2016. We solicit comment on data and methodologies we should use for estimating the 2018 supply of domestically-produced BBD and other advanced biofuels if we adopt this interpretation. We also invite comment on the potential impact on imports and the domestic production of advanced biofuel if EPA were to further reduce the proposed applicable volume of advanced biofuel on the basis of an interpretation of the term ''inadequate domestic supply'' as discussed in this section. We also request comment on whether and how EPA should consider the potential level of imports in determining whether to use its discretionary general waiver authority to reduce the required volume requirements should this interpretation be adopted.

Considering the nested nature of the standards, we also seek comment on the appropriateness of (and possible basis for) providing a reduction in the total renewable fuel applicable volume requirement commensurate with any reduction in the advanced biofuel volume requirement that may be finalized based on a reinterpretation of the inadequate domestic supply waiver authority as discussed in this section. We note that absent a commensurate reduction, the implied volume for conventional biofuels (*i.e.,* the difference between advanced and total volumes), would exceed the 15 billion gallon implied cap that can be discerned from the statutory tables. We note that both the cellulosic waiver authority in CAA section 211(o)(7)(D) and the BBD waiver authority in section 211(o)(7)(E) stipulate that when nested cellulosic or BBD volumes, respectively, are waived under these authorities, that reductions in the advanced and total renewable fuel volume requirements are authorized. Similarly, due to the nested nature of the standards, advanced biofuel can be used to meet the total renewable fuel requirement. This program structure, established in EISA, suggests that, in general, a reduction in a nested renewable fuel type can justify a corresponding reduction in the other renewable fuel standard or standards that the fuel can also be used to meet. We seek comment on the extent to which EPA should interpret the inadequate domestic supply waiver authority in CAA section 211(o)(7)(A) as also authorizing EPA to make a commensurate reduction in total renewable fuel volumes when waiving advanced biofuel volumes on the basis of inadequate domestic supply.

2. Severe Economic Harm

Section 211(o)(7)(A)(1) of the CAA provides that EPA may waive the applicable volume based on a determination that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States. We received comments from several

[15] AFPM/API comments (citing Merriam-Webster Dictionary).

[16] Id. (citing Oxford English Dictionary).

[17] See, *e.g.,* Comments from Valero (Docket Item No. EPA–HQ–OAR–2017–0091–3677). EPA notes that we also received comments from the biodiesel industry that reducing volumes based on imports could actually harm domestic producers, see, *e.g.,* comments from the National Renderers Association (Docket Item No. EPA–HQ–OAR–2017–0091–3959), National Biodiesel Board (Docket Item No. EPA–HQ–OAR–2017–0091–3880).

[18] See *e.g., ACE,* 864 F.3d at 709.

[19] Moreover, EPA's interpretation of the term ''domestic'' in the phrase ''inadequate domestic supply'' and the relevance of imports to EPA's assessment was not challenged in the litigation or necessary for the court's decision, so we believe that the court's statements in this regard are dicta.

[20] See, *e.g.,* Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018, 81 FR 89746, 89764–65 (December 12, 2016).

stakeholders suggesting that EPA should reduce volumes on the basis of severe economic harm.[21] We note that EPA has previously expressed an interpretation of the severe economic harm waiver in denying petitions to exercise the waiver.[22] We solicit comment on the appropriateness of this interpretation, as well as rationales and data to support approaches for identifying volumes that would be associated with severe economic harm, or other means of implementing this waiver authority consistent with the statutory provision. In particular, we seek input on whether there is information indicating that severe economic harm is occurring under current standards or would occur for any volume requirement that could be established in the current rulemaking[23] and, if so, whether and how volumes should be adjusted to address such harm.

B. Biomass-Based Diesel Waiver Authority

CAA section 211(o)(7)(E)(ii) provides that if EPA determines that there is a significant renewable feedstock disruption or other market circumstance that would make the price of BBD increase significantly, EPA shall, in consultation with the Secretary of Energy, and the Secretary of Agriculture, issue an order to reduce, for up to a 60-day period, the annual volume requirement for BBD by an appropriate quantity that does not exceed 15 percent. The statute also stipulates that EPA is authorized to reduce applicable volumes of advanced biofuel and total renewable fuel by the same or a lesser volume than the reduction in BBD. Also, the statute provides that EPA may provide additional 60-day waivers, with an appropriate additional reduction in the annual requirement of up to 15%, if EPA determines that the feedstock disruptions or circumstances warranting the initial waiver are continuing.

We note that the renewable fuels standards apply on an annual basis and compliance is determined three months after the end of the year. Waiving the standard for 60 days without adjusting the annual standard would provide no relief. We thus solicit comment on whether it would be appropriate to implement the provision by waiving the annual standard (in circumstances where use of the provision is authorized) by a volume that does not exceed 15%. Alternatively, it may be possible to implement the provision by allowing each refiner or importer to subtract from its compliance obligation calculations an amount of gasoline and diesel produced or imported during a specific 60-day period, subject to a 15% limitation on the reduction in their annual RVO. We note that the statute also allows for an extension of any initial waiver for additional 60-day periods if the feedstock disruption or other market circumstance persists. We invite comment on how to interpret and implement the BBD waiver provision consistent with the text and goals of the Act.

As described in Section III of this action, the price of biodiesel, particularly advanced biodiesel, has been impacted by the expiration of the federal tax credit at the end of 2016 and may be expected to be impacted further by the imposition of new duties on imports of biodiesel from Argentina and Indonesia.[24] We seek comment on the likely result of these and any other factors on biodiesel prices, and the extent to which any expected price increases should be considered ''significant'' for purposes of the waiver authority in CAA section 211(o)(7)(E)(ii). We also seek comment on whether the relevant biodiesel prices are those paid by refiners, importers and blenders,[25] and if so whether it is appropriate to consider the increase in the ''effective price'' of biomass-based diesel (net of any tax credit) to blenders for these purposes. We note that the 2018 BBD volume requirement was established by rule in 2016 at 2.1 billion gallons.[26] Therefore, if EPA were to make the appropriate findings under the statute, CAA section 211(o)(7)(E)(ii) would authorize an initial waiver of up to 315 million gallons (15% as specified in the statute) of the 2018 applicable volume requirement of 2.1 billion gallon (resulting in an applicable volume as low as 1.79 billion gallons), with additional incremental reductions possible in 60 day intervals if the circumstances warranted.[27]

This statutory provision also indicates that EPA may reduce the applicable volume of renewable fuel and advanced biofuels requirement by the same or a lesser volume as the reduction in the BBD volume requirement. Were we to exercise this BBD waiver authority, we believe it would be appropriate to lower the advanced biofuel and total renewable fuel volumes by the same amount, since the predominant form of advanced biofuel is BBD and a reduction in the BBD volume requirement may have little or no impact on BBD prices if there is no commensurate reduction in advanced biofuel and total renewable fuel volumes. If the BBD volume requirement were to be reduced by 315 million gallons, an equivalent reduction in advanced biofuel and total renewable fuel would be 473 million ethanol equivalent RINs.[28] This would bring the 2018 advanced biofuel volume requirement down from the proposed level of 4.24 billion gallons to 3.77 billion gallons and the 2018 total renewable fuel volume requirement from the proposed level of 19.24 billion gallons to 18.77 billion gallons.[29]

We request comment on the possible use of the waiver authority provided in CAA section 211(o)(7)(E)(ii) to reduce the 2018 volume requirement for BBD by as much as 315 million gallons, and to concurrently reduce the advanced biofuel and total renewable fuel volume requirements by as much as 473 million gallons. In particular, we seek data on recent BBD price increases and expectations for additional price increases, and we seek comment on the extent to which these price increases should be considered 'significant'' for purposes of the CAA section 211(o)(7)(E)(ii) waiver authority and the extent of a waiver (up to 15%) that would be necessary to address or avoid a significant price increase.

V. Consideration of Possible Reductions in the Biomass-Based Diesel Volume Requirement for 2019

The statute establishes applicable volume targets for BBD only through 2012. For years after those for which

[21] See, *e.g.,* comments from American Fuels and Petrochemical Manufacturers/American Petroleum Institute (AFPM/API) (Docket Item No. EPA–HQ–OAR–2017–0091–3645) and Valero (Docket Item No. EPA–HQ–OAR–2017–0091–3677).

[22] See *e.g.,* 73 FR 47168 (August 13, 2008) (Notice of Decision Regarding the State of Texas Request for a Waiver of a Portion of the Renewable Fuel Standard); 77 FR 70752 (November 27, 2012) (Notice of Decision Regarding Requests for a Waiver of the Renewable Fuel Standard).

[23] 82 FR 34206 (July 21, 2017).

[24] Both advanced and conventional biodiesel are imported from these two countries.

[25] This approach would arguably be consistent with the focus of the *ACE* Court on the ability of these parties to blend the statutorily required volumes of renewable fuel.

[26] 81 FR 89746, December 12, 2016.

[27] 2.10 billion gallon BBD volume requirement × 15% = 315 mill gal.

[28] In the context of calculating the applicable percentage standards from the volume requirements, one gallon of BBD is equivalent to 1.5 gallons of ethanol. The advanced biofuel and total renewable fuel applicable volumes are expressed as ethanol-equivalent volumes, whereas the BBD applicable volume requirement is expressed in terms of biodiesel equivalence.

[29] The statute does not specifically require notice and opportunity for comment prior to EPA issuance of a waiver under CAA section 211(o)(7)(E)(ii); that EPA is providing an opportunity for comment regarding EPA's possible first use of this authority at this time should not be viewed as suggesting that EPA would always do so in the future.

volumes are specified in the statute, EPA is required under CAA section 211(o)(2)(B)(ii) to determine the applicable volume of BBD, in coordination with the Secretary of Energy and the Secretary of Agriculture, based on a review of implementation of the program during calendar years for which the statute specifies the volumes and an analysis of the following factors:

1. The impact of the production and use of renewable fuels on the environment, including on air quality, climate change, conversion of wetlands, ecosystems, wildlife habitat, water quality, and water supply;

2. The impact of renewable fuels on the energy security of the United States;

3. The expected annual rate of future commercial production of renewable fuels, including advanced biofuels in each category (cellulosic biofuel and BBD);

4. The impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver and use renewable fuel;

5. The impact of the use of renewable fuels on the cost to consumers of transportation fuel and on the cost to transport goods; and

6. The impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and food prices.

The statute also specifies that the volume requirement for BBD cannot be less than the applicable volume specified in the statute for calendar year 2012, which is 1.0 billion gallons. The statute does not, however, establish any other numeric criteria, or specify how EPA should weigh the importance of the often competing factors, and the overarching goals of the statute when EPA sets the applicable volumes of BBD in years after those for which the statute specifies such volumes. In the period 2013–2022, the statute specifies increasing applicable volumes of cellulosic biofuel, advanced biofuel, and total renewable fuel, but does not do so for BBD, instead specifying only a 1.0 billion gallon minimum and factors that EPA must evaluate in determining the volume requirement that EPA is to set.

We received comments on our July proposal requesting that EPA reduce the proposed applicable volume of BBD for 2019 due to the large volume of imported biodiesel and renewable diesel in recent years (See Table 2 for import volumes of BBD),[30] which could affect our analysis of several of the factors listed above. Additionally, on August 28, 2017, the Department of Commerce published a preliminary determination that countervailing subsidies are being provided to producers and/or exporters of biodiesel from Argentina and Indonesia, and began requiring cash deposits equal to the subsidy rates.[31] These subsidies ranged from 50%–64% for biodiesel from Argentina and 41%–68% for biodiesel from Indonesia.[32] If finalized, the determination would have a direct impact on the cost of biodiesel imported from these countries, and could ultimately lead to increased cost to consumers of transportation fuel and the cost to transport goods, and/or could lead to reduced imports from these countries and potentially more limited supplies in the United States.

In our proposed assessment of the statutory factors listed above, we noted that the proposed BBD standard for 2019, if finalized, would not likely impact the advanced biodiesel and renewable diesel supply to the U.S. market. Instead, the higher advanced biofuel volume requirement would be the determinant, and the market would supply more advanced biodiesel and renewable diesel than the BBD standard would require. We further noted in the July proposal our expectation that the historic trend in establishing the advanced volume requirements (*i.e.,* annual increases) would continue into 2019, and the current production levels and costs for different types of advanced biofuel led us to believe that the same volume of BBD would likely be produced and imported to satisfy the anticipated 2019 advanced biofuel standard regardless of the applicable volume of BBD we ultimately required for purposes of the 2019 BBD standard. Any differences in the production and import of BBD were expected to be marginal and uncertain as BBD competes with other advanced biofuels in meeting the 2019 advanced biofuel volume. We proposed a level that we reasoned would provide a level of guaranteed support to the BBD industry, while also ensuring an opportunity under the advanced standard for the further development and marketing of non-BBD advanced biofuels that might have superior environmental characteristics or cost implications. As noted above, we are now also soliciting comment on options for reducing the 2018 advanced biofuel volume requirement. If we determine that it is appropriate to use one of the waiver authorities discussed above to reduce the required volume of advanced biofuel in 2018, it is possible that similar considerations would lead us to provide reductions of the 2019 advanced biofuel volume requirement for similar reasons. A lower required volume of advanced biofuel in 2019 could result in the proposed required volume of BBD for 2019 (2.1 billion gallons or 3.15 billion ethanol-equivalent RINs) driving demand for advanced biodiesel and renewable diesel, and could provide insufficient room under the advanced standard for non-BBD advanced biofuels to compete for market share within the advanced biofuel category and an inappropriate level of guaranteed support to the BBD industry.

In addition to these considerations, we seek comment on the extent to which the successful BBD industry requires the proposed level of guaranteed support, or if the advanced standard together with a significantly lower BBD standard would be sufficient for that purpose while advancing the goals of energy independence and security by providing additional encouragement for the growth of other types of advanced biofuels.

We request comment on how EPA should take into consideration the costs of biodiesel and the factors that influence those costs, together with other relevant factors discussed above or which commenters may wish to bring to our attention, in setting the appropriate required volume of BBD for 2019. We also request comment on what the volume requirement should be, noting that it could be equal to or greater than the statutory minimum of 1.0 billion gallons.

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

This rulemaking is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review, as it raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. Any changes made in response to OMB recommendations have been documented in the docket.

Dated: September 26, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–21128 Filed 10–3–17; 8:45 am]

BILLING CODE 6560–50–P

[30] See *e.g.,* comments from AFPM/API, EPA–HQ–OAR–2017–0091–3645.

[31] See 82 FR 40746 and 82 FR 40748 (July 21, 2017).

[32] *Ibid.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3302–WN]

42 CFR Part 416, 418, 482, 483, and 485

Medicare and Medicaid Programs; Revisions to Certain Patient's Rights Conditions for Participation and Conditions for Coverage; Withdrawal

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

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a proposed rule that was published in the **Federal Register** on December 12, 2014. This proposed rule would revise the applicable conditions of participation for certain providers, conditions for coverage for certain suppliers, and requirements for long-term care facilities, to ensure that the requirements are consistent with the Supreme Court decision in *United States* v. *Windsor* (570 U.S.12, 133 S. Ct. 2675 (2013)), and HHS policy. Specifically, it proposed to revise certain definitions and patient's rights provisions that currently defer to state law, in order to ensure that same-sex spouses are recognized and afforded equal rights in certain Medicare and Medicaid-participating facilities.

DATES: As of October 4, 2017, the proposed rule published December 12, 2014, at 79 FR 73873, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Ronisha Blackstone, 410–786–6882.

SUPPLEMENTARY INFORMATION: On December 12, 2014, we published a proposed rule in the **Federal Register** entitled, ''Medicare and Medicaid Program; Revisions to Certain Patient's Rights Conditions of Participation and Conditions for Coverage'' (79 FR 73873). In *United States* v. *Windsor,* 570 U.S.12, 133 S. Ct. 2675 (2013), the Supreme Court held that section 3 of the Defense of Marriage Act (DOMA) was unconstitutional because it violated the Fifth Amendment (See *Windsor,* 133 S. Ct. 2675, 2695). Section 3 of DOMA provided that in determining the meaning of any Act of the Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word ''marriage'' meant only a legal union between one man and one woman as husband and wife, and the word ''spouse'' could refer only to a person of the opposite sex who was a husband or a wife (1 U.S.C. 7). Following the Supreme Court's opinion in *Windsor,* the Federal government was permitted to recognize the validity of same-sex marriages when administering Federal statutes and programs.

The December 2014 rulemaking proposed to revise certain conditions of participation (CoPs), conditions for coverage (CfCs), and requirements for certain Medicare- and Medicaid-participating facilities to ensure that the requirements at issue were consistent with the *Windsor* decision. We received 97 public comments in response to the December 2014 proposed rule. Following publication of the proposed rule, on June 26, 2015 in *Obergefell* v. *Hodges,* (135 S. Ct. 2584 (2015)), the Supreme Court held that the Due Process and Equal Protection clauses of the Fourteenth Amendment requires a state to license a marriage between two people of the same sex, and to recognize same-sex marriages lawfully performed in other States. In light of the *Obergefell* decision, we have decided to withdraw the December 2014 proposed rule. We believe that the *Obergefell* decision has addressed many of the concerns raised in the December 2014 proposed rule.

Accordingly, the proposed rule published December 12, 2014, at 79 FR 73873, is withdrawn.

Dated: August 24, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Approved: September 7, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–21419 Filed 10–3–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 424

[CMS–6012–WN]

RIN 0938–AR84

Medicare Program; Establishment of Special Payment Provisions and Requirements for Qualified Practitioners and Qualified Suppliers of Prosthetics and Custom-Fabricated Orthotics; Withdrawal

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

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a proposed rule that was published in the **Federal Register** on January 12, 2017. The proposed rule specified the qualifications needed for qualified practitioners to furnish and fabricate, and qualified suppliers to fabricate prosthetics and custom-fabricated orthotics; accreditation requirements that qualified suppliers must meet in order to bill for prosthetics and custom fabricated orthotics; requirements that an organization must meet in order to accredit qualified suppliers to bill for prosthetics and custom-fabricated orthotics; and a timeframe by which qualified practitioners and qualified suppliers must meet the applicable licensure, certification, and accreditation requirements. In addition, the proposed rule removed the current exemption from accreditation and quality standards for certain practitioners and suppliers.

DATES: As of October 4, 2017, the proposed rule published January 12, 2017, at 82 FR 3678, is withdrawn.

FOR FURTHER INFORMATION CONTACT: John Spiegel, (410) 786–1909.

SUPPLEMENTARY INFORMATION: In the January 12, 2017 **Federal Register** (82 FR 3678), we published a proposed rule titled, ''Medicare Program; Establishment of Special Payment Provisions and Requirements for Qualified Practitioners and Qualified Suppliers of Prosthetics and Custom Fabricated Orthotics'' to ensure that only those who are qualified to do so can furnish, fabricate, and bill for the prosthetics and custom-fabricated orthotics addressed by the proposed rule.

We received over 5,000 public comments in response to the January 12, 2017 proposed rule.

In light of the cost and time burdens that the proposed rule would create for many providers and suppliers, particularly the cost and burden for those providers and suppliers that are small businesses, and the complexity of the issues raised in the detailed public comments received, we are withdrawing the January 12, 2017 proposed rule in order to assure agency flexibility in re-examining the issues and exploring options and alternatives with stakeholders.

Accordingly, the proposed rule published January 12, 2017, at 82 FR 3678, is withdrawn.

Dated: July 21, 2017.

Demetrios L. Kouzoukas,

Principal Deputy Administrator and Director, Center for Medicare.

Approved: September 7, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–21425 Filed 10–3–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 511

[CMS–1670–WN]

RIN 0938–AS85

Medicare Program; Part B Drug Payment Model; Withdrawal

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

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a proposed rule that was published in the **Federal Register** on March 11, 2016. The proposed rule discussed our proposal to implement a new Medicare payment model under section 1115A of the Social Security Act (the Act).

DATES: As of October 4, 2017, the proposed rule published March 11, 2016, at 81 FR 13230, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Rasheeda Johnson, (410) 786–3434.

SUPPLEMENTARY INFORMATION: On March 11, 2016, we published a proposed rule in the **Federal Register** entitled ''Medicare Program; Part B Drug Payment Model'' (81 FR 13230). The rule proposed the Part B Drug Payment Model as a two-phase model that would test whether alternative drug payment designs will lead to a reduction in Medicare expenditures, while preserving or enhancing the quality of care provided to Medicare beneficiaries. In the first phase, CMS would test a change to the 6 percent add-on to Average Sales Price (ASP) that is used to make drug payments under Part B such that the add-on would be 2.5 percent plus a flat fee (in a budget neutral manner). In the second phase, we would implement a collection of value-based purchasing tools similar to those employed by commercial health plans, pharmacy benefit managers, hospitals, and other entities that manage health benefits and drug utilization. We proposed to operate the model for 5 years; phase I would begin in the fall of 2016 (no earlier than 60 days after the rule was finalized), and phase II would begin no sooner than January 1, 2017. The proposed goal was to have both phases of the model in full operation during the last 3 years of the proposed 5-year duration to fully evaluate changes and collect sufficient data.

We received 1,350 timely public comments in response to the March 11, 2016, proposed rule. Some commenters signaled their support for the proposed rule, however, a number of commenters expressed concerns about the proposed model. As we worked to address these concerns, the complexity of the issues related to the proposed model design and the desire to increase stakeholder input led us to the decision to withdraw the March 11, 2016 proposed rule. Moving forward, we want to ensure agency flexibility in re-examining these important issues and exploring new options and alternatives with stakeholders as we develop potential payment models that support innovative approaches to improve quality, accessibility, and affordability, reduce Medicare program expenditures, and empower patients and doctors to make decisions about their health care.

Accordingly, the proposed rule published March 11, 2016, at 81 FR 13230, is withdrawn.

Dated: July 17, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: August 25, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–21420 Filed 10–3–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Parts 160 and 162

[CMS–0037–WN]

Administrative Simplification: Certification of Compliance for Health Plans; Withdrawal

AGENCY: Office of the Secretary, HHS.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws the January 2, 2014, proposed rule that would have required a controlling health plan (CHP) to submit information and documentation demonstrating that it is compliant with certain standards and operating rules adopted by the Secretary of Health and Human Services (the Secretary) under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This proposed rule would have also established penalty fees for a CHP that failed to comply with the certification of compliance requirements.

DATES: As of October 4, 2017, the proposed rule published January 2, 2014, at 79 FR 298, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Geanelle G. Herring, (410) 786–4466.

SUPPLEMENTARY INFORMATION: In the January 2, 2014, **Federal Register** (79 FR 298), we published the proposed rule titled ''Administrative Simplification: Certification of Compliance for Health Plans'' which would have required controlling health plans (CHPs) to submit certain information and documentation that demonstrated compliance with the standards and operating rules adopted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) for three electronic transactions: Eligibility for a health plan, health care claim status, and health care electronic funds transfers (EFT) and remittance advice. The proposed rule would have also established penalty fees for a CHP that failed to comply with the certification of compliance requirements.

We received approximately 72 public comments in response to the January 2, 2014 proposed rule. In light of the issues raised in the public comments received, we have decided to withdraw the January 2014 proposed rule in order to re-examine the issues and explore options and alternatives to comply with the statutory requirements. We note that the Secretary has established regulations pertaining to compliance with, and enforcement of, HIPAA Administrative Simplification standards and operating rules. The withdrawal of this proposed rule does not remove the requirements for covered entities to comply with any of those regulations codified at 45 CFR parts 160 and 162.

Accordingly, the proposed rule published January 2, 2014, at 79 FR 298, is withdrawn.

Dated: August 18, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: August 30, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–21424 Filed 10–3–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2017–0063; 4500030113]

RIN 1018–BC16

Endangered and Threatened Wildlife and Plants; 12 Month Findings on Petitions To List the Holiday Darter, Trispot Darter, and Bridled Darter; Threatened Species Status for Trispot Darter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; 12-month petition findings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list three species, the holiday darter (*Etheostoma brevirostrum*), the trispot darter (*Etheostoma trisella*), and the bridled darter (*Percina kusha*), all freshwater fish native to Alabama, Georgia, and Tennessee, as endangered or threatened under the Endangered Species Act of 1973, as amended (Act). After review of the best available scientific and commercial information, we find that listing the trispot darter is warranted. Accordingly, we propose to list the trispot darter as a threatened species under the Act. If we finalize this rule as proposed, it would add the trispot darter to the List of Endangered and Threatened Wildlife and extend the Act's protections to the species. After review of the best available scientific and commercial information, we also find that listing the holiday and bridled darters is not warranted.

DATES: We will accept comments received or postmarked on or before December 4, 2017. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by November 20, 2017.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R4–ES–2017–0063, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rules box to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R4–ES–2017–0063, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see *Public Comments,* below, for more information).

FOR FURTHER INFORMATION CONTACT: Bill Pearson, Field Supervisor, U.S. Fish and Wildlife Service, Alabama Ecological Services Field Office, 1208 Main Street, Daphne, AL 36526; telephone 251–441–5181; or facsimile 251–441–6222. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, if a species is determined to be an endangered or threatened species throughout all or a significant portion of its range, we are required to promptly publish a proposal in the **Federal Register** and make a determination on our proposal within 1 year. Listing a species as an endangered or threatened species and designations and revisions of critical habitat can only be completed by issuing a rule.

This rule will propose the listing of the trispot darter (*Etheostoma trisella*), as a threatened species. This rule summarizes our analysis regarding status of and threats to the trispot darter.

The basis for our action. Under the Act, we can determine that a species is an endangered or threatened species based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence. We have determined that the trispot darter is a threatened species based on a loss of habitat and connectivity (Factor A) due to urbanization, land use patterns, and drought.

Peer review. We have requested comments from independent specialists to ensure that we based our designation on scientifically sound data, assumptions, and analyses. Because we will consider all comments and information received during the comment period, our final determinations may differ from this proposal.

Supporting Documents

A species status assessment (SSA) team prepared SSA reports for all three darter species. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA reports represent a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting each species. All three SSA reports underwent independent peer review by scientists with expertise in fish or amphibian biology, habitat management, and stressors (factors negatively affecting the species). The SSA reports and other materials relating to this proposal can be found on the Southeast Region Web site at *https://www.fws.gov/southeast/* and at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2017–0063.

Information Requested for Proposed Rule To List Trispot Darter

Public Comments

We intend that any final action resulting from the proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The trispot darter's biology, range, and population trends, including:

(a) Biological or ecological requirements of trispot darter, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Factors that may affect the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to the species and existing regulations that may be addressing those threats.

(4) Additional information concerning the historical and current status, range, distribution, and population size of the species, including the locations of any additional populations of the species.

(5) Specific prohibitions and exceptions to those prohibitions that may be necessary and advisable for the trispot darter's conservation. We are considering publishing a more tailored proposed rule with provisions set forth under section 4(d) of the Act for public review and comment in the future.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*) directs that determinations as to whether any species is an endangered or a threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy 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 submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Alabama Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing

Section 4(b)(5) of the Act provides for one or more public hearings on this proposal, if requested. Requests must be received the dates specified above in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule public hearings on this proposal, if any are requested, and announce the dates, times, and places of those hearings, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing.

Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act, we sought the expert opinions of appropriate specialists regarding the SSA report for each species, including the report for the trispot darter that informed this proposed rule. The purpose of peer review is to ensure that our listing determination is based on scientifically sound data, assumptions, and analyses. The peer reviewers have expertise in fish biology, habitat, and stressors to the species. We invite any additional comment from the peer reviewers during this public comment period.

Previous Federal Actions

The trispot darter was one of 29 fish species included in a March 18, 1975, notice of review published by the Service in the **Federal Register** (40 FR 12297). On December 30, 1982, the Service announced in the **Federal Register** (47 FR 58454) that the trispot darter, along with 147 other fish species, were being considered for possible addition to the Endangered Species List. On November 4, 1983, the Service published a notice in the **Federal Register** (48 FR 50909) that a status review was being conducted for the trispot darter to determine if the species should be protected under the Act. On November 21, 1991, we added the trispot darter to the candidate list as a category 2 species on the Candidate Notice of Review (CNOR) (56 FR 58804). The holiday darter was added to the candidate list as a Category 2 species in the CNOR on November 15, 1994 (59 FR 58997). Category 2 species were those species for which listing as endangered or threatened species was possibly appropriate, but for which biological information sufficient to support a proposed rule was lacking. However, the February 28, 1996, CNOR (61 FR 7596) discontinued recognition of Category 2 species, so the trispot and holiday darters were no longer considered candidate species after that date.

On April 20, 2010, we received a petition from Center for Biological Diversity and others to list 404 aquatic species in the southeastern United States, including the two aforementioned species as well as the bridled darter. In response to the petition, we completed a partial 90-day finding on September 27, 2011 (76 FR 59836), in which we announced our finding that the petition contained substantial information that listing may be warranted for these three darter species. We conducted a status review for each species.

Background

Trispot Darter

A thorough review of the taxonomy, life history, and ecology of the trispot darter (*Etheostoma trisella*) is presented in the SSA report.

The trispot darter is a freshwater fish found in the Coosa River System in the Ridge and Valley ecoregion of Alabama, Georgia, and Tennessee. This fish has a historical range from the middle to upper Coosa River Basin with collections in the mainstem Coosa, Oostanaula, Conasauga, and Coosawattee Rivers, and their tributaries. All known records of the trispot darter occur above the fall line in the Ridge and Valley ecoregion. Currently, the trispot darter is known to occur in Little Canoe Creek and tributaries (Coosa River), Ballplay Creek tributaries (Coosa River), Conasauga River and tributaries, and Coosawattee River and one tributary.

The trispot darter is a small-bodied, benthic fish ranging in size from 1.3 to 1.6 inches (in) (3.3 to 4.1 centimeters (cm)) as adults. The darter has three prominent black dorsal saddles, pale undersurface, and a dark bar below the eye. Scattered dark blotches exist on the fins' rays. During breeding season males are a reddish-orange color and have green marks along their sides and a red band through their spiny dorsal fin.

The trispot darter is a migratory species that utilizes distinct breeding and non-breeding habitats. From approximately April to October, the species inhabits its non-breeding habitat, which consists of small to medium river margins and lower reaches of tributaries with slower velocities. It is associated with detritus, logs, and stands of water willow, and the substrate consists of small cobbles, pebbles, gravel, and often a fine layer of silt. During low flow periods, the darters move away from the peripheral zones and toward the main channel; edges of

water willow beds, riffles, and pools; and mouths of tributaries. In late fall, this migratory species shifts its habitat preference and begins movement toward spawning areas; this is most likely stimulated by precipitation, but temperature changes and decreasing daylight hours may also provide queues to begin migration. Migration into spawning areas begins approximately late November or early December with fish moving from the main channels into tributaries and eventually reaching adjacent seepage areas where they will congregate and remain for the duration of spawning, approximately until late April. Breeding sites are intermittent seepage areas and ditches with little to no flow; shallow depths (12 in (30 cm) or less); moderate leaf litter covering mixed cobble, gravel, sand, and clay; a deep layer of soft silt over clay; and emergent vegetation. Trispot darters predominantly feed on mayfly nymphs and midge larvae and pupae.

Trispot darters can live a maximum of 3 years, but most individuals die after the end of their second year. Females lay approximately 300 adhesive eggs that attach to vegetation or rocky substrate. Once laid, the eggs are abandoned and incubate for 30 days. Upon hatching, the trispot darter spends approximately 41 days as larvae.

Holiday Darter

A thorough review of the taxonomy, life history, and ecology of the holiday darter (*Etheostoma brevirostrum*) is presented in the SSA report.

The holiday darter is a small, 2-in-long (5-cm-long) snubnose darter, so named because it is a colorful fish, with notable red blotches surrounded by white or yellow halos on the lower side of the body. Unique from similar species with which it co-occurs, the holiday darter has a distinct median red band across the generally blue-green anal fin in males in spawning color. The holiday darter is found in small creeks to moderate-sized rivers above the fall line in the Ridge and Valley, Blue Ridge, and Piedmont ecoregions of Alabama, Georgia, and Tennessee. Currently, the holiday darter is known to occur in parts of Shoal Creek, Conasauga River, Talking Rock Creek, Mountaintown Creek, tributaries of the Ellijay River, Amicalola Creek, and the Etowah River. The holiday darter prefers clear streams with riffles and shallow areas of rivers that contain boulders, cobble, and gravel substrate. While no complete life-history studies of the species are available, it is likely a benthic omnivore that eats aquatic insect larvae and microcrustaceans.

Breeding behavior begins in April and lasts through May. Females are followed by males as they select suitable spawning substrates of gravel, rock, or wood on which the pair orients vertically to spawn and attach eggs. Females have the potential to produce from 50–150 eggs over multiple spawning sites, and those eggs are then fertilized by the male, or multiple different males. No studies have been published on the lifespan of the holiday darter, but similar species live approximately 3 years.

Bridled Darter

A thorough review of the taxonomy, life history, and ecology of the bridled darter (*Percina kusha*) is presented in the SSA report.

The bridled darter is a small freshwater fish native to the upper Coosa River basin in Georgia and Tennessee. This fish's current distribution includes the main channel of the Conasauga River in Murray and Whitfield Counties, Georgia, and Bradley and Polk Counties, Tennessee, Etowah River in Dawson and Lumpkin Counties, Georgia, Amicalola Creek in Dawson County, Georgia, Long Swamp Creek in Pickens County, Georgia, and Talking Rock Creek in Pickens County, Georgia. These are all considered small rivers with good water quality. It was also known to occur in short reaches of several tributaries to both the Conasauga and Etowah Rivers. Morphological variation exists between the darters in the Conasauga River and those in the Etowah River, but genetic studies do not conclude that they are separate species.

Adult bridled darters are about 3 in (4 cm) in length and are muted in color. Dark oval blotches are fused to form a lateral stripe. The lateral stripe merges with a dark stripe behind the eye and continues forward of the eye; these stripes resemble a horse's bridle and lend the species its common name. These darters are typically found in flowing pools and backwaters adjacent to runs in small rivers and lower reaches of tributary creeks. They are often found near submerged logs or vegetation and prefer a substrate of sand, gravel, cobble, and bedrock.

The bridled darter is a sight feeder that has been observed to pluck food from submerged objects as well as the water column by drift-feeding. When drift-feeding, it positions itself downstream of rocks, away from fast currents, and feeds on invertebrates that are washed downstream and thrusted upward by turbulence. Feeding peaks in late afternoon before dusk. Stomach contents for individuals from the Conasauga River contained small mayfly nymphs and blackfly larvae.

Reproduction and spawning takes place approximately mid-April through mid-July. Spawning sites are selected by females as they are followed by courting males. Competitive behavior between males for the site-selecting female has been observed, with the larger males attempting to chase away smaller males. In the Conasauga River, sneaker males (smaller males that join with a spawning pair and mate with the female) have been observed. Rapid quivering of the pair during spawning helps to bury fertilized eggs in sand. A spawning pair may undertake multiple spawning events at different locations. Females have the potential to produce up to 75 eggs per year, and their lifespan has been estimated to be approximately 3 years.

Summary of Biological Status and Threats

The Act directs us to determine whether any species is an endangered species or a threatened species because of any factors affecting its continued existence. The SSA reports document the results of our comprehensive biological status review for the holiday, bridled, and trispot darters, including an assessment of the potential stressors to the species. The SSA reports do not represent a regulatory decision by the Service on whether the species should be proposed for listing as endangered or threatened species under the Act. They do, however, provide the scientific basis that informs that decision, which involves the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA reports; the full SSA reports can be found on the Southeast Region Web site at *https://www.fws.gov/southeast/* and at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2017–0063.

Summary of Analysis

To assess viability for the holiday, bridled, and trispot darters, we used the three conservation biology principles of resiliency, representation, and redundancy (together, the 3Rs). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years); representation supports the ability of the species to adapt over time to long-term changes in the environment (for example, climate changes); and redundancy supports the ability of the species to withstand catastrophic events (for example, droughts, hurricanes). In

general, the more redundant and resilient a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we used the 3Rs to evaluate individual life-history needs of all three darters. In the next stage, we assessed the historical and current condition of each species' demographics and habitat characteristics, including an explanation of how the species arrived at their current conditions. In the final stage of the SSA we made predictions about the species' responses to positive and negative environmental and anthropogenic influences. This process used the best available information to characterize viability as the ability of each species to sustain populations in the wild over time. We utilized this information to inform our regulatory decision in the 12-month findings.

To evaluate the current and future viability of the three darters, we assessed a range of conditions to allow us to consider the species' resiliency, representation, and redundancy. U.S. Geological Survey delineated all watersheds within the United States at several different scales (or units) using a standardized system. Each hydrologic unit is identified by a unique hydrologic unit code (HUC) consisting of two to twelve digits based on six different levels of classification. For this analysis, the 10-digit Hydrologic Unit Codes (HUC 10s) were used as a spatial framework to delineate areas within the geographical range of each species for further analysis. Field collections were used to identify species presence within HUC10 watersheds. For holiday and bridled darters, populations were defined as occupied HUC10 watersheds and were used for analysis. Management units (MUs) were described for the trispot darter and are defined as one or more HUC10 watersheds that the species currently occupies. MUs were grouped using population genetics information and by expected management requirements.

To qualitatively assess resilience, we considered seven components that broadly relate to either the physical environment (''Habitat Elements'') or characteristics about the population specifically (''Population Elements''). Habitat elements consisted of an evaluation of physical habitat, connectivity, water quality, and hydrologic regime. Population elements consisted of an estimation of approximate abundance, the extent of occurrence (total length of occupied streams), and an assessment of occurrence complexity. Representation describes the ability of a species to adapt to changing environmental conditions over time. For these darters to exhibit high representation, resilient populations should occur in all ecoregions to which they are native, and maintain some level of connectivity between populations. These occupied physiographic provinces represent the ecological setting in which the darters have evolved. Redundancy for all three darters is characterized by having multiple resilient and representative populations distributed throughout its range. Furthermore, these populations should maintain natural levels of connectivity between them. Connectivity allows for immigration and emigration between populations and increases the likelihood of recolonization should a population become extirpated. An overall resiliency condition was estimated by combining habitat and population elements. Population elements were weighted two times higher than habitat elements because they are considered direct indicators of population condition. Conditions were classified as ''Low'', ''Moderate'', or ''High''.

After analyzing current conditions for each species, we described how current viability of the three darters may change over a period of 50 years. As with current conditions, we evaluated species viability in terms of resiliency at the population scale, and representation and redundancy at the species scale. In the SSA report, we described three plausible future scenarios and whether there will be a change, from current conditions, to resiliency, representation, or redundancy under each scenario. These scenarios capture the range of likely viability outcomes that the darters will exhibit by the end of 2070. The future scenarios differ in two main elements of predicted change: urbanization and climate. To forecast future urbanization, we considered future scenarios that incorporate the SLEUTH (Slope, Land use, Excluded area, Urban area, Transportation, Hillside area) model. This model simulates patterns of urban expansion that are consistent with spatial observations of past urban growth and transportation networks. Regarding climate, the Intergovernmental Panel on Climate Change utilized a suite of alternative scenarios in the Fifth Assessment Report to make near-term and long-term climate projections. In our assessments, we used these projections to help understand how climate may change in the future and what effects may be observed that impact the three darter species.

Trispot Darter

For our analysis we considered four extant MUs: Little Canoe Creek Basin, Ballplay Creek Basin, Conasauga River Basin, and Coosawattee River Basin. Genetic research has defined distinct trispot darter populations in Little Canoe Creek, Ballplay Creek, and Conasauga River. It is unknown if trispot darters in the Coosawattee River basin are genetically distinct; however, we analyzed it as a separate MU because this river would require a distinct management strategy due to hydroelectric operations at Carters Dam. Historical collections of the trispot darter are known from Cowans Creek, a tributary to Spring Creek, which is in turn a tributary to the Coosa River, and Johns and Woodward Creeks, tributaries to the Oostanaula River. Currently, the trispot darter occupies approximately 20 percent of its historically known range.

Current Condition of Trispot Darter

Of the four current MUs for the trispot darter, one has resiliency ranked as ''moderate,'' and three have resiliency ranked as ''low'' in the analysis (see Table 2 below). For example, the Little Canoe Creek MU is expected to have a moderate resiliency to stochastic events because water quality is low, the abundance is qualitatively low, the occurrence complexity is high, Coosa River reservoirs remove connectivity to other MUs, and the extent of the occupied habitat is small. The Conasauga River MU has ''low'' resiliency due to low water quality in the middle and lower river, low abundance of fish per collection record, a small and reduced population, and overall simple occurrence spatial arrangement. A full analysis for each unit's resiliency can be found in the SSA report.

TABLE 2—CURRENT SPECIES RESILIENCY SUMMARY OF THE TRISPOT DARTER

	Approximate abundance	Occurrence extent	Occurrence complexity	Physical habitat	Connectivity	Water quality	Hydrologic regime	Overall condition
Little Canoe Creek	Low	Low	High	Low	Low	Low	Low	Moderate.
Ballplay Creek	Low	Low	Low	Low	Low	Low	Low	Low.
Conasauga River	Low	Low	Low	Low	Moderate	Low	Low	Low.
Coosawattee River	Low	Low	Low	Moderate	Moderate	Low	Low	Low.

Holiday Darter

For our analysis we considered seven populations: Conasauga River, Talking Rock Creek, Ellijay River, Mountaintown Creek, Amicalola Creek, Etowah River, and Shoal Creek.

Current Condition of Holiday Darter

Six of the seven populations for holiday darter are estimated to have low resiliency. The exception is Amicalola Creek, where the fish is still found in 80 percent of the watershed that it occupied historically, and because it is known to occur in Amicalola Creek, Little Amicalola Creek, Cochran Creek, and Gab Creek, it has a moderate spatial occurrence complexity. The habitat elements were also ranked as moderate for Amicalola Creek, giving that population an overall condition of moderate. By comparison, the habitat elements were also moderate or high for the Etowah River, but this population had low population element rankings, leading to an estimate of low overall resiliency. A full analysis for each population's resiliency can be found in the SSA report.

Connectivity is an important aspect of representation because it provides for the exchange of novel and beneficial adaptations and migration to more suitable habitat (should it be necessary). Currently, all historically occupied ecoregions continue to be occupied by holiday darters, so we can conclude that all known genetic, morphological, and behavioral variability are still represented across the range. However, connectivity is reduced for the species range-wide. Dams have completely isolated the seven populations into four groups. The upper Etowah River-Amicalola Creek populations are isolated by Alatoona Dam; the Talking Rock Creek population is isolated by Carters Re-regulation Dam; and the Ellijay River and Mountaintown Creek populations are isolated by Carters Dam. The Conasauga River and Holly Creek populations are prevented from dispersing to the other populations by those same dams. The Shoal Creek population is isolated by large dams on the Coosa River. Where dams do not fragment habitat, long reaches of unoccupied habitat are present between populations, indicating that migration between populations is uncommon or unlikely. Finally, all populations of holiday darter exist on the periphery of the Coosa River basin and have likely reached the upstream limits for the species. It is unlikely that individuals within a population will be able to migrate further upstream if necessary due to changes in environmental conditions, further decreasing the ability of the species to adapt to changing environmental conditions.

We estimate that the holiday darter currently may have low adaptive potential due to limited representation in six occupied watersheds, decreased connectivity, and confinement to upper reaches of occupied watersheds. Overall representation is considered to be low. Redundancy is characterized by having multiple resilient and representative populations distributed throughout its range. Because all but one population of holiday darter exhibit low resiliency, the species is considered to also have low redundancy. All populations have experienced some declines, may have low numbers, or have low spatial complexity. Redundancy is present within the Coosawattee River, with three populations still extant, but is still classified as ''low'' due to low resiliency of three populations.

In the occupied areas of the Conasauga and Etowah Rivers, the majority of the records for the species are on U.S. Forest Service (USFS) land, which is noted for having good water quality and suitable habitat for holiday darters. For our analysis, we gave populations low resilience if they had poor population elements, even if the habitat elements were moderate or high. Second, we declined to consider the species to have better than low representation and redundancy if the populations didn't have better than low resiliency. Inconsistent survey methodologies and lack of standard collection records also creates uncertainty in any analysis of trends or the ability to compare data across years. The best available data does not indicate a declining trend in abundance, and it is likely that the low abundance (and, therefore, low resiliency) indicated in our analysis is due to the species being naturally rare and difficult to detect.

TABLE 3—CURRENT SPECIES RESILIENCY SUMMARY OF THE HOLIDAY DARTER

	Approximate abundance	Occurrence extent	Occurrence complexity	Physical habitat	Connectivity	Water quality	Hydrologic regime	Overall condition
Conasauga River	Low	Low	Low	Moderate	High	Moderate	Moderate	Low.
Talking Rock Creek	Low	Low	Low	Moderate	High	Low	Moderate	Low.
Ellijay River	Low	Low	Low	Moderate	Moderate	Low	Low	Low.
Mountaintown Creek	Low	Low	Low	Moderate	Moderate	Moderate	Moderate	Low.
Amicalola Creek	Moderate	Moderate	Low	Moderate	Moderate	Moderate	Moderate	Moderate.
Etowah River	Low	Low	Low	Moderate	High	Moderate	High	Low.
Shoal Creek	Low	Low	Low	Moderate	Low	High	Moderate	Low.

Bridled Darter

For our analysis of the bridled darter we considered six populations: Conasauga River, Holly Creek, Talking Rock Creek, Long Swamp Creek, Amicalola Creek, and the Etowah River.

Current Condition of Bridled Darter

All six populations of bridled darter were classified as having low resiliency. Although habitat conditions were

moderate or high for many creeks, the low population elements (abundance, extent, and complexity) caused the overall resiliency to be low. Currently, all historically occupied ecoregions are occupied, and all historically occupied watersheds are considered extant. Although populations that exhibit the known genetic, morphological, and behavioral variability are currently extant, they do not exhibit high resiliency, and representation is therefore classified as low. Dams have completely isolated the six populations into three groups. The upper Etowah River-Amicalola Creek-lower Longswamp Creek populations are isolated by Alatoona Dam, and the Talking Rock Creek population is isolated by Carters Re-regulation Dam. The Conasauga River and Holly Creek populations are prevented from dispersing in to the other populations by those same dams. Where dams do not fragment habitat, long reaches of unoccupied habitat are present between populations, indicating that migration between populations is uncommon or unlikely. Redundancy for the bridled darter is characterized by having multiple resilient and representative populations distributed throughout its range. Because all populations of bridled darter exhibit low resiliency, the species is considered to also have low redundancy. All populations have experienced declines in extent of occupied habitat, are found in low numbers, or have low spatial complexity with reduced connectivity.

In the occupied areas of the Conasauga and Etowah Rivers, the majority of the records for the species are on USFS land, which is noted for having good water quality and suitable habitat for bridled darters. For our analysis, we gave populations low resilience if they had poor population elements, even if the habitat elements were moderate and high. Second, we declined to consider the species to have better than low representation and redundancy if the populations didn't have better than low resiliency. Inconsistent survey methodologies and the lack of standard collection records creates uncertainty in any analysis of trends or the ability to compare data across years. The best available data does not indicate a declining trend in abundance, and it is likely that the low abundance (and, therefore, low resiliency) indicated in our analysis is due to the species being naturally rare and difficult to detect.

TABLE 4—CURRENT SPECIES RESILIENCY SUMMARY OF THE BRIDLED DARTER

	Approximate abundance	Occurrence extent	Occurrence complexity	Physical habitat	Connectivity	Water quality	Hydrologic regime	Overall condition
Conasauga River	Low	Low	Low	Moderate	High	Low	Moderate	Low.
Holly Creek	Moderate	Low	Low	Moderate	High	Low	Moderate	Low.
Talking Rock Creek	Low	High	Low	Moderate	Low	Low	Moderate	Low.
Long Swamp Creek	Low	Low	Low	Low	Low	Low	Low	Low.
Amicalola Creek	Moderate	Low	Low	Moderate	Moderate	Moderate	Moderate	Low.
Etowah River	Low	Low	Low	Moderate	High	Moderate	High	Low.

Risk Factors Influencing Viability for Trispot, Holiday, and Bridled Darters

As required by the Act, we considered the five factors in assessing whether the three species meet the definition of threatened or endangered species. A multitude of natural and anthropogenic factors may impact the status of species within aquatic systems. The largest threats to the future viability of the trispot, holiday, and bridled darters involve habitat degradation from stressors influencing four habitat elements: Water quality, water quantity, instream habitat, and habitat connectivity (Factor A). All of these factors are exacerbated by the effects of climate change (Factor E). A brief summary of these primary stressors is presented below; for a full description, refer to chapter 4 of the SSA reports for each species.

Hydrologic Alteration

Hydrologic alteration in this system has two components: Increases in storm flow frequency and intensity and a decrease in base flows, which together create a ''flashy'' hydrologic regime. Activities that lead to hydrologic alteration include reservoir construction and operation, water withdrawals, and an increase in impervious surfaces. In a natural forested system, most rainfall soaks into the soil and is carried into nearby streams via subsurface flow. Some evaporates or transpires, and a relatively small amount becomes surface runoff. In an urbanized system with high levels of impervious cover, such as roads, parking lots, and rooftops, this cycle is altered; most stormwater hits impervious surfaces and becomes runoff, which then is channeled quickly to streams via stormwater drain pipes or ditches. Relatively little infiltrates into the soil. As a result, storm flows in the receiving stream are higher and more frequent, although briefer in duration, and base flows are lower. The storm discharge of urban streams can be twice that of rural streams draining a watershed of similar size, and the frequency of channel-forming events can be ten times that of pre-development conditions. These flashy stream flows and frequent, smaller high-flow events negatively affect structural habitat on which the species depends. Increases in flow frequency or intensity can result in channel widening through bank erosion or deepening to accommodate the additional discharge. This results in increased downstream sedimentation and unstable beds, both of which degrade channel complexity, feeding, and refugia habitat for fish species. Increased storm flows, in addition, can cause physical washout of eggs and larval fishes, stress on adults, and negatively alter the stream's food web, affecting many fish species. There is also a decrease in channel complexity and a reduction in in-stream cover and natural substrates like boulders, cobble, and gravel. Hydrologic alteration can also lead to other stressors that negatively affect fish, such as sedimentation and a loss of connected suitable habitat.

Sedimentation

Sedimentation can affect fish species by degrading physical habitat used for foraging, sheltering, and spawning; altering food webs and decreasing stream productivity; forcing fish to change their behaviors; and even injuring or killing individual fish. Chronic exposure to sediment has been shown to have negative impacts to fish gills, which in addition to causing gill damage can possibly reduce growth rates. Sedimentation causes reduced visibility, impacting fishes' abilities to feed and communicate.

A wide range of activities can lead to sedimentation within streams, including agriculture, construction activities,

stormwater runoff, unpaved roads, some forestry activities if certified best management practices are not used, utility crossings, and dredging. Historical land use practices have substantially altered hydrological and geological processes such that sediments continue to be input into streams for several decades after those activities cease. Examples of these activities occurring with the range of these species include: Urban impacts in the Springville, Alabama, and Dalton, Georgia, areas; agricultural practices in the Conasauga River basin; and livestock access to streams in the Little Canoe Creek watershed.

Reduced Connectivity

Connectivity is a species' ability to disperse to and from habitat patches. Excess groundwater withdrawal can contribute to reduced connectivity if sections of streams become dry for parts of the year. Dams and reservoirs reduce connectivity by creating a physical barrier between fish populations and changing habitat from flowing streams to standing water, which is not suitable habitat for these three darters. Road crossings are also more prevalent in highly populated urban areas, and some road crossings have impassable culverts that reduce connectivity.

Loss of Riparian Vegetation

Loss of riparian vegetation means the removal of natural plant communities from the riparian zone of rivers and streams. Removal of riparian vegetation can destabilize stream banks, increasing sedimentation and turbidity; increase the contaminants and nutrients that enter the water from runoff; increase water temperatures and light penetration, which also increases algae production; and alter available habitat by reducing woody plant debris and leaf litter, which in turn decreases overall stream productivity. These fish have adapted to occupy habitats that are surrounded by vegetation, which moderates temperature by blocking solar radiation; provides a source for terrestrial plant material that forms the base of the food web and provides shelter and foraging habitat for the fishes; and helps to maintain clear, clean water and substrate through filtration. Loss of riparian vegetation decreases habitat suitability for the trispot, holiday, and bridled darters. Removal of riparian vegetation has occurred where urban and agricultural activities are prevalent such as increases in development in Dalton, Chatsworth, and Ellijay, and row crop and pastures in the Conasauga basin.

Contaminants

Contaminants, including metals, hydrocarbons, pesticides, and other potentially harmful organic and inorganic compounds, can be toxic to fish and are common in urban streams including those within the range of these three darters. Pesticides are frequently found in streams draining agricultural lands, with herbicides being the most commonly detected. Pesticides also are heavily used in urban and suburban areas, and many of these find their way into streams and groundwater. The contamination of the Coosa River with polychlorinated biphenyl (PCBs) has been attributed to the General Electric facility in Rome, Georgia. Although the facility closed in 1998, contaminated sediments are still documented there. In the Coosawattee River, PCBs are also listed as a source of impairment caused by nonpoint sources. These chemicals have toxic effects to the endocrine system, nervous system, reproductive system, blood, skin, and liver of animals and have likely impacted these three darters in the Coosa and Coosawattee Rivers.

Pesticides and herbicides are frequently found in streams draining agricultural land uses, with herbicides being the most commonly detected. Many agricultural streams still contain dichlorodiphenyltrichloroethan (DDT) and its degradation products. Glyphosates and other inert ingredients found in Roundup can be toxic to fish and other aquatic organisms, causing stress and reduced fitness; Roundup use within the range of these species is prevalent and increasing due to the adoption of ''Roundup Ready'' crops.

Agriculture

Agriculture is another predominant land use within the range of all three darters. Livestock grazing is prevalent in some areas, and poultry farming is also common.

Poultry Litter: Poultry litter is a mixture of chicken manure, feathers, spilled food, and bedding material that frequently is used to fertilize pastureland or row crops. Each poultry house has an estimated ability to produce up to 100 tons of litter a year. Surface-spreading of litter results in runoff from heavy rains carrying phosphorus and nitrogen from manure into nearby streams. Additionally, repeated or over application of poultry litter can result in phosphorus buildup in the soil. Excess phosphorus and nitrogen in stream systems increases blue-green algae and undesirable aquatic plants that rob water of oxygen, causing fish kills. Endocrine disruptors, such as estrogen, from poultry litter have been identified as a significant stressor to the Conasauga River basin. Estrogens have been found in water and sediment samples within the watershed at concentrations high enough to be disruptive to the endocrine system in fish. Increased levels of estrogens affect reproductive biology and result in reduced breeding success In a recent study of endocrine disruptors on fishes in the Conasauga River, approximately 7.5 percent of male fishes surveyed were found to have female cells in male reproductive organs.

Livestock access to streams: On many farms, livestock is grazed on pastures adjacent to streams and rivers and livestock is allowed free access to the water. Livestock accessing riparian buffers and, subsequently, the stream proper, leads to habitat destruction and decreased water quality. Livestock can destabilize stream banks, which as discussed above creates increased sediment loads within these small systems. Livestock farming is often confined to the river valleys within the upper Coosa River basin; therefore, on many cattle farms, livestock is grazed on pastures adjacent to streams and rivers, and in some instances livestock is allowed free access to the water. Livestock is produced in every county with streams occupied by the bridled and holiday darters.

Urbanization

Urbanization refers to a change in land cover and land use from forests or agriculture to increased density of residential and commercial infrastructure. Urbanization includes a wide variety of stressors on aquatic systems that affect water quantity, water quality, channel structure, and connectivity. Therefore, urbanization is anticipated to increase the magnitude of nearly all other stressors, and urbanization is expected to affect the darters across their range due to their known localities occurring in close vicinity to the growing Atlanta metropolitan area, Chattanooga, Birmingham, and intervening areas with growing human populations and increasing development.

Weather Events

Weather events that affect stream flows are considered to be most relevant to these species. Broadly, these events include extreme storms and droughts. Increased flows can cause physical washout of eggs and larval fishes, stress on adults, and alter the production in a stream. Within the range of these darters, extreme flows associated with hurricanes have been reported to have

negative effects on stream fish populations. Reduced baseflows due to droughts can cause population declines, habitat loss, reduced water quality (decreased dissolved oxygen and temperature alteration) leading to death, crowding of individuals leading to stress, and decreased reproduction in stream fish populations. Climate models for the southeastern United States project that average annual temperatures will increase, cold days will become less frequent, the freeze-free season will lengthen by up to a month, temperatures exceeding 95 degrees Fahrenheit will increase, heat waves will become longer, and the number of category 5 hurricanes will increase. While these climate models predict wide variability in weather patterns into the future, they suggest that the region will be subjected to more frequent large storms (hurricanes) as well as low flows from droughts.

Other Stressors

In our analysis of the factors affecting these species, we found no evidence of population- or species-level impacts from overutilization for commercial, recreational, scientific, or educational purposes. Also, there was no evidence of any impacts due to disease or predation.

Conservation Actions

Trispot Darter

The trispot darter is recognized by Alabama, Georgia, and Tennessee as a species of concern. This species is listed as Priority 2/High Conservation Concern by the State of Alabama, endangered by the State of Georgia, and threatened by the State of Tennessee. Priority watersheds within the range of the trispot darter have been designated as Strategic Habit Units by the Alabama Rivers and Streams Network. The Strategic Habit Unit project was developed for species restoration and enhancement. Alabama is conducting an analysis and the results are intended to contribute to restoration projects that will improve habitat and water quality for at risk and listed species. The Atlantic Coast Conservancy holds a tract of land within Ballplay Creek that could offer some protection in the watershed. Natural Resources Conservation Service's Working Lands for Wildlife partnership within the basin will help farmers develop and implement strategies to improve water quality.

Holiday Darter

The holiday darter is recognized by Alabama, Georgia, and Tennessee as a species of concern. It is listed as Priority 1/Highest Conservation Concern by the State of Alabama, endangered by the State of Georgia, and threatened by the State of Tennessee. In general, protections accorded to the holiday darter by the States prohibit direct exploitation of the species.

Some populations of holiday darter are known from watersheds in which a substantial percentage of lands are owned and managed by the USFS. These populations are found in the Conasauga River, upper Etowah River, and Shoal Creek. In the Conasauga River and Shoal Creek, the majority of current records for the holiday darter are within the boundary of USFS lands. Cherokee National Forest in Tennessee, Chattahoochee National Forest in Georgia, and Talladega National Forest in Alabama own and manage natural resources in occupied watersheds in those portions of the holiday darter's range. Management prescriptions implemented by the USFS in areas that overlap with the range of the holiday darter are expected to benefit the species. Specifically, 4.5 miles (mi) (7.2 kilometers (km)) of the Conasauga River is eligible for Congressional Wild River designation and is managed to protect and perpetuate the features that led to the eligibility status. The river is also recognized for its aquatic biodiversity by the USFS, and management strategies employed by both Cherokee and Chattahoochee National Forests within the watershed include designated wilderness areas, recommended wild river, recommended recreational river, black bear habitat management, restoration and maintenance of rare communities, restoration and management of old growth characteristics, and scenic corridors and sensitive viewsheds. These management strategies, which emphasize natural forest communities and water quality are expected to benefit holiday darter within the Conasauga River watershed. The Chattahoochee National Forest management prescriptions within the upper Etowah River also broadly emphasize and promote natural plant communities and so are expected to benefit holiday darter within this watershed. Standards outlined in the Revised Land and Management Plan for National Forests in Alabama (2004) generally protect water and habitat quality in streams. Direct observations of Shoal Creek have found the stream to have good water quality with high levels of dissolved oxygen, stable pH levels, and low sedimentation, confirming the benefits of USFS management strategies to holiday darter habitat.

Approximately 13.6 mi (21.9 km) of Amicalola Creek are bounded by lands owned and managed by the State of Georgia. Georgia's stated goals for this area are maintenance or enhancement of populations of sensitive species and management of riparian areas to benefit water quality, aquatic resources, and aesthetics. We expect that this provides some benefit to holiday darters in that location. Additionally, approximately 488 acres (ac) (197 hectares (ha)) of these lands were purchased with the assistance of a Recovery Land Acquisition Grant that prioritized the conservation of aquatic resources and species. Therefore, it is anticipated that State ownership and management within the Amicalola Creek watershed will benefit the long-term survival of holiday darters.

Within the Conasauga River basin, Natural Resources Conservation Service has begun a Working Lands for Wildlife project that provides technical and financial assistance to help landowners improve water quality and help producers plan and implement a variety of conservation activities or practices that benefit aquatic species. Holiday darter may benefit in the future from water quality improvements in portions of the Conasauga River that are affected by agricultural practices as a result of the Working Lands for Wildlife project.

Priority watersheds within the range of the holiday darter have been designated as Strategic Habit Units by the Alabama Rivers and Streams Network. The Strategic Habit Unit project was developed for species restoration and enhancement. Watersheds occupied by holiday darter that have been designated as Strategic Habit Units are the Choccolocco Creek watershed (which includes the Shoal Creek populations) and the Oostanaula River watershed (which includes the Conasauga and Coosawattee River populations).

Bridled Darter

The bridled darter is recognized by Georgia and Tennessee as a species of concern. It is listed as endangered by the State of Georgia. In general, protections accorded to species that are listed by the States prohibit their direct exploitation.

Some populations of bridled darter are known from watersheds in which a substantial percentage of lands are owned and managed by the USFS. These populations are found in the Conasauga River and upper Etowah River. In the Conasauga River, the majority of current records for the bridled darter are within the proclamation boundary of USFS lands. Cherokee National Forest in Tennessee and Chattahoochee National Forest in Georgia own and manage lands and

natural resources in occupied watersheds in those portions of the bridled darter's range. Management prescriptions implemented by the USFS in areas that overlap with the range of the holiday darter (see discussion above) are also expected to benefit the bridled darter.

Future Scenarios

For the purpose of this assessment, we define viability as the ability of the species to sustain populations in the wild over time. To address uncertainty associated with the degree and extent of potential future stressors and their impacts on species' requisites, the 3Rs were assessed using three plausible future scenarios. These scenarios were based, in part, on the results of urbanization and climate models that predict changes in habitat used by the trispot, holiday, and bridled darters. The models that were used to forecast both urbanization and climate change projected 50 years into the future. Using the best available data to forecast plausible future scenarios allows the Service to determine if a species may become an endangered species in the foreseeable future. For more detailed information on these models and their projections, please see the SSA reports.

In the Status Quo scenario, current environmental regulations and policy, land use management techniques, and conservation measures remain the same over the next 50 years. We anticipate the current trend in greenhouse gas emissions to continue and moderate impacts from extreme weather events including intense drought, floods, and storm events to occur. In this scenario, rapid urbanization will continue at the current estimated rate for the Piedmont region of the southeastern United States, which will increase demand for water resources.

In the Best Case scenario, we predict wider adoption of conservation measures and policies, which involves watershed-scale conservation plans (Working Lands for Wildlife and watershed habitat conservation plans) and enacting a water policy for Alabama. In this scenario, we still expect rapid urban growth, albeit at a slower rate than under the other two scenarios. Under the Best Case scenario, rapidly growing urban areas would address environmental concerns and implement water conservation measures and green infrastructure. If implemented, these actions should lessen the demand on water resources (requiring fewer drinking water supply reservoirs) and minimize urban effects on streams. While large numbers of roads will still be constructed, under the Best Case scenario road crossings will be constructed that allow for fish passage. In this scenario we expect carbon emissions to peak before 2020 resulting in a lower probability of extreme weather conditions negatively affecting stream fishes, as compared to the Status Quo or Worst Case scenarios.

In the Worst Case scenario, we anticipate major negative effects in aquatic ecosystems as a result of rapid urbanization. In conjunction with rapid urban growth, we project that there will be a general lack of conservation measures and policies being implemented at the local, regional, or national levels. Water demand will increase with population, and new reservoir construction will take place. In addition to rapid urbanization, carbon emissions are projected to continue to increase above the current levels in this scenario, resulting in a higher probability of extreme weather events that can negatively affect fish species. In areas that remain in agricultural use, there will be an increased amount of herbicide and poultry litter spreading and no protective measures implemented to address water quality issues. Under this scenario, we anticipate a general decline in available suitable habitat, population size, and abundance.

While we consider all three of these scenarios to be plausible, we acknowledge that each has a different probability of materializing at different times. A discrete range of probabilities was used to describe the likelihood that each scenario will occur. The Status Quo scenario was seen as ''very likely'' to occur in 10 years and ''likely'' to occur at 50 years. The Best Case and Worst Case scenarios were seen as less likely to occur (ranging from ''unlikely,'' ''as likely as not,'' and ''likely''). Although they were part of the analysis, and the range of possibilities considered, because of the significantly lower probability of their occurrence they are not discussed in detail below. However, a table summarizing all scenarios for each species is provided below, and a full description of all three analyses can be found in the SSA report for each species.

Trispot Darter

In the Status Quo scenario, two populations of trispot darter, Ballplay Creek and Conasauga River, are expected to become extirpated, while the remaining two, Little Canoe Creek and Coosawattee River, are projected to persist in low resiliency condition. Because of the loss of darters predicted for Salacoa Creek, the fish will be found only in the Coosawattee River mainstem (no longer in any tributaries), making it more vulnerable to catastrophic events. Redundancy decreases to two populations, which are completely isolated from one another due to the Weiss Dam. Genetic material will not be exchanged, reducing adaptive potential of the species. Summaries of the analysis of all three scenarios are provided in the table below.

TABLE 5—FUTURE CONDITION OF THE TRISPOT DARTER BY THE YEAR 2070 UNDER THREE FUTURE SCENARIOS

Management unit	Status quo	Best case	Worst case
Little Canoe	Low	Moderate	Likely Extirpated.
Ballplay	Likely Extirpated	Low	Likely Extirpated.
Conasauga	Likely Extirpated	Moderate	Likely Extirpated.
Coosawattee	Low	Moderate	Likely Extirpated.

Holiday Darter

In the Status Quo scenario, three extant populations of holiday darter are expected to become extirpated, while four populations will continue to be extant 50 years in the future. This will decrease overall redundancy for the species as well as representation (the Coosawattee River will no longer be represented with the extirpation of the Talking Rock Creek, Ellijay River, and Mountaintown Creek populations). Physiographic representation is projected to decline over the next 50 years because the holiday darter's range is expected to contract to the upstream stream reaches that are owned and managed by State and Federal agencies within the Blue Ridge physiographic province. Representation is projected to remain within the Ridge and Valley of Alabama. Summaries of the analysis of all three scenarios are provided in the table below.

TABLE 6—FUTURE CONDITION OF THE HOLIDAY DARTER BY THE YEAR 2070 UNDER THREE FUTURE SCENARIOS

Population	Status quo	Best case	Worst case
Conasauga River	Low	Moderate	Low.
Talking Rock Creek	Likely Extirpated	Likely Extirpated	Likely Extirpated.
Mountaintown Creek	Likely Extirpated	Likely Extirpated	Likely Extirpated.
Ellijay River	Likely Extirpated	Low	Likely Extirpated.
Amicalola Creek	Low	Moderate	Low.
Etowah River	Low	Low	Low.
Shoal Creek	Low	Low	Likely Extirpated.

Bridled Darter

In the Status Quo scenario, two populations of bridled darter are expected to become extirpated (Talking Rock Creek and Long Swamp Creek). This will decrease overall redundancy for the species as well as representation (the Coosawattee River will no longer be represented with the extirpation of the Talking Rock Creek population). Physiographic representation is projected to decline over the next 50 years because the bridled darter's range is expected to contract to upstream stream reaches that are owned and managed by state and federal agencies within the Blue Ridge physiographic province. Summaries of the analysis of all three scenarios are provided in the table below.

TABLE 7—FUTURE CONDITION OF THE BRIDLED DARTER BY THE YEAR 2070 UNDER THREE FUTURE SCENARIOS

Population	Status quo	Best case	Worst case
Conasauga River	Low	Moderate	Low.
Holly Creek	Low	Low	Likely Extirpated.
Talking Rock Creek	Likely Extirpated	Low	Likely Extirpated.
Long Swamp Creek	Likely Extirpated	Low	Likely Extirpated.
Amicalola Creek	Low	Moderate	Low.
Etowah River	Low	Moderate	Low.

Findings and Determination

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, singly or in combination.

The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range'' and a threatened species as any species ''that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.''

As required by the Act, we considered the five factors in assessing whether the three species are endangered or threatened throughout all of their ranges. We examined the best scientific and commercial information available regarding the past, present, and future threats faced by the species. We reviewed the petition, information available in our files, and other available published and unpublished information, and we consulted with recognized fish experts and other Federal and State agencies.

Bridled Darter

Stressors identified for the bridled darter include destruction of habitat due to urbanization, channel modification and loss of riparian vegetation, decreased water quality from agricultural activities, severity of climate events like storms and droughts, contaminants, and reduced connectivity from dams, road crossings, and culverts. While the species may be exposed to some or all of these stressors, it continues to persist in all of the streams it occupied historically. Our future scenarios were developed using models that predicted out 50 years; however, the short lifespan of the species (2–3 years) and the lack of evidence of threats directly impacting the species creates uncertainty when predicting the species' response to threats into the future. Forecasting beyond eight to ten generations would be speculative, and we do not have robust population data that could predict how the bridled darter may respond to threats beyond a 20-year timeframe. Accordingly, we have concluded that 20 years is the foreseeable future for the bridled darter.

While our analysis indicates a low abundance for the species currently, the best available data do not indicate a declining trend in abundance. Rather, it is likely that the low abundance (and, therefore, low resiliency) is due to the species being naturally rare and difficult to detect. The inconsistent survey methodology and lack of standard collection records also creates uncertainty in any analysis of trends or the ability to compare data across years. More importantly, within the occupied areas of the Conasauga and Etowah Rivers, the majority of the records for the species are on USFS land, which is noted for having good water quality and suitable habitat for bridled darters, and we expect this situation to continue into the foreseeable future. In fact, even 30 years beyond our foreseeable future timeframe, under the most likely scenario, we expect that the bridled darter will still persist in four of six populations (Conasauga River, Holly Creek, Amicalola Creek, and Etowah River).

Our review of the best available scientific and commercial information indicates that the bridled darter is not in danger of extinction nor likely to become endangered within the foreseeable future throughout all of its range.

Because we determined that the bridled darter is not in danger of extinction or likely to become so in the

foreseeable future throughout all of its range, we will consider whether there are any significant portions of its range in which the bridled darter is in danger of extinction or likely to become so. See the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37577, July 1, 2014). We evaluated whether there is substantial information indicating that there are any portions of the species' range: (1) That may be ''significant,'' and (2) where the species may be in danger of extinction. In practice, a key part of identifying portions appropriate for further analysis is whether the threats are geographically concentrated. The threats affecting the bridled darter are occurring throughout its entire range; therefore, there is not a meaningful geographical concentration of threats. As a result, even if we were to undertake a detailed ''significant portion of its range'' analysis, there would not be any portions of the species' range where the threats are harming the species to a greater degree such that it may be in danger of extinction in that portion. Our review of the best available scientific and commercial information indicates that the bridled darter is not in danger of extinction or likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Therefore, we find that listing the bridled darter as an endangered or threatened species under the Act is not warranted at this time.

Holiday Darter

Threats previously identified for the holiday darter include destruction of habitat due to urbanization, channel modification and loss of riparian vegetation, decreased water quality from agricultural activities, severity of climate events like storms and droughts, contaminants, and reduced connectivity from dams, road crossings, and culverts. Our analysis shows that while the species may be exposed to some or all of these stressors, it continues to persist in all of the streams it occupied historically. While our future scenarios were developed using models that predicted out 50 years, the short lifespan of the species (3 years) and the lack of evidence of threats directly impacting the species creates uncertainty when predicting the species' response to threats into the future. Forecasting beyond eight to ten generations would be speculative, and we do not have robust population data to support a foreseeable future that could predict how the holiday darter may respond to threats beyond a 20-year timeframe. Accordingly, we have concluded that 20 years is the foreseeable future for the holiday darter.

While our analysis indicates a low abundance for the species, the best available data do not indicate a declining trend in abundance. Rather, it is likely that the low abundance (and, therefore, low resiliency) is due to the species being naturally rare and difficult to detect. The inconsistent survey methodology and lack of standard collection records also creates uncertainty in any analysis of trends or the ability to compare data across years. For example, nearly half of the collection records for holiday darters in the Conasauga River did not provide numeric data for the number of individuals collected, so they represent only presence data. In the occupied areas of the Conasauga and Etowah Rivers, the majority of the records for the species are on USFS land, which is noted for having good water quality and suitable habitat for holiday darters, and we expect this situation to continue into the foreseeable future. We expect that, for the foreseeable future, the holiday darter will continue to have four to six populations, with only the Talking Rock Creek and Long Swamp Creek populations projected to be extirpated. We expect this scenario to continue under the 'status quo' scenario to the 50-year timeframe, 30 years beyond the foreseeable future. Even under the 'worst case' scenario, three populations are expected to remain extant into the future.

Our review of the best available scientific and commercial information indicates that the holiday darter is not in danger of extinction nor likely to become endangered within the foreseeable future, throughout all of its range.

Because we determined that the holiday darter is not in danger of extinction or likely to become so in the foreseeable future throughout all of its range, we will consider whether there are any significant portions of its range in which the holiday darter is in danger of extinction or likely to become so. See the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37577, July 1, 2014). We evaluated whether there is substantial information indicating that there are any portions of the species' range: (1) That may be ''significant,'' and (2) where the species may be in danger of extinction. In practice, a key part of identifying portions appropriate for further analysis is whether the threats are geographically concentrated. The threats affecting the holiday darter are occurring throughout its entire range; therefore, there is not a meaningful geographical concentration of threats. As a result, even if we were to undertake a detailed ''significant portion of its range'' analysis, there would not be any portions of the species' range where the threats are harming the species to a greater degree such that it may be in danger of extinction in that portion. Our review of the best available scientific and commercial information indicates that the holiday darter is not in danger of extinction or likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Therefore, we find that listing the holiday darter as an endangered or threatened species under the Act is not warranted at this time.

Proposal To List the Trispot Darter

Our analysis of the trispot darter's current and future conditions, as well as the conservation efforts discussed above, show that the population and habitat factors used to determine the resiliency, representation, and redundancy for trispot darter will continue to decline such that it is likely to become in danger of extinction throughout all or a significant portion of the range within the foreseeable future.

We considered whether the trispot darter is presently in danger of extinction and determined that proposing endangered status is not appropriate. The current conditions as assessed in the trispot darter SSA report show extant populations in four river systems (MUs), including 39 river mi (63 river km) of occupied habitat in the Conasauga River and the Little Canoe Creek population with moderate resiliency. As with the other two darter species, the best available data do not indicate a declining trend in abundance, and it is likely that the low abundance (and, therefore, low resiliency) indicated in our analysis is due to the species being naturally rare and difficult to detect. The inconsistent survey methodology and lack of standard collection records also creates uncertainty in any analysis of trends or the ability to compare data across years. The trispot darter continues to exhibit representation across its range, and extant populations remain across the range. While threats are currently acting on the species and many of those threats are expected to continue into the future, we did not find that the species is currently in danger of extinction throughout all of its range.

After reviewing our analysis of current and plausible future conditions of the trispot darter, we concluded that the resiliency, redundancy, and representation are being impacted by threats and the species has reduced viability. While our future scenarios were developed using models that predicted out 50 years, the short lifespan of the species (2–3 years) and the lack of evidence of threats directly impacting the species creates uncertainty when predicting the species' response to threats into the future. Forecasting beyond eight to ten generations would be speculative, and we do not have robust population data to support a foreseeable future that could predict how the trispot darter may respond to threats beyond a 20-year timeframe. Accordingly, we have concluded that 20 years is the foreseeable future for the bridled darter.

It is true that 30 years beyond our foreseeable future timeframe, the Status Quo scenario predicts the trispot darter will persist in both the Little Canoe and Coosawattee populations. However, considering this species' vulnerability to a loss of connectivity between breeding and non-breeding habitats and the effect that situation has on reproductive success, we expect negative impacts to the resiliency, redundancy, and representation of the species in the foreseeable future. The trispot darter's unique reproductive strategy of utilizing distinct areas of rivers and streams for breeding and non-breeding habitats makes the loss of connectivity especially detrimental to viability. In contrast to the holiday and bridled darters, a lack of protected lands within the current range of trispot darters creates more uncertainty regarding land use, threats, and the ability of these four populations to withstand the expected loss of one or two populations. This expected reduction in both the number and distribution of resilient populations is likely to make the species vulnerable to catastrophic disturbance, and thus put the species at an increased risk of extinction in the foreseeable future. Therefore, on the basis of the best available scientific and commercial information, we find that listing the trispot darter is warranted and propose to list the species as threatened in accordance with sections 3(20) and 4(a)(1) of the Act.

Under the Act and our implementing regulations, a species may warrant listing if it is endangered or threatened throughout all or a significant portion of its range. Because we have determined that the trispot darter is threatened throughout all of its range, no portion of its range can be ''significant'' for purposes of the definitions of ''endangered species'' and ''threatened species.'' See the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37577, July 1, 2014). While it is the Service's position under this policy that undertaking no further analysis of ''significant portion of its range'' in this circumstance is consistent with the language of the Act, we recognize that the policy is currently under judicial review, so we also took the additional step of considering whether there could be any significant portions of the species' range where the species is in danger of extinction. We evaluated whether there is substantial information indicating that there are any portions of the species' range: (1) That may be ''significant,'' and (2) where the species may be in danger of extinction. In practice, a key part of identifying portions appropriate for further analysis is whether the threats are geographically concentrated. The threats affecting the species are throughout its entire range; therefore, there is not a meaningful geographical concentration of threats. As a result, even if we were to undertake a detailed ''significant portion of its range'' analysis, there would not be any portions of the species' range where the threats are harming the species to a greater degree such that it may be in danger of extinction in that portion.

Critical Habitat for Trispot Darter

Section 4(a)(3) of the Act, as amended, and implementing regulations in 50 CFR 424.12, require that, to the maximum extent prudent and determinable, we designate critical habitat at the time the species is determined to be an endangered or threatened species. Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features

(a) essential to the conservation of the species, and

(b) which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary of the Interior that such areas are essential for the conservation of the species.

Our regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when any of the following situations exist: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species. The regulations also provide that, in determining whether a designation of critical habitat would not be beneficial to the species, the factors that the Service may consider include but are not limited to whether the present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or whether any areas meet the definition of ''critical habitat'' (50 CFR 424.12(a)(1)(ii)).

As discussed above, we did not identify any imminent threat of take attributed to collection or vandalism for the trispot darter, and there is no indication that identification and mapping of critical habitat is likely to initiate any such threats. Therefore, in the absence of finding that the designation of critical habitat would increase threats to the species, if there are benefits to the species from a critical habitat designation, a finding that designation is prudent is appropriate.

The potential benefits of designation may include: (1) Triggering consultation under section 7 of the Act, in new areas for actions in which there may be a Federal nexus where it would not otherwise occur because, for example, it is unoccupied; (2) focusing conservation activities on the most essential features and areas; (3) providing educational benefits to State or county governments or private entities; and (4) preventing people from causing inadvertent harm to the protected species. Because designation of critical habitat would not likely increase the degree of threat to the species and may provide some measure of benefit, designation of critical habitat is prudent for the trispot darter.

Our regulations (50 CFR 424.12(a)(2)) further state that critical habitat is not determinable when one or both of the following situations exists: (1) Information sufficient to perform required analyses of the impacts of the designation is lacking; or (2) the biological needs of the species are not sufficiently well known to permit identification of an area as critical habitat. For the trispot darter, a careful assessment of the economic impacts that may occur due to a critical habitat designation is ongoing, and we are in

the process of working with the States and other partners in acquiring the complex information needed to perform that assessment. Until these efforts are complete, information sufficient to perform a required analysis of the impacts of the designation is lacking, and, therefore, we find designation of critical habitat for the trispot darter to be not determinable at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation by Federal, State, Tribal, and local agencies, private organizations, and individuals. The Act encourages cooperation with the States and other countries, and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan also identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened (''downlisting'') or removal from the List of Endangered and Threatened Wildlife or Plants (''delisting''), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outlines, draft recovery plans, and the final recovery plans will be available on our Web site (*http://www.fws.gov/endangered*), or from our Alabama Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands. If this species is listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the States of Alabama, Georgia, and Tennessee would be eligible for Federal funds to implement management actions that promote the protection or recovery of the trispot darter. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

Although the trispot darter is only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on these species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference or consultation or both as described in the preceding paragraph may include, but are not limited to, management and any other landscape-altering activities on Federal lands administered by the Service, USFS, and National Park Service; issuance of section 404 Clean Water Act (33 U.S.C. 1251 *et seq.*) permits by the U.S. Army Corps of Engineers; and construction and maintenance of roads or highways by the Federal Highway Administration.

Under section 4(d) of the Act, the Service has discretion to issue regulations that we find necessary and advisable to provide for the conservation of threatened species. The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to threatened wildlife. The prohibitions of section 9(a)(1) of the Act, as applied to threatened wildlife and codified at 50 CFR 17.31, make it illegal for any person subject to the jurisdiction of the United States to take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) threatened wildlife within the United States or on the high seas. In addition, it is unlawful to import; export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to employees of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving threatened wildlife under

certain circumstances. Regulations governing permits are codified at 50 CFR 17.32. With regard to threatened wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, for economic hardship, for zoological exhibition, for educational purposes, or for other special purposes consistent with the purposes of the Act. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

Section 4(d) of the Act specifies that, for threatened species, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of the species. This discretion includes authority to prohibit by regulation with respect to a threatened species any act prohibited by section 9(a)(1) of the Act. At 50 CFR 17.31(a), the Service, by delegation from the Secretary, exercised this discretion to extend the take and other prohibitions set forth in section 9(a)(1) of the Act to all threatened species. The provisions at 50 CFR 17.31(c), however, also provide that the blanket prohibitions included in § 17.31(a) do not apply if the Service promulgates a rule under section 4(d) of the Act tailored to provide for the conservation needs of a specific threatened species. During the public comment period on this proposed rule, we are seeking comments on whether a section 4(d) rule is appropriate for trispot darter.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the range of the species proposed for listing.

Activities that the Service believes could potentially harm the trispot darter and result in ''take'' include, but are not limited to:

(1) Unauthorized handling or collecting of the species;

(2) Destruction or alteration of the species' habitat by discharge of fill material, dredging, snagging, impounding, channelization, or modification of stream channels or banks;

(3) Destruction of riparian habitat directly adjacent to stream channels that causes significant increases in sedimentation and destruction of natural stream banks or channels;

(4) Discharge of pollutants into a stream or into areas hydrologically connected to a stream occupied by the species;

(5) Diversion or alteration of surface or ground water flow; and

(6) Pesticide/herbicide applications in violation of label restrictions.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Alabama Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA), need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. There are no tribal lands located within the range of this species.

References Cited

A complete list of references cited in the SSA report is available on the Internet at *http://www.regulations.gov* and upon request from the Alabama Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Unified Listing Team and the Alabama Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h) by adding an entry for ''Darter, trispot'' in alphabetical order under FISHES to read as set forth below:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
Fishes				
*	*	*	*	*
Darter, trispot	*Etheostoma trisella*	Wherever found	T	[**Federal Register** citation when published as a final rule.]
*	*	*	*	*

Dated: September 7, 2017.

James W. Kurth,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2017–21350 Filed 10–3–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R5–ES–2017–0056; 4500030113]

RIN 1018–BC44

Endangered and Threatened Wildlife and Plants; Proposed Threatened Species Status for the Candy Darter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; 12-month finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list the candy darter (*Etheostoma osburni*) as a threatened or endangered species under the Endangered Species Act, as amended (Act), and to designate critical habitat. After review of the best available scientific and commercial information, we find that listing the candy darter is warranted. Accordingly, we propose to list the candy darter (*Etheostoma osburni*), a freshwater fish species from Virginia and West Virginia, as a threatened species under Act. If we finalize this rule as proposed, it would extend the Act's protections to this species. The effect of this regulation will be to add this species to the List of Endangered and Threatened Wildlife.

DATES: We will accept comments received or postmarked on or before December 4, 2017. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by November 20, 2017.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R5–ES–2017–0056, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R5–ES–2017–0056; U.S. Fish and Wildlife Service Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see *Public Comments* below for more information).

FOR FURTHER INFORMATION CONTACT: John Schmidt, Project Leader, West Virginia Ecological Services Field Office, 694 Beverly Pike, Elkins, WV 26241–9475; by telephone 304–636–6586 or by facsimile 304–636–7824. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. *Under the Act, if a species is determined to be an endangered or threatened species* throughout all or a significant portion of its range, we are required to promptly publish a proposal in the **Federal Register** and make a determination on our proposal within 1 year. Critical habitat shall be designated, to the maximum extent prudent and determinable, for any species determined to be an endangered or threatened species under the Act. Listing a species as an endangered or threatened species and designations and revisions of critical habitat can be completed only by issuing a rule.

This rule proposes adding the candy darter (*Etheostoma osburni*) as a threatened species to the List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations (50 CFR 17.11(h)).

The basis for our action. Under the Act, we can determine that a species is an endangered or threatened species based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence. We have determined that hybridization (Factor E) with the variegate darter (*Etheostoma variatum*) is the primary threat to the candy darter.

Peer review. A team of Service biologists prepared a Species Status Assessment Report (SSA Report) for the candy darter. The SSA Report represents a compilation and assessment of the best scientific and commercial information available concerning the status of the candy darter, including the past, present, and future factors influencing the species. We solicited independent peer review of the SSA Report by six individuals with expertise in darters; fisheries, population, or landscape ecology; genetics and conservation genetics; and/or speciation and conservation biology; we received comments from four of the six peer reviewers. The SSA Report can be found in *http://www.regulations.gov* under the FWS–R5–ES–2017–0056 docket; on the Southwest Virginia Ecological Services Field Office Web site at: *https://www.fws.gov/northeast/virginiafield/svfo/southwesternvirginia.html;* and on the West Virginia Ecological Services Field Office Web site at: *https://www.fws.gov/westvirginiafieldoffice/endangered species.html.*

Information Requested

Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek new information not already included in the SSA Report concerning:

(1) The candy darter's biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range including distribution patterns;

(d) Historical and current population levels and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Factors that may affect the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species and existing regulations that may be addressing those threats.

(4) The historical and current status, range, distribution, and population size of this species, including the locations of any additional populations of this species.

(5) The occurrence of variegate darters within the range of candy darters and evidence of further hybridization between the two species.

(6) The potential for, and timeframe associated with, additional introductions of the variegate darter into unaffected watersheds.

(7) Specific prohibitions and exceptions to those prohibitions that may be necessary and advisable for the candy darter's conservation. We intend to publish, as appropriate, a more tailored proposed rule with provisions set forth under section 4(d) of the Act for public review and comment in the future. Activities we are considering for potential exemption under a section 4(d) rule include, but are not necessarily limited to, exceptions for:

(a) Specific instream and bank habitat restoration activities that will benefit the candy darter, including revegetation of riparian corridors, natural stream channel design, and redesigning and removal of stream crossing structures;

(b) water quality improvement actions such as stream liming;

(c) genetic and population monitoring;

(d) captive propagation in conjunction with a Service-approved Captive Propagation Plan;

(e) sustainable forestry practices that primarily occur adjacent to, or upslope from, but do not occur within streams occupied or likely to be occupied by the candy darter and that are implemented according to well-defined and enforceable best management practices (*e.g.,* Sustainable Forestry Initiative, Forest Stewardship Council); and

(f) other activities that do not:

(i) Facilitate the spread of candy darter/variegate darter hybridization;

(ii) increase sedimentation that negatively affects feeding, breeding, sheltering, or dispersal; and

(iii) cause a change in water temperature that negatively affects feeding, breeding, sheltering, or dispersal.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is a threatened or endangered species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy 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 submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, West Virginia Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing

Section 4(b)(5) of the Act provides for one or more public hearings on this proposal, if requested. Requests must be received within 45 days after the date of publication of this proposed rule in the **Federal Register**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule public hearings on this proposal, if any are requested, and announce the dates, times, and places of those hearings, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing.

Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), we sought the expert opinions of six appropriate and independent specialists regarding the SSA Report that supports this proposed rule and received comments from four of the six peer reviewers. These peer reviewers have expertise in freshwater fisheries, aquatic ecology, and genetics. The purpose of peer review is to ensure that our listing determinations and critical habitat designations are based on scientifically sound data, assumptions, and analyses. See the Executive Summary—*Peer Review* section above.

Previous Federal Action

We identified the candy darter as a Category 2 candidate species in the December 30, 1982, Review of Vertebrate Wildlife; Notice of Review (50 FR 58454). Category 2 candidates were defined as species for which we had information that proposed listing was possibly appropriate, but conclusive data on biological vulnerability and threats were not available to support a proposed rule at that time. The species remained so designated in subsequent annual Candidate Notices of Review (CNOR) (50 FR 37958, September 18, 1985; 54 FR 554, January 6, 1989; 56 FR 58804, November 21, 1991; and 59 FR 58982, November 15, 1994). In the February 28, 1996, CNOR (61 FR 7596), we discontinued the designation of Category 2 species as candidates;

therefore, the candy darter was no longer a candidate species.

In 2010, the Center for Biological Diversity (CBD) petitioned the Service to list 404 aquatic, riparian, and wetland species from the Southeastern United States under the Act. The candy darter was among these 404 species. On September 27, 2011, the Service published a substantial 90-day finding for 374 of the 404 species, including the candy darter, soliciting information about, and initiating status reviews for, those species (76 FR 59836). In 2015, CBD filed a complaint against the Service for failure to complete a 12-month finding for the candy darter within the statutory timeframe. The Service entered into a settlement agreement with CBD to address the complaint; the court-approved settlement agreement specified that a 12-month finding for the candy darter would be delivered to the **Federal Register** by September 30, 2017.

We will also be providing a proposal to designate critical habitat for the candy darter under the Act in the near future.

Background

A thorough review of the taxonomy, life history, and ecology of the candy darter (*Etheostoma osburni*) is presented in the species status assessment (U.S. Fish & Wildlife Service 2017, entire; available *http://www.regulations.gov* under the FWS–R5–ES–2017–0056 docket). The candy darter is recognized by the American Fisheries Society (Page *et al.* 2013, p. 139) as a valid taxon and is listed as such in the Integrated Taxonomic Information System (ITIS) database (*http://www.itis.gov,* 2016). We have no information to suggest there is scientific disagreement about the candy darter's taxonomy; therefore, we accept that the candy darter is a valid taxon based upon its recognition by the American Fisheries Society and its ITIS designation.

The candy darter is a small, freshwater fish endemic to second order and larger streams and rivers within portions of the upper Kanawha River basin, which is synonymous with the Gauley and greater New River watersheds in Virginia and West Virginia. The species is described as a habitat specialist, being most often associated with faster flowing stream segments with coarse bottom substrate (*e.g.,* gravel, cobble, rocks, and boulders), which provides shelter for individual darters and breeding habitat (see below). Candy darters are intolerant of excessive sedimentation and stream bottom embeddedness (the degree to which gravel, cobble, rocks, and boulders are surrounded by, or covered with, fine sediment particles).

The available candy darter occurrence data, all of which were collected after the aquatic habitat in the region was degraded in the late 1800s by widespread forest clearing, indicate that the species prefers cool or cold water temperatures, but that warm water conditions may also be tolerated. The fish are opportunistic feeders, eating mostly benthic macroinvertebrates such as mayflies and caddisflies. In streams maintaining favorable habitat conditions, candy darters can be abundant throughout the stream continuum.

Candy darters are sexually mature at 2 years of age and live to a maximum age of 3 years. They are classified as brood-hiding, benthic spawners. In this reproductive strategy, the female deposits her eggs in the pebble and gravel substrate between larger cobbles and boulders, and an attendant male simultaneously fertilizes the eggs as they are released. During spawning, males become aggressively territorial, and in all observed instances of spawning aggression, the larger male prevailed and fertilized the female's eggs. Female candy darters produce a relatively low number of eggs (average 170 per individual) as compared to other fish, with no significant deviation from 1:1 sex ratios.

We are uncertain whether individual candy darters complete their lifecycle within single riffles or riffle complexes spanning just a few hundred meters or are capable of longer, seasonally mediated movements within suitable habitat. While data are sparse regarding the minimum habitat size and degree of genetic connectivity required for candy darter population viability, the historical distribution of the species and the fundamentals of conservation biology suggest these factors are important to the species.

Summary of Biological Status and Threats

The Act directs us to determine whether any species is an endangered species or a threatened species because of any factors affecting its continued existence. We completed a comprehensive assessment of the biological status of the candy darter and prepared a report of the assessment (SSA Report), which provides a thorough account of the species' overall viability using the conservation biology principles of resiliency, redundancy, and representation (collectively, the ''3Rs''). We have used the SSA Report's assessment of the candy darter's current and potential future status, based on the factors influencing the species, framed in the context of the 3Rs, to inform our determination of whether the candy darter meets the definition of a threatened or an endangered species (see the Determination section below).

Because we have included information below about the candy darter's 3Rs, we further define those terms here. Resiliency means having sufficiently large populations for the species to withstand stochastic events (arising from random factors). We can measure resiliency based on metrics of population health; for example, birth versus death rates and population size, if that information exists. Resilient populations are better able to withstand disturbances such as random fluctuations in birth rates (demographic stochasticity), variations in rainfall (environmental stochasticity), or the effects of human activities. Redundancy means having a sufficient number of populations for the species to withstand catastrophic events (such as a rare destructive natural event or episode involving many populations). Redundancy is about spreading the risk and can be measured through the duplication and distribution of populations across the range of the species. Generally, the greater the number of populations a species has distributed over a larger landscape, the better it can withstand catastrophic events. Representation means having the breadth of genetic makeup of the species to adapt to changing environmental conditions. Representation can be measured through the genetic diversity within and among populations and the ecological diversity (also called environmental variation or diversity) of populations across the species' range. The more representation, or diversity, a species has, the more it is capable of adapting to changes (natural or human caused) in its environment.

In the absence of species-specific genetic and ecological diversity information, we evaluate representation based on the extent and variability of habitat characteristics within the geographical range. We define viability here as the ability of the species to persist in the wild over time and, conversely, to avoid extinction.

In this section, we summarize the conclusions of that assessment, which can be accessed at Docket FWS–R5–ES–201X–0056 on *http://www.regulations.gov,* at *https://www.fws.gov/westvirginiafieldoffice/endangeredspecies.html,* and at *https://www.fws.gov/northeast/virginiafield/svfo/southwesternvirginia.html.* The SSA Report documents the results of

our comprehensive biological status review for the candy darter, including an assessment of the factors influencing its continued existence. The SSA report does not represent a decision by the Service on whether the candy darter should be proposed for listing as an endangered or threatened species under the Act. Rather, the SSA Report provides the scientific basis that informs our regulatory decision, which involves the further application of standards within the Act and its implementing regulations and policies. The Act directs us to determine whether any species is an endangered species or a threatened species because of any factors affecting its continued existence (*i.e.,* whether it meets the definition of a threatened or an endangered species). In this section, we review the biological condition of the species and its resources and the factors influencing the species and resources to assess the species' overall viability and the risks to that viability.

Summary of Current Condition

Historically, the candy darter occurred in 35 populations distributed across 7 metapopulations located in the Bluestone, Lower New River, Upper Gauley, Lower Gauley, and Middle New watersheds in the Appalachian Plateaus physiographic province and the Upper New River and Greenbrier watersheds in the Valley and Ridge physiographic province.

Within these two physiographic provinces, the candy darter has been extirpated from almost half of its historical range; (17 (49 percent) of 35 known populations and 2 (29 percent) of 7 known metapopulations), with the extirpations representing a complete loss of resiliency in those populations (or metapopulations). We qualitatively assessed the remaining (extant) populations, placing them in ''low,'' ''moderate,'' or ''high'' categories that represent the populations' potential to bounce back after stochastic events. These categories were based on a combination of physical habitat metrics, nonnative competition metrics, and candy darter demographic metrics (see Service 2017, pp. 45, B1–B16). Of the 18 extant populations, 6 (33 percent) have a current score of high resiliency, 6 (33 percent) have moderate resiliency, and 6 (33 percent) have low or moderate to low resiliency. The six populations with high resiliency occur in two metapopulations (the Upper Gauley in the Appalachian Plateaus physiographic province and the Greenbrier in the Valley and Ridge physiographic province); the remaining three extant metapopulations (the Lower Gauley and Middle New in the Appalachian Plateaus physiographic province and the Upper New River in the Valley and Ridge physiographic province) maintain populations with moderate or low resiliency. Therefore, we conclude the candy darter's populations currently have moderate to low resiliency because the majority of metapopulations fall into those categories.

This loss of candy darter populations and the areas they represented within the species' historical range, as well as the fragmentation of extant populations, has compromised the species' ability to repatriate those areas or avoid species-level effects of a catastrophic event. Based on the species' current distribution across its historical range and the species' distribution and condition within each of the seven historical metapopulations (one with moderate to high internal redundancy, one with moderate internal redundancy, one with low internal redundancy, two with no internal redundancy, and two that have been extirpated), we conclude that the candy darter's current redundancy is moderate to low (Service 2017, pp. 27–28, 43–49).

While the candy darter currently maintains representation in both the Appalachian Plateaus and Valley and Ridge physiographic provinces, only a single metapopulation in each province has a moderate to high resiliency score. As related to the species' occupation in a diversity of environmental settings, candy darters have lost representation from lower mainstem rivers and tributaries. Researchers have noted differences in the genetic, physical, behavioral, or developmental characteristics of some stream fish species based on the species' longitudinal position in the watershed (*e.g.,* stream size) (Neville *et al.* 2006, pp. 911–913), but we have no data indicating candy darters exhibit similar differences based on their particular environmental setting. Although the candy darter retains representation in both the Appalachian Plateaus and Valley and Ridge physiographic provinces, the species has a different distribution than it had historically (*e.g.,* its presence or absence in headwater vs. tributary streams), and likely a different ability to respond to stochastic and catastrophic events, thereby putting the species at increased risk of extinction from any such events. Therefore, we conclude that the species' representation is currently moderate to low (Service 2017, pp. 27–28, 43–49).

The candy darter is currently distributed in five of the historical seven metapopulations. The populations within those metapopulations generally have moderate to low resiliency and redundancy scores. While the candy darter is present in the two physiographic provinces from which it is historically known, the species is absent from some ecological settings in which it once existed. This fact leads us to conclude the candy darter's representation is also moderate to low. Therefore, our analysis under the 3Rs leads us to conclude that the condition of the candy darter is currently moderate to low.

Risk Factors for the Candy Darter

Based on the candy darter's life history and habitat needs, and in consultation with species' experts from Virginia and West Virginia State and Federal agencies and academic institutions, we identified the potential stressors (negative influences), the contributing sources of those stressors, and conservation measures to address those stressors that are likely to affect the species' current condition and viability (Service 2017, pp. 31–43). We evaluated how these stressors may be currently affecting the species and whether, and to what extent, they would affect the species in the future (Service 2017, pp. 50–65). Water temperature, excessive sedimentation, habitat fragmentation, water chemistry, water flow, and nonnative competition likely influenced the species in the past and contributed to its current condition, and may continue to affect some individual populations in the future. Hybridization with the closely related variegate darter (*Etheostoma variatum*) appears to be having, and will continue to have, the greatest influence on candy darter populations and its overall viability within the next 25 years (Service 2017, pp. 50–65). While we acknowledge there is uncertainty regarding some of the scientific data and assumptions used to assess the biological condition of the candy darter, the species' experts generally agreed with the overall methodology and confirmed that the results were reflective of their observations of the candy darter and its habitat.

As mentioned above, the primary stressor to the candy darter is hybridization with the variegate darter (Service 2017, pp. 31–36, 50), a species that is native to the Kanawha River basin below the Kanawha Falls in Fayette County, West Virginia. The Kanawha Falls serve as a natural barrier to fish dispersal from the lower Kanawha River basin (and greater Ohio River basin) upstream into the range of the candy darter in the upper Kanawha River basin. However, in the late 20th century, the variegate darter was introduced into the upper Kanawha

basin, likely by ''bait bucket transfer.'' Since their introduction in 1982 and 2002, variegate darters have expanded approximately 3 to 9 stream miles per year over the course of the last 20 or more years within the range of the candy darter. Genetic studies have demonstrated that where variegate and candy darter ranges now overlap, the two species will hybridize, quickly resulting in ''genetic swamping'' (the homogenization or replacement of native genotypes) of the endemic candy darter population and eventually its complete replacement by variegate darters or hybrids (Service 2017, pp. 31–36).

Summary of Future Conditions Analysis

We modeled a total of five scenarios to assess the potential viability of the candy darter at a point up to 25 years in the future (Service 2017, pp. 50–65). Two scenarios were focused on habitat change (one positive and the other negative), and three scenarios were focused on variegate darter invasion. However, the habitat change scenarios, by themselves, are not plausible scenarios because variegate darter hybridization is ongoing and likely to continue (see Chapter 4 and Appendix B of the SSA Report for additional information). We chose to model all scenarios out to 25 years because we have data to reasonably predict potential habitat and variegate darter changes and their effects on the candy darter within this timeframe.

Under the three most plausible scenarios, the predicted rate of variegate darter expansion and hybridization remains the same, and at the end of 25 years, the candy darter will likely occur in four isolated populations and maintain little resilience, redundancy, or representation. The effects of significant positive or negative habitat changes do not alter this outcome; although it is possible that, because variegate darters may be more tolerant of a wider range of habitat conditions, negative habitat changes could selectively benefit variegate darters and therefore increase the rate at which candy darters are extirpated.

The candy darter SSA Report contains a more detailed discussion of our evaluation of the biological status of the candy darter and the influences that may affect its continued existence. Our conclusions are based upon the best available scientific and commercial data, including the expert opinion of the species' experts (fishery biologists, aquatic ecologists, and geneticists from State and Federal agencies and academic institutions). Please see the SSA report for a complete list of the species experts and peer reviewers and their affiliations).

Determination

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the candy darter. Our analysis of this information indicates that, at the species level, hybridization with variegate darters (Factor E) is the most influential factor affecting the candy darter now and into the future. Excessive sedimentation and increased water temperatures degraded once-suitable habitat (Factor A) and likely caused historical declines of the candy darter; these factors continue to affect some of the remaining populations despite regulatory mechanisms (Factor D) to reduce or eliminate sedimentation. There may be additional infrastructure projects (*e.g.* roads, pipeline, etc.) that increase sediment loading within the range of the candy darter as a result of forest clearing for permanent rights of way and stream crossings. Additionally, the current level of habitat fragmentation (Factor A) isolates some populations, which reduces gene flow and limits the potential for the species to colonize or recolonize streams if habitat conditions change. Other factors such as flow alterations and water quality degradation that affect habitat (Factor A), and the stocking of nonnative species that can eat (Factor C) or outcompete (Factor E) candy darter are not expected to cause species-level effects. In addition, we have no evidence that overutilization (Factor B) or disease (Factor C) is affecting individuals or populations of candy darters.

Hybridization with variegate darters has occurred or is currently occurring in multiple streams within the Lower New, Lower Gauley, and Greenbrier River watersheds in West Virginia (Service 2017, p. 34). Variegate darters have not yet been detected in the remainder of the candy darter's range (*i.e.,* the Upper Gauley watershed in West Virginia and the Middle New and Upper New watersheds in Virginia). However, the risk is moderately high that the variegate darter will eventually be introduced into these watersheds and ultimately replace most candy darter populations throughout the candy darter's range.

The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range.'' We find that an endangered species status is not appropriate for the candy darter because the species still occurs throughout approximately half of its historical range and the risk is low that the species would not persist in the near term; in other words, the risk of the candy darter significantly declining in the near term is low given that it has persisted despite historical levels of habitat loss. Further, variegate darters are not known to be present in the Virginia areas of the species' range, thus the risk of significant declines in the near term due to hybridization is low in those areas. The persistence of occupied habitat within the species' range provides redundancy, resiliency, and representation levels that are likely sufficient to sustain the species beyond the near term. Therefore, we conclude that the current risk of extinction of the candy darter is sufficiently low that it does not meet the definition of an endangered species under the Act.

The Act defines a threatened species as any species that is ''likely to become endangered throughout all or a significant portion of its range within the foreseeable future.'' We find that the status of the candy darter meets the definition of a threatened species. Because the risk is high that hybridization between the candy darter and the variegate darter will continue to occur, we can reasonably predict that within 20 years hybridization between the two species is likely to increase within the range of the candy darter to an extent causing the species to become in danger of extinction (see table 6 and Chapter 4 in the SSA report). We cannot precisely predict the timing of introduction of the variegate darter into additional areas within the candy darter's range, the rate of hybridization once introduction occurs, and the time at which candy darters will be replaced by variegate darters or hybrids; however, the time period over which the variegate darter has spread into the candy darter's range in the past and the documented effects of hybridization between the two species give us reasonable confidence in our determination that the candy darter is

likely to experience additional effects of hybridization within 20 years to an extent that will cause the species to become in danger of extinction. Therefore, on the basis of the best available scientific and commercial information, we propose listing the candy darter as threatened in accordance with sections 3(6) and 4(a)(1) of the Act.

Under the Act and our implementing regulations, a species may warrant listing if it is endangered or threatened throughout all or a significant portion of its range. Because we have determined that the candy darter is threatened throughout all of its range, no portion of its range can be ''significant'' for purposes of the definitions of ''endangered species'' and ''threatened species.'' See the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37577, July 1, 2014). While it is the Service's position under the SPR Policy that undertaking no further analysis of ''significant portion of its range'' in this circumstance is consistent with the language of the Act, we recognize that the Policy is currently under judicial review, so we also took the additional step of considering whether there could be any significant portions of the species' range where the species is in danger of extinction. We evaluated whether there is substantial information indicating that there are any portions of the species' range: (1) that may be ''significant,'' and (2) where the species may be in danger of extinction. In practice, a key part of identifying portions appropriate for further analysis is whether the threats are geographically concentrated. The threats affecting the species are throughout its entire range; therefore, there is not a meaningful geographical concentration of threats. As a result, even if we were to undertake a detailed SPR analysis, there would not be any portions of the species' range where the threats are harming the species to a greater degree such that it is in danger of extinction in that portion.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, state, tribal, and local agencies, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop the recovery plan. A recovery team (composed of species experts, Federal and state agencies, nongovernmental organizations, and stakeholders) is sometimes established to develop the recovery plan. The recovery plan identifies recovery criteria that indicate when a species may be ready for downlisting or delisting, actions necessary to achieve recovery and their estimated costs, and methods for monitoring recovery progress. The recovery plan may be revised to address continuing or new threats to the species, as new substantive information becomes available. When completed, the recovery outline, draft recovery plan, and final recovery plan will be available on our Web site (*http://www.fws.gov/endangered*), or from our West Virginia Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, states, tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, state, and tribal lands. If this species is listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, state programs, and cost share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the States of Virginia and West Virginia would be eligible for Federal funds to implement management actions that promote the protection or recovery of the candy darter. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants*.

Although the candy darter is only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference or consultation or both as described in the preceding paragraph include, but are not limited to, management and any other landscape-altering activities on lands administered by the U.S. Forest Service, National Park Service, and the U.S. Army Corps of

Engineers (ACOE); issuance of section 404 Clean Water Act permits by the ACOE; issuance or oversight of coal mining permits by the Office of Surface Mining; and construction and maintenance of roads, bridges, or highways by the Federal Highway Administration.

Under section 4(d) of the Act, the Service has discretion to issue regulations that we find necessary and advisable to provide for the conservation of threatened species. The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to threatened wildlife. The prohibitions of section 9(a)(1) of the Act, as applied to threatened wildlife and codified at 50 CFR 17.31, make it illegal for any person subject to the jurisdiction of the United States to take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) threatened wildlife within the United States or on the high seas. In addition, it is unlawful to import; export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to employees of the Service, the National Marine Fisheries Service, other Federal land management agencies, and state conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.32. With regard to threatened wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

For the candy darter, we are considering developing a rule under section 4(d) of the Act that is tailored to the specific threats and conservation needs of this species. Please see the Information Requested—*Public Comments* section above for a list of activities we are considering exempting under a section 4(d) rule in the future. If appropriate, we will develop and then announce the availability of a proposed tailored section 4(d) rule for public review and comment.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the range of the species proposed for listing. Based on the best available information, the following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing regulations and permit requirements; this list is not comprehensive:

- Normal agricultural practices, including herbicide and pesticide use, which are carried out in accordance with any existing regulations, permit and label requirements, and best management practices.

Based on the best available information, the following activities may potentially result in a violation of section 9 of the Act; this list is not comprehensive:

(1) Introduction of variegate darters into suitable candy darter habitat.

(2) Stocking of nonnatives into suitable candy darter habitat.

(3) Unlawful destruction or alteration of the habitat of the candy darter (*e.g.,* unpermitted instream dredging, impoundment, water diversion or withdrawal, channelization, discharge of fill material) that impairs essential behaviors such as breeding, feeding, or sheltering, or results in killing or injuring a candy darter.

(4) Unauthorized discharges or dumping of toxic chemicals or other pollutants into waters supporting the candy darter that kills or injures individuals, or otherwise impairs essential life-sustaining behaviors such as breeding, feeding, or finding shelter.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the appropriate office:

- Southwestern Virginia Ecological Services Field Office, 330 Cummings Street, Abingdon, VA 24210; telephone (276) 623–1233; facsimile (276) 623–1185.
- West Virginia Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Critical Habitat for the Candy Darter

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features:

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means to use all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act would apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered

Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines, provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12), require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

There is currently no imminent threat of take attributed to collection or vandalism under Factor B for the candy darter, and identification and mapping of critical habitat is not likely to increase any such threat. In the absence of finding that the designation of critical habitat would increase threats to a species, if there are any benefits to a critical habitat designation, then a prudent finding is warranted. The potential benefits of designation include: (1) Triggering consultation under section 7 of the Act in new areas for actions in which there may be a Federal nexus where it would not otherwise occur because, for example, it is or has become unoccupied or the occupancy is in question; (2) focusing conservation activities on the most essential features and areas; (3) providing educational benefits to State or county governments or private entities; and (4) preventing people from causing inadvertent harm to the species. Therefore, because we have determined that the designation of critical habitat will not likely increase the degree of threat to these species and may provide some measure of benefit, we find that designation of critical habitat is prudent for the candy darter.

Critical Habitat Determinability

Having determined that designation is prudent, under section 4(a)(3) of the Act we must find whether critical habitat for the species is determinable. Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist: (i) Information sufficient to perform required analyses of the impacts of the designation is lacking, or (ii) The biological needs of the species are not sufficiently well known to permit identification of an area as critical habitat.

As discussed above, we have reviewed the available information pertaining to the biological needs of the candy darter and habitat characteristics where the species is located. Because we are seeking, through this document, additional information regarding updated candy darter occurrence records, updated documentation of variegate darter presence and risk for additional variegate darter introductions, and other analyses, we conclude that the designation of critical habitat is not determinable for the candy darter at this time. We will make a determination on critical habitat no later than 1 year following any final listing determination.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of references cited in this rulemaking is available on the Internet at *http://www.regulations.gov* and upon request from the West Virginia Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Northeast Regional Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245; unless otherwise noted.

■ 2. In § 17.11(h), add an entry for ''Darter, candy'' in alphabetical order under FISHES to read as set forth below:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
FISHES				
*	*	*	*	*
Darter, candy	*Etheostoma osburni*	Wherever found	T	[**Federal Register** citation when published as a final rule].
*	*	*	*	*

Dated: September 7, 2017.

James W. Kurth,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2017–21351 Filed 10–3–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 170823802–7802–01]

RIN 0648–BG82

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 17B

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 17B to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico U.S. Waters, (FMP), as prepared and submitted by the Gulf of Mexico (Gulf) Fishery Management Council (Council). This proposed rule would allow for the creation of a Federal Gulf shrimp reserve pool permit when certain conditions are met, and would allow non-federally permitted Gulf shrimp vessels to transit through the Gulf exclusive economic zone (EEZ). Amendment 17B would also define the aggregate maximum sustainable yield (MSY) and aggregate optimum yield (OY), and determine a minimum number of commercial vessel moratorium permits in the fishery. This proposed rule also would make technical corrections to the regulations that would revise the coordinates for the Tortugas shrimp sanctuary in the Gulf, and correct the provisions regarding the harvest and possession of wild live rock in Gulf Federal waters. The purpose of this proposed rule and Amendment 17B is to protect federally managed Gulf shrimp stocks while maintaining catch efficiency, economic efficiency, and stability in the fishery.

DATES: Written comments must be received on or before November 3, 2017.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2017–0040'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0040,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Frank Helies, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 17B, which includes an environmental assessment, a Regulatory Flexibility Act (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/shrimp/2017/am17b/index.html.*

FOR FURTHER INFORMATION CONTACT: Frank Helies, telephone: 727–824–5305, or email: *Frank.Helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The shrimp fishery in the Gulf is managed under the FMP. The FMP was prepared by the Council and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

This document also proposes to designate the unidentified tables in § 622.55 to bring the section into compliance with the requirements of 1 CFR 8.1 and 8.2 and with the Office of the Federal Register's Document Drafting Handbook (*https://www.archives.gov/files/federal-register/write/handbook/ddh.pdf*) section 7.4.

Background

From 2003 to 2006, the Gulf shrimp fishery experienced significant economic losses, primarily as a result of high fuel costs and reduced prices caused by competition with imports. These economic losses contributed to a reduction in the number of vessels in the fishery, and consequently, a reduction of commercial effort. During that time, commercial vessels in the Gulf shrimp fishery were required to have an open-access permit. In 2006, to prevent overcapitalizing the fishery when it became profitable again, the Council established a 10-year freeze on the issuance of new shrimp permits and created a limited access Federal Gulf shrimp moratorium permit (moratorium permit) (71 FR 56039, September 26, 2006). In 2016, the Council extended the duration of the Gulf shrimp moratorium permit program for another 10 years in Amendment 17A to the FMP (81 FR 47733, July 22, 2016).

During the development of Amendment 17A, the Council identified several other issues with the Gulf shrimp fishery that it wanted addressed. First, MSY and OY (equal to MSY), are defined individually for the three penaeid shrimp species and for royal red shrimp. Second, the number of moratorium permits has continued to decline and the Council is concerned that the decline in total permits will continue indefinitely. Finally, transit through Federal waters (Gulf EEZ) with shrimp on board currently requires a moratorium permit, which limits the

ability of a state-registered vessel to navigate in certain areas of the Gulf while engaged in shrimping. Amendment 17B was developed to address these issues through revisions to management reference points and the Gulf shrimp permit program while maintaining catch efficiency, economic efficiency, and stability in the fishery.

Management Measures Codified Through in This Proposed Rule

This proposed rule would allow for the creation of a Federal Gulf shrimp reserve pool permit when certain conditions are met and would allow non-federally permitted Gulf shrimp vessels to transit through the Gulf EEZ.

Federal Gulf Shrimp Reserve Pool Permit

Currently, moratorium permits are valid for 1 year and are required to be renewed annually. If the permit is not renewed within 1 year of its expiration date, the permit is no longer renewable and is terminated. A terminated permit cannot be reissued by NMFS and is lost to the fishery.

As of December 31, 2016, there were 1,441 moratorium permits that were valid or renewable. Since the start of the permit moratorium, a total of 493 moratorium permits have been terminated. As described in Amendment 17B, when the number of valid or renewable moratorium permits reaches 1,072, then any moratorium permits that are not renewed within 1 year of expiration would be converted to a Gulf shrimp reserve pool permit. This number is based on the predicted number of active permitted vessels needed to attain aggregate OY in the offshore fishery. As explained further below, the aggregate OY accounts for relatively high catch per unit effort (CPUE) and landings while reducing the risk of exceeding sea turtle and juvenile red snapper bycatch.

As described in Amendment 17B, the Council estimates that it could take up to 24 years to reach the threshold value of 1,072 valid or renewable moratorium permits. Therefore, any Gulf shrimp reserve pool permit that is created would not be issued until eligibility requirements are developed by the Council and implemented through subsequent rulemaking. Depending on such future Council action on eligibility requirements, Gulf shrimp reserve pool permits could be used as a method to allow new entrants into the fishery or to allow persons who previously held a moratorium permit to re-enter the fishery.

Transit Provisions for Shrimp Vessels Without a Federal Permit

Currently, to possess Gulf shrimp in the Gulf EEZ, a vessel must have been issued a moratorium permit. In the Gulf, there are some areas where state-only licensed shrimpers would like to transit with shrimp on board from state waters through Federal waters to return to state waters and port. However, because these state-licensed shrimping vessels do not possess a moratorium permit, they cannot legally transit through the Gulf EEZ while possessing shrimp. This results in some of these vessels spending increased time at sea and incurring additional fuel costs because of longer transit times.

The proposed rule would allow a vessel possessing Gulf shrimp to transit the Gulf EEZ without a valid moratorium permit if fishing gear is appropriately stowed. Transit would be defined as non-stop progression through the area; fishing gear appropriately stowed would mean trawl doors and nets must be out of the water and the bag straps must be removed from the net. This transit exemption is expected to reduce the time at sea required for some shrimpers, while allowing enforcement to easily determine that the gear is not being used for fishing.

Measures Contained in Amendment 17B but Not Codified Through This Proposed Rule

Amendment 17B would specify the aggregate MSY and aggregate OY for the Federal Gulf shrimp fishery, and determine a minimum number of moratorium permits in the fishery.

Aggregate MSY and OY

After extending the duration of the Gulf shrimp moratorium permit program for another 10 years, and recognizing that the moratorium results in a passive loss of permits from the fishery, the Council decided to determine an appropriate minimum number of moratorium permits. To facilitate this determination, the Council decided to establish an aggregate MSY and OY for the Federal Gulf shrimp fishery. In Amendment 15 to the FMP, the Council established species specific MSYs and OYs for penaeid shrimp (80 FR 74711, November 30, 2015). MSY and OY were established for royal red shrimp in the original FMP (46 FR 27489, May 20, 1981). Additionally, Amendment 13 to the FMP revised the MSY and OY for royal red shrimp (71 FR 56039, September 26, 2006). However, the shrimp permit is not species specific and an aggregate MSY and OY for all federally managed shrimp species (penaeid and royal red) can be used as references points for the shrimp fishery as whole.

In March 2016, the Council convened a working group to determine the appropriate aggregate MSY and aggregate OY for the Gulf shrimp fishery in Federal waters. To determine the aggregate MSY, the working group used the same general approach established by a 2006 working group, but included the most recent years of catch and effort data through 2014. The working group also determined that there were four important factors to consider when establishing aggregate OY: Landings, CPUE, sea turtle bycatch threshold, and juvenile red snapper bycatch. The working group concluded that the predicted effort and associated landings in 2009 balanced all of these criteria relative to observed levels in other years.

Amendment 17B proposes using the method developed by the working group to establish aggregate MSY for the Federal Gulf shrimp fishery at 112,531,374 lb (51,043,373 kg), tail weight. Amendment 17B also would establish aggregate OY for the Gulf shrimp fishery equal to 85,761,596 lb (38,900,806 kg), tail weight, which is the aggregate MSY reduced for the ecological, social, and economic factors described above.

Minimum Threshold Number of Gulf Shrimp Moratorium Permits

As noted above, as of December 31, 2016, there were 1,441 moratorium permits that were valid or renewable, and, at the current rate of termination, the minimum threshold number of permits selected by the Council, 1,072 permits, will be reached in 24 years. This minimum threshold number of valid or renewable moratorium permits is based on the predicted number of active permitted vessels needed to achieve aggregate OY in the offshore fishery. Aggregate OY accounts for relatively high CPUE and landings, while reducing the risk of exceeding sea turtle and juvenile red snapper bycatch. Neither this proposed rule nor Amendment 17B actively removes any moratorium permits. The minimum threshold is only for purposes of monitoring changes in fishery participation and determining whether additional management measures should be established.

As specified in Amendment 17B, when the number of moratorium permits declines to 1,175, the Council would form a panel to review details of the reserve permit pool and other options for management. The Council's Shrimp Advisory Panel (AP) suggested

the review panel should meet when 1,300 valid and renewable permits remain, but the Council determined that the review panel should meet when the number of permits was closer to the threshold number of 1,072 permits. The panel would consist of the Council's Shrimp AP members, Science and Statistical Committee members, NMFS, and Council staff. This panel could make recommendations about how to utilize a Gulf shrimp vessel permit reserve pool. The development of additional details for the pool permits will occur through a plan amendment or framework action, as appropriate, at a later date, when additional available information about the status of the Gulf shrimp fishery may be available.

Measures in This Proposed Rule Not Contained in Amendment 17B

In addition to the measures described in Amendment 17B, this proposed rule would revise the coordinates for the Tortugas shrimp sanctuary in the Gulf that were established in the original Shrimp FMP; and clarify the regulations for the harvest and possession of wild live rock in Gulf Federal waters, as established in the FMP for Coral and Coral Reefs of the Gulf of Mexico (Coral FMP).

The original FMP established the Tortugas shrimp sanctuary on May 20, 1981, which was implemented with cooperation from of the state of Florida (46 FR 27489, May 20, 1981), and which is currently defined at 50 CFR 622.55(c)(1). Since that time, there have been numerous advances in geographical positioning systems that describe the physical locations (such as lights) used to define the boundary of the Tortugas shrimp sanctuary. NMFS and the state of Florida have determined that several positions for the points defining the boundary of the sanctuary are no longer consistent with the most recent published coordinates in Federal navigation references and current positioning systems, such as Global Positioning Systems. For example, Point N (Coon Key Light) is currently described as being located at 25°52′9″ North Latitude and 81°37′9″ West Longitude. However, using current technology that is reflected in recently U.S navigational publications, NMFS and the state of Florida have noted that this point is actually located at 25°52′54″ North Latitude and 81°37′56″ West Longitude. Therefore, this proposed rule would revise the positions for Points N, F, G, H, and P to reflect current technology, for consistency with the current U.S. Coast Guard Light List, the U.S. Coast Pilot, and the state of Florida, and for consistency in units of position. For consistency, the state of Florida is also updating these positions. Only these technical corrections for the coordinates would be made to the language of the regulations; this proposed rule would not make any substantive changes in the regulations specific to the management measures for the Tortugas shrimp sanctuary.

This proposed rule also would revise the prohibited species regulations for wild live rock, as established in the Coral FMP. In 1994, the final rule implementing Amendment 2 to the Coral FMP established a prohibition on the harvest and possession of wild live rock in the Gulf EEZ to begin on January 1, 1997 (59 FR 66776, December 28, 1994). The following year, the final rule implementing Amendment 3 to the Coral FMP established an annual quota for wild live rock from the Gulf EEZ to apply before the prohibition would take effect (60 FR 56533, November 9, 1995). The prohibition on harvest beginning in 1997, and the quota were originally codified at 50 CFR 638.26(c) and (d), and the quota provision included prohibitions on harvest and possession and on sale and purchase when a quota closure occurs. When NMFS reorganized the 50 CFR part 622 regulations in 1996, the prohibition on harvest and possession and the quota provisions were moved to 50 CFR 622.42(b)(2) and 622.43(a)(2)(ii) (61 FR 34930, July 3, 1996). In 1999, NMFS issued a final rule for a Technical Amendment to its regulations in 50 CFR part 622 in order to revise a variety of regulations for clarity, consistency in terms, and the removal of outdated regulations (64 FR 59125, November 2, 1999). Because the harvest of wild live rock in the Gulf was discontinued at the end of 1996, the final rule for the Technical Amendment removed several provisions related to harvest, including the quota and the associated prohibitions on harvest and possession and on sale and purchase, when a quota closure occurs. That final rule also added a general restriction on sale and purchase of wild live rock from the Gulf EEZ, which remains in effect today. However, NMFS recently became aware that the rule inadvertently failed to also add the general restriction on the harvest and possession of wild live rock in or from the Gulf EEZ. In this proposed rule, NMFS corrects this error by adding the Gulf EEZ wild live rock prohibition at 622.73(c).

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 Amendment 17B, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Magnuson-Stevens Act provides the legal basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting and record-keeping requirements are introduced by this proposed rule. Accordingly, the Paperwork Reduction Act does not apply to this proposed rule. A description of this proposed rule, why it is being considered, and the purposes of this proposed rule are contained in the preamble and in the **SUMMARY** section of the preamble. The objectives of this proposed rule are to establish the appropriate metrics to manage the shrimp fishery, maintain increases in catch efficiency, maintain landings at or near aggregate OY, promote economic efficiency and stability in the fishery, provide flexibility for state registered shrimp vessels, protect federally managed Gulf shrimp stocks, correct coordinates for the Tortugas sanctuary in the Federal regulations so they are consistent with published coordinates in Federal navigation references and current positioning systems, and correct the regulations to clarify that harvest and possession of wild live rock in or from the Gulf EEZ is prohibited.

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 rule, if adopted, would not have a significant economic impact on a substantial number of small entities. A description of the factual basis for this determination follows. Estimates in the factual basis are based on 2011–2014 data, and all monetary estimates are in 2014 dollars, consistent with the data and estimates in Amendment 17B.

This proposed rule, if implemented, would establish an aggregate MSY of 112,531,374 lb (51,043,373 kg), tail weight, and an aggregate OY of 85,761,596 lb (38,900,806 kg), tail weight, for the Federal Gulf shrimp fishery; establish a minimum threshold of 1,072 Gulf shrimp moratorium permits; establish how the Council will respond if and when the minimum threshold is reached; and allow shrimp vessels without Federal permits to transit through Federal waters in the Gulf when they have shrimp on board. This proposed rule also would make technical corrections to the regulations

that would revise the coordinates for the Tortugas shrimp sanctuary in the Gulf and clarify the provisions regarding the harvest and possession of wild live rock in Gulf Federal waters.

The action to revise the coordinates for the Tortugas shrimp sanctuary in the Gulf is purely administrative in nature and thus would not directly regulate or affect any entities. In addition, the action to correct the regulations for wild live rock in Gulf Federal waters adds the previously established prohibition on the harvest and possession, consistent with the regulations implemented as a result of Amendment 2 and Amendment 3 to the Coral FMP. Currently, because the sale of wild live rock is prohibited under the existing regulations, harvest of wild live rock for commercial purposes, and thus by business entities, is prohibited. As such, any harvest that may be occurring as a result of uncertainty regarding the current regulations would be by individuals who are retaining wild live rock for personal use. However, individuals engaged in such activities are not considered entities under the RFA.

This proposed rule is expected to directly regulate businesses that possess Federal Gulf shrimp moratorium permits as well as shrimp vessels that do not possess these permits but transit through Federal waters. As of January 1, 2017, there were 1,440 vessels with valid or renewable Gulf shrimp moratorium permits. Although some vessels are thought to be owned by businesses with the same or very similar individual owners, ownership data regarding the businesses that possess these permits is incomplete, and thus it is not currently feasible to accurately determine affiliations between vessels and the businesses that own them. NMFS is making changes to its permit application forms so that such determinations can be accurately made for future regulatory actions in this fishery. Also, NMFS does not possess data that would indicate how many vessels without Federal permits could harvest shrimp in the Gulf and choose to transit through Federal waters. However, available landings data in recent years indicate that as many as 3,800 vessels without Federal permits harvested shrimp in the Gulf. NMFS does not possess any ownership data for these vessels. Thus, it is not currently feasible to accurately determine the number of individual businesses these 3,800 vessels represent. While it will result in an overestimate of the actual number of businesses directly regulated by this proposed rule, for the purposes of this analysis, it is assumed that each vessel is independently owned by a single business. Therefore, this proposed rule would be expected to directly regulate 5,240 businesses.

For vessels with Gulf shrimp moratorium permits, annual gross revenue was about $381,000 on average from 2011 through 2014, of which approximately $343,000 came from commercial fishing operations. Net revenue for these vessels was about $43,000, while net revenue from commercial fishing operations was approximately $8,300. For vessels without Gulf shrimp moratorium permits, annual gross revenue was about $85,000 on average in 2012, of which approximately $64,000 came from commercial fishing operations. Net revenue was about $16,000, while net revenue from commercial fishing operations was approximately −$5,000. From 2011 through 2014, the greatest average annual gross revenue earned by a single vessel (business) was approximately $1.85 million.

On December 29, 2015, NMFS issued a final rule establishing a small business size standard of $11 million in annual gross receipts (revenue) for all businesses primarily engaged in the commercial fishing industry (NAICS code 11411) for RFA compliance purposes only (80 FR 81194, December 29, 2015). In addition to this gross revenue standard, a business primarily involved in commercial fishing is classified as a small business if it is independently owned and operated, and is not dominant in its field of operations (including its affiliates).

Based on the information above, all businesses directly regulated by this proposed rule are determined to be small businesses for the purpose of this analysis. Therefore, it is determined that this proposed rule will affect a substantial number of small businesses.

Aggregate MSY is a biological reference point. In general, establishing biological and other reference points in fisheries does not directly regulate any entities and therefore is not expected to alter domestic prices, landings, or the harvesting behavior of vessels. As such, the action to establish aggregate MSY is not expected to directly affect any small entities in the Gulf shrimp fishery. Similarly, aggregate OY specifies the level of harvest that is expected to maximize net benefits to the Nation. Though not purely biological, aggregate OY is also a reference point. Thus, the action to establish aggregate OY does not directly regulate any entities and would also not be expected to alter domestic prices, landings, or the harvesting behavior of vessels in the Gulf shrimp fishery. As such, the action to establish aggregate OY is not expected to directly affect any small entities.

The action to establish a minimum number of 1,072 Gulf shrimp moratorium permits would not actively remove Gulf shrimp moratorium permits from the Federal fishery. Rather, it would continue to allow a passive reduction in the number of valid or renewable Gulf shrimp moratorium permits, as permits terminate due to not being renewed in a timely manner, until the minimum number is reached. As a result, this action is not expected to directly regulate or affect any small entities.

The action to establish the Council's response when the number of valid and renewable permits reaches or approaches the minimum number of permits is also administrative, or procedural, in nature. If the number of valid and renewable permits reaches the minimum number, any permits that are not renewed within 1 year of the expiration date on the permit will go into a reserve pool. However, these reserve pool permits will not be issued, and therefore cannot be used to harvest shrimp in Federal waters, until eligibility requirements are established. This action also establishes a requirement for the Council to convene a review panel once the number of valid and renewable permits reaches 1,175. This action would not be expected to alter domestic shrimp prices, landings, or the harvesting behavior of shrimp vessels in the Gulf, and therefore is also not expected to directly affect any small entities.

The action to allow vessels without a Gulf shrimp moratorium permit to possess shrimp when transiting through Federal waters if the gear is appropriately stowed would be expected to directly affect these vessels. Specifically, under current regulations, these vessels are not allowed to transit through Federal waters and instead must often take a longer route between their home ports and where they harvest shrimp, resulting in longer transiting times and distances, and therefore higher fuel expenses. Although quantitative estimates of these additional fuel expenses are not available, this action would be expected to reduce fuel expenses for these vessels, which would result in direct but positive economic effects on these small entities.

Based on the information above, a reduction in profits for a substantial number of small entities is not expected as a result of this proposed rule. Thus, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gulf, Permits, Shrimp.

Dated: September 27, 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 § 622.50, revise paragraph (b)(3)(ii), and add paragraphs (b)(3)(iii) and (e) to read as follows:

§ 622.50 Permits, permit moratorium, and endorsements.

* * * * *

(b) * * *

(3) * * *

(ii) Except as provided for in paragraph (b)(3)(iii) of this section, a commercial vessel moratorium permit for Gulf shrimp that is not renewed will be terminated and will not be reissued during the moratorium. A permit is considered to be not renewed when an application for renewal, as required, is not received by the RA within 1 year of the expiration date of the permit.

(iii) When NMFS has determined that the number of commercial vessel moratorium permits for Gulf shrimp has reached the threshold number of permits as described in the FMP, then a commercial vessel moratorium permit for Gulf shrimp that is not renewed will be converted to a Gulf shrimp reserve pool permit and held by NMFS for possible reissuance. Gulf shrimp reserve pool permits will not be issued until eligibility requirements are developed and implemented through subsequent rulemaking.

* * * * *

(e) *Gulf shrimp transit provision.* A vessel that does not have a valid Gulf shrimp moratorium permit, as described in paragraphs (a) and (b) of this section, may possess Gulf shrimp when in transit in the Gulf EEZ provided that the shrimp fishing gear is appropriately stowed. For the purposes of this paragraph, transit means non-stop progression through the Gulf EEZ. Fishing gear appropriately stowed means trawl doors and nets must be out of the water and the bag straps must be removed from the net.

■ 3. Amend § 622.55 by:

■ a. Designating the table in paragraph (b) as Table 1 to paragraph (b);

■ b. Revising paragraph (c)(1);

■ c. Designating the table after paragraph (d)(2) as Table 3 to paragraph (d), the table after paragraph (d)(3) as Table 4 to paragraph (d), and the table after paragraph (d)(4) as Table 5 to paragraph (d);

■ d. In paragraph (e) designating the table as Table 6 to paragraph (e).

The revision to read as follows:

§ 622.55 Closed area.

* * * * *

(c) * * *

(1) The Tortugas shrimp sanctuary is closed to trawling. The Tortugas shrimp sanctuary is that part of the EEZ off Florida shoreward of rhumb lines connecting, in order, the following points:

TABLE 1 TO PARAGRAPH (c)(1)

Point	North lat.	West long.
N [1]	25°52′54″	81°37′56″
F	24°50′42″	81°51′18″
G [2]	24°40′00″	82°26′39″
H [3]	24°34′44″	82°35′27″
P [4]	24°35′00″	82°08′00″

[1] Coon Key Light.
[2] New Ground Shoals Light.
[3] Rebecca Shoals Light.
[4] Marquesas Keys.

* * * * *

■ 4. In § 622.73, add paragraph (c) to read as follows:

§ 622.73 Prohibited species.

* * * * *

(c) Wild live rock may not be harvested or possessed in or from the Gulf EEZ.

[FR Doc. 2017–21039 Filed 10–3–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 170630616–7875–01]

RIN 0648–BH00

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Commercial Management Measures

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

ACTION: Advanced notice of proposed rulemaking; request for comments.

SUMMARY: This advanced notice of proposed rulemaking provides information on a request by the Pacific Fishery Management Council (Council) to announce deliberations of potential accumulation limits for Catcher Processor Permit use or ownership in the Pacific Coast groundfish fishery. The Council may not count any acquisition and usage of Catcher Processor permits and/or usage of Catcher Processor allocation after the date of June 13, 2017, in any decision setting accumulation limits. NMFS invites comments on this document.

DATES: Written comments must be received by November 3, 2017.

ADDRESSES: You may submit comments on the proposed rule identified by ''NOAA–NMFS–2017–0109'' 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-2017-0109, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Frank Lockhart, NMFS West Coast Regional Office, 7600 Sand Point Way NE., Seattle, WA 98115.

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).

FOR FURTHER INFORMATION CONTACT: Frank Lockhart, NMFS West Coast Regional Office, telephone: 206–526–6142, or email: *frank.lockhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Pacific Fishery Management Council (Council) recommended and the National Marine Fisheries Service (NMFS) implemented the Pacific Coast groundfish trawl catch share program (Program) off Washington, Oregon and California, starting on January 11, 2011. The Program changed management of harvest in the trawl fishery from a trip limit system with cumulative vessel trip limits to a quota system in which each quota share could generally be harvested at any time during an open season. The Program has increased fishermen's flexibility in making decisions on when and how much quota to fish.

The Magnuson-Stevens Act requires that councils undertake reviews within 5 years after implementation of limited access privilege programs such as the Pacific Coast groundfish trawl catch share program. The Council initiated its review in 2016, and expects to recommend changes to the Program in the coming months.

One of the issues that the Council is considering is accumulation limits for the Catcher Processor (CP) sector. In establishing the initial Program, the Council addressed accumulation limits for the ownership or control within the shoreside IFQ sector and the mothership sector, but not the CP sector. The accumulation limits were meant to prevent consolidation at levels that could result in an excessive share being acquired by a single entity. At the June 2017 Council meeting, the Council began considering whether or not similar accumulation limits on ownership or control should be applied to the CP sector as well, and it recommended that NMFS announce the start of these deliberations in the **Federal Register.**

In advance of a rulemaking on changes to the Program, this document announces that the Council may not count any activities related to acquisition and usage of CP permits and/or usage of CP allocation after the date of June 13, 2017, when establishing accumulation limits for the CP sector. This is intended to discourage increased acquisition and usage of CP permits and/or usage of CP allocation for the purpose of economic speculation while the Council develops and considers changes to the Program.

This announcement does not commit the Council or the NMFS to any particular outcome. The Council may or may not make use of this date as part of any deliberations and decisions on acquisition and usage of CP permits and/or usage of CP allocation. Fishery participants are not guaranteed future participation in the program, regardless of their entry date or level of participation in the fishery before or after June 13, 2017. It is important to note that continuation of levels of accumulation that predate June 13, 2017 are not guaranteed. The Council also may choose to take no further action.

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

Dated: September 28, 2017.

Samuel D. Rauch, III,

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

[FR Doc. 2017–21254 Filed 10–3–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 82, No. 191
Wednesday, October 4, 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

Federal Crop Insurance Corporation

[Docket No. FCIC–17–0001]

Notice of Request for Renewal and Revision of the Currently Approved Information Collection

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Renewal and revision of the currently approved information collection.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 this notice announces the Federal Crop Insurance Corporation's (FCIC) intention to request an extension to a currently approved information collection for the submission of policies, provisions of policies, rates of premium, and non-reinsured supplemental policies under section 508(h) of the Federal Crop Insurance Act. This notice announces a public comment period on the information collection requests (ICRs) associated with the submission of policies, provisions of policies, rates of premium, and non-reinsured supplemental policies under section 508(h) of the Federal Crop Insurance Act.

DATES: Written comments on this notice will be accepted until close of business December 4, 2017.

ADDRESSES: FCIC prefers that comments be submitted electronically through the Federal eRulemaking Portal. You may submit comments, identified by Docket ID No. FCIC–17–0001, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change to *http://www.regulations.gov,* including any personal information provided, and can be accessed by the public. All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this notice. For detailed instructions on submitting comments and additional information, see *http://www.regulations.gov.* If you are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, we ask that it be in a text-based format. If you want to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of your submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the RMA Web Content Team at (816) 823–4694 or by email at *rmaweb.content@rma.usda.gov.*

Privacy Act: Anyone is able to search the electronic form of all comments received for any 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.). You may review the complete User Notice and Privacy Notice for *Regulations.gov* at *http://www.regulations.gov/#!privacyNotice.*

FOR FURTHER INFORMATION CONTACT: Tim Hoffmann, Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, P.O. Box 419205, Kansas City, MO 64141–6205, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Title: General Administrative Regulations; Subpart V—Submission of Policies, Provisions of Policies, Rates of Premium, and Non-Reinsured Supplemental Policies.

OMB Number: 0563–0064.

Expiration Date of Approval: December 31, 2017.

Type of Request: Extension of a currently approved information collection.

Abstract: FCIC is proposing to renew the currently approved information collection, OMB Number 0563–0064. It is currently up for renewal and extension for three years. Subpart V establishes guidelines for the submission of policies or other materials to the FCIC Board of Directors (Board) and identifies the required contents of a submission: the timing, review, and confidentiality requirements; reimbursement of research and development costs, maintenance costs, and user fees; and guidelines for non-reinsured supplemental policies. This data is used to administer the Federal crop insurance program in accordance with the Federal Crop Insurance Act, as amended.

The submission's per-response time was adjusted because FCIC reviewed each line item and consulted with Risk Management Agency subject matter experts. In this review, FCIC determined the total number of product submissions were overestimated, therefore, lowering the amount of product submissions for the information collection.

FCIC is requesting the Office of Management and Budget (OMB) to extend the approval of this information collection for an additional 3 years.

The purpose of this notice is to solicit comments from the public concerning this information collection. These comments will help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 343 hours per response.

Respondents/affected entities: Parties affected by the information collection requirements included in this Notice is a person (including an approved insurance provider, a college or university, a cooperative or trade association, or any other person) who prepares a submission, proposes to the

Board other crop insurance policies, provisions of policies, or rates of premium, or submits to RMA a non-reinsured supplemental policy.

Estimated annual number of respondents: 195.

Estimated annual number of responses per respondent: .67.

Estimated annual number of responses: 131.

Estimated total annual burden hours on respondents: 44,947.

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.

Signed in Washington, DC, on August 16, 2017.

Heather Manzano,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 2017–20975 Filed 10–3–17; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0041]

Codex Alimentarius Commission: Ad Hoc Codex Intergovernmental Task Force on Antimicrobial Resistance

AGENCY: Office of the Deputy Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Deputy Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), are sponsoring a public meeting on November 7, 2017. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 5th Session of the Ad Hoc Codex Intergovernmental Task Force on Antimicrobial Resistance (TFAMR) of the Codex Alimentarius Commission (Codex), taking place in Jeju, Republic of Korea, November 27, 2017 through December 1, 2017. The Deputy Under Secretary for Food Safety and the FDA recognize the importance of providing interested parties with the opportunity to obtain background information on the 5th Session of the TFAMR and to address items on the agenda.

DATES: The public meeting is scheduled for Tuesday, November 7, 2017, from 1:00 p.m.–4:00 p.m.

ADDRESSES: The public meeting will take place at the United States Department of Agriculture (USDA), Jamie L. Whitten Building, 1400 Independence Avenue SW., Room 107–A, Washington, DC 20250.

Documents related to the 5th Session of the TFAMR will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Donald Prater, U.S. Delegate to the 5th Session of the TFAMR, invites U.S. interested parties to submit their comments electronically to the following email address: *donald.prater@fda.hhs.gov.*

Call-in-Number

If you wish to participate in the public meeting for the 5th Session of the TFAMR by conference call, please use the call-in-number below:

Call-in-Number: 1–888–844–9904.

Access Code: 5126092.

Registration

Attendees may register to attend the public meeting by emailing *kenneth.lowery@fsis.usda.gov* by November 3, 2017. Early registration is encouraged as it will expedite entry into the building. The meeting will be held in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through security screening systems. Attendees who are not able to attend the meeting in person, but wish to participate may do so by phone.

FOR FURTHER INFORMATION ABOUT THE 5TH SESSION OF THE TFAMR CONTACT: The Office of Foods and Veterinary Medicine, FDA, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Email: *donald.prater@fda.hhs.gov.*

FOR FURTHER INFORMATION ABOUT THE PUBLIC MEETING CONTACT: Kenneth Lowery, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, Washington, DC 20250, Telephone: (202) 690–4042, Fax: (202) 720–3157, Email: *kenneth.lowery@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, the Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The TFAMR is responsible for:

(a) Reviewing and revising as appropriate the Code of Practice to Minimize and Contain Antimicrobial Resistance (CAC/RCP 61–2005) to address the entire food chain, in line with the mandate of Codex.

(b) Considering the development of Guidance on Integrated Surveillance of Antimicrobial Resistance, taking into account the guidance developed by the WHO Advisory Group on Integrated Surveillance of Antimicrobial Resistance (AGISAR) and relevant the World Organization for Animal Health (OIE) documents.

The Committee is hosted by the Republic of Korea.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 5th Session of the TFAMR will be discussed during the public meeting:

- Matters referred by Codex and other Subsidiary Bodies;
- Matters arising from the work of the FAO, WHO and other international intergovernmental organizations:

(a) Progress report on the request for scientific advice on foodborne antimicrobial resistance from the FAO and WHO in collaboration with OIE.

(b) Information on the work of the FAO, WHO, OIE and other relevant international organizations on antimicrobial resistance.

- Proposed draft revision of the Code of Practice to Minimize and Contain Antimicrobial Resistance (CAC/RCP 61–2005); and
- Proposed draft Guidelines on integrated surveillance of antimicrobial resistance.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the November 7, 2017, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Donald Prater for the 5th Session of the TFAMR (see **ADDRESSES**). Written comments should state that they relate to activities of the 5th Session of the TFAMR.

Additional Public Notification

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

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

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

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

Done at Washington, DC, on September 29, 2017.

Paulo Almeida,

Acting U.S. Manager for Codex Alimentarius.

[FR Doc. 2017–21347 Filed 10–3–17; 8:45 am]

BILLING CODE 3410–DM–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oregon Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Oregon Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Monday, November 6, 2017. The purpose of the meeting is for the Committee to begin planning for a briefing focused on human trafficking in Oregon.

DATES: The meeting will be held on Monday, November 6, 2017, at 1:00 p.m. PDT.

ADDRESSES: Public call information:
Dial: 877–675–4757.
Conference ID: 7967234.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877–675–4757, conference ID number: 7967234. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=270.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approve minutes from September 5, 2017
III. Discuss Briefing Logistics
  a. Location
  b. Date
IV. Discussion Briefing Agenda
  a. Speakers
  b. Panel Categories
V. Public Comment
VI. Next Steps
VII. Adjournment

Dated: September 29, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–21310 Filed 10–3–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the California Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the California State Advisory Committee (Committee) to the Commission will be held at 10 a.m. (Pacific Time) Wednesday, October 25, 2017. The purpose of the meeting is for the Committee to discuss outreach strategies to circulate Voting Integrity report.

DATES: The meeting will be held on Wednesday, October 25, at 10 a.m. PT.

ADDRESSES: Public call information:
Dial: 888–554–1429.
Conference ID: 1923982.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public

through the following toll-free call-in number: 888–554–1429, conference ID number: 1923982. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=237.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approval of August 16, 2017 Minutes
III. Discussion Regarding Voting Integrity Report Outreach
IV. Public Comment
V. Adjournment

Dated: September 29, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–21309 Filed 10–3–17; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Connecticut Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), thata meeting of the ConnecticutAdvisory Committee to the Commission will convene by conference call at 12:00 p.m. (EDT) on: Wednesday, November 8, 2017. The purpose of the meeting is to review and approve (vote) on the Advisory Memorandum on Solitary Confinement.

DATES: Wednesday, November 8, at 12:00 p.m. EDT.

Public Call-In Information: Conference call-in number: 1–888–438–5448 and conference call 3640132.

FOR FURTHER INFORMATION CONTACT: Barbara Delaviez, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–438–5448 and conference call 3640132. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the toll-free conference call-in number: 1–888–438–5448 and conference call 3640132.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://database.faca.gov/committee/meetings.aspx?cid=239;* click the ''Meeting Details'' and ''Documents'' links.Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda

Wednesday, November 8, 2017

- Open—Roll Call
- Work on Advisory Memorandum
- Vote on Memorandum, if ready
- Open Comment
- Adjourn

Dated: September 29, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–21307 Filed 10–3–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Arizona Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Arizona Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Pacific Time) Wednesday, November 1, 2017. The purpose of the meeting is for the Committee to discuss civil rights topics of study.

DATES: The meeting will be held on Wednesday, November 1, 2017, at 12:00 p.m. PT.

ADDRESSES: Public call information:
Dial: 800–776–0487.
Conference ID: 3255917.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in

number: 800–776–0487, conference ID number: 3255917. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=235.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approval of Minutes From September 7, 2017 Meeting
III. Discussion Regarding Topics of Study
IV. Next Steps
V. Adjournment

Dated: September 29, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–21308 Filed 10–3–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Texas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Texas Advisory Committee (Committee) to the Commission will be held at 2:00 p.m. (Central Time) October 25, 2017. The purpose of the meeting is for the Committee to discuss proposal on voting rights.

DATES: The meeting will be held on Wednesday, October 25, 2017, at 2:00 p.m. CDT.

ADDRESSES: Public call information:
Dial: 888–318–7469.
Conference ID: 3641351.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–318–7469, conference ID number: 3641351. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=276.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approval of September 27, 2017 Minutes
III. Review of Voting Rights Proposal
IV. Public Comment
V. Next Steps
VI. Adjournment

Dated: September 29, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–21311 Filed 10–3–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–061–2017]

Foreign-Trade Zone (FTZ) 272—Lehigh Valley, Pennsylvania: Notification of Proposed Production Activity; Fuling Plastic USA, Inc. (Disposable Plastic and Paper Service Ware and Kitchenware Products); Allentown, Pennsylvania

Fuling Plastic USA, Inc. (Fuling Plastic) submitted a notification of proposed production activity to the FTZ Board for its facility in Allentown, Pennsylvania within Subzone 272C. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on September 27, 2017.

The Fuling Plastic facility is used for the receipt, quality control, warehousing, manipulation, testing, and production of disposable plastic and paper service ware and kitchenware products. 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 Fuling Plastic 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, Fuling Plastic would be able to choose the duty rates during customs entry procedures that apply to: Plastic Drinking Straws; Plastic Plates; Disposable Plastic Cups; Disposable Plastic Plates and Serving Dishes; Plastic Food Containers; and, Plastic Stoppers, Lids, Caps (duty rate ranges from 3.1% to 5.3%). Fuling Plastic 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: Polypropylene Resin; Polypropylene Resin (Modified Granulation with Color); Plastic Film; Plastic Bags; Paper Wrap; and, Paper Cartons, Boxes, and Cases (duty rate ranges from duty-free to 6.5%).

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 13, 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 Juanita Chen at *juanita.chen@trade.gov* or (202) 482–1378.

Dated: September 28, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–21338 Filed 10–3–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–62–2017]

Foreign-Trade Zone (FTZ) 127—West Columbia, South Carolina; Notification of Proposed Production Activity; BGM America, Inc.; Subzone 127C; (Sailboats, Cabin Cruiser Powerboats, Outboard Motor Boats); Marion, South Carolina

The Richland-Lexington Airport District, grantee of FTZ 127, submitted a notification of proposed production activity to the FTZ Board on behalf of BGM America, Inc. (BGM), located in Marion, South Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on September 27, 2017.

The BGM facility is located within Subzone 127C. The facility is used for the production of sailboats, cabin cruiser powerboats, and outboard motor boats. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials/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 BGM from customs duty payments on the foreign-status materials/components used in export production (estimated 5–20 percent of production). On its domestic sales, for the foreign-status materials/components noted below, BGM would be able to choose the duty rates during customs entry procedures that apply to sailboats, cabin cruiser powerboats with inboard engines, and outboard motorboats (duty rates range from 1%–1.5%). BGM 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 materials/components sourced from abroad include: Primers; adhesive acrylic; surface cleaning kits; liquid adhesives; spray adhesives; polyvinyl chloride profiles; plastic pipes and fittings; plastic flexible hoses; plastic tubes; plastic hoses; plastic pipes; plastic elbow fittings; wall and ceiling non-skid molding kits with adhesive backing; pavement marking tape; decal tape rolls; velcro; acrylic vessel covers; engine room foam (non-textile); plastic straps (non-textile); lamination and edge banding (non-textile); paper reinforced laminate; lavatories; plastic crates; plastic bags; plastic carboys and bottles; plastic waste bins; plastic dinnerware sets; plastic cups and serving ware; plastic kitchenware; plastic window screens; plastic doors; plastic container doors; plastic screens; plastic and woven fabric blinds; plastic boxes with lids; plastic door and cabinetry knobs; stern tube epoxy; fiberglass reinforced plastic deck parts and components; plastic wrap; plastic bushings; rubber profiles; rubber hoses with fittings; rubber hose harnesses; rubber non-skid mats; silicone gaskets and seals; rubber door stops; rubber noise dampening components; wood moldings; hardwood marine plywood with high pressure laminate outer covering; hardwood plywood veneer panels; hardwood marine plywood with hardwood veneer outer plywood; densified wood blocks; composite wood blocks; marine wood cabinetry; log books; binders and folders; watertight labels; self-adhesive labels; coated paper gaskets and washer seals; manuals; decal transfers; woven nylon strips; rubber thread and cord bungee cords; synthetic fiber braided cord cut to length; cotton netting; twine, cordage and rope safety ladders; twine and cordage rope; nylon woven ribbons; marine vinyl composed of polyvinyl chloride, polyester and cotton (coated with over 70 percent polyvinyl chloride); rubberized textile adhesive tape; textile felt seals and gaskets; synthetic fiber curtains; synthetic fiber textile blinds; synthetic fiber table covers; synthetic fiber textile wheel covers; sails of synthetic fibers; cotton dust cloths; polyester web fabric straps; abrasive deck surface coating; mirrors; nonwoven fiberglass mats; woven fiberglass with fibers; fiberglass in bulk; stainless steel threaded pipes; stainless steel support posts; stainless steel anchoring mechanisms—wire, ropes and cables; iron and nonalloy steel anchoring chains; steel nails; steel screw hooks; self-tapping steel wood screws; steel flat screws; steel bolts; steel screws; steel metal disc fasteners; steel nuts; steel finish nuts; steel spacer washers; steel cotters and cotter pins; steel nuts with flat head; iron and steel stoves; steel and iron stove parts and accessories—cooking chambers, surface panels, door assemblies, panels, windows and insulation; iron and steel sheaths for air heaters; stainless steel sinks; cast iron centerboards; steel ladders; steel flush rings; brass inserts; threaded brass reducers; copper and stainless steel pin cables; copper and stainless steel barrel bolts; brass plumbing fittings; copper hooks; aluminum tubes; aluminum pipe fittings and inserts; aluminum profiles for door and window frames; aluminum door steps; aluminum fuel tanks; aluminum blind rivets; aluminum screens; aluminum plates and castings; lead sealed in bags, used as weight; zinc thrusters; metal drill heads; metal hand tools; stainless steel kitchen utensils; base metal locks; base metal spring bolts; iron and steel interior hinges; brass hinges; iron and steel straps and buckles; iron and steel mountings, fittings, and door closers; iron and steel handles; iron and steel doorstops, chain door fasteners, door pulls and kick plates; iron and steel lid supports; iron and steel knobs and arms; iron and steel racks; iron and steel staples; marine

propulsion engines; cable control gear boxes; iron and steel mountings for flaps; aluminum table legs; pumps; water pumps; air conditioner drain pumps; plastic pump fittings; inflator pumps; blowers; parts of ducting and relays that are parts of a marine air conditioning system; refrigerators; refrigerator door pivots; water purifying filters; oil and fuel filters for internal combustion engines; electric winches; winches; anchors; cast iron cover plates; sandblast guns; controls and thrusters; rudders; pressure valves; showerhead and hose valves; fresh water inlet systems; bushings; pulleys; couplings; metal glands with rubber inserts; ship propellers; electric motors (not exceeding 37.5 W); linear actuators; diesel generators; converters; regulators; inverters; tilting light signals; wiper arms; microwave ovens; water heaters; speakers; TV antenna splitters; remote controls; antennas; alarms; breakers; fuses; battery breakers; insulators; relay timers; switches; cable TV splitters; fuse holders; terminals; electrical splices; electrical couplings; junction boxes; motor control panels and controllers; switch frame out-boards; cover boxes for switches; diodes; solar panels; copper cables; coaxial cables; battery switches; HDMI cables; copper conductors; insulated plastic fittings; insulated plastic cable ducts; steering wheels; steering chains; compasses; navigation instruments; stencils; gauges; remote chain meters; electrical meters; bubble testers; water tank gauge beam parts; upholstered seats and accessories; sliding seat support system; wood furniture; plastic engine panel covers; wood and metal furniture parts; mattresses; cotton seat cushions and pillows; LED light ropes; indicator lights; wall lamps; wood touch up markers; crayons; pencil leads; and, pastels (duty rates range from free to 8.5%).

The request indicates that solar panels are subject to antidumping/countervailing duty (AD/CVD) orders and hardwood plywood is subject to an AD/CVD investigation when imported from certain countries. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign status (19 CFR 146.41).

The applicant also indicates that the following foreign-sourced materials/components will be admitted to the subzone in privileged foreign status, thereby precluding inverted tariff benefits on such items (where applicable): Plastic and woven fabric blinds; woven nylon strips; rubber thread and cord bungee cords; synthetic fiber braided cord cut to length; cotton netting; twine, cordage and rope safety ladders; twine and cordage rope; nylon woven ribbons; marine vinyl composed of polyvinyl chloride, polyester and cotton (coated with over 70 percent polyvinyl chloride); rubberized textile adhesive tape; textile felt seals & gaskets; synthetic fiber curtains; synthetic fiber textile blinds; synthetic fiber table covers; synthetic fiber textile wheel covers; sails of synthetic fibers; cotton dust cloths; polyester web fabric straps; nonwoven fiberglass mats; woven fiberglass with fibers; fiberglass in bulk; mattresses; and, cotton seat cushions and pillows.

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 13, 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 28, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–21337 Filed 10–3–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (the Department) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless

there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after October 2017, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity to Request a Review: Not later than the last day of October 2017,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in October for the following periods:

	Period of review
Antidumping Duty Proceedings	
AUSTRALIA: Hot-Rolled Steel Flat Products, A–602–809	3/22/16–9/30/17
BRAZIL:	
Carbon and Certain Alloy Steel Wire Rod, A–351–832	10/1/16–9/30/17
Hot-Rolled Steel Flat Products, A–351–845	3/22/16–9/30/17
INDONESIA: Carbon and Certain Alloy Steel Wire Rod, A–560–815	10/1/16–9/30/17
ITALY: Pressure Sensitive Plastic Tape, A–475–059	10/1/16–9/30/17
JAPAN: Hot-Rolled Steel Flat Products, A–588–874	3/22/16–9/30/17
MEXICO: Carbon and Certain Alloy Steel Wire Rod, A–201–830	10/1/16–9/30/17
MOLDOVA: Carbon and Certain Alloy Steel Wire Rod, A–841–805	10/1/16–9/30/17
REPUBLIC OF KOREA: Hot-Rolled Steel Flat Products, A–580–883	3/22/16–9/30/17
THE NETHERLANDS: Hot-Rolled Steel Flat Products, A–421–813	3/22/16–9/30/17
THE PEOPLE'S REPUBLIC OF CHINA:	
Barium Carbonate, A–570–880	10/1/16–9/30/17
Barium Chloride, A–570–007	10/1/16–9/30/17
Boltless Steel Shelving Units Prepackaged For Sale, A–570–018	10/1/16–9/30/17
Electrolytic Manganese Dioxide, A–570–919	10/1/16–9/30/17
Helical Spring Lock Washers, A–570–822	10/1/16–9/30/17
Polyvinyl Alcohol, A–570–879	10/1/16–9/30/17
Steel Wire Garment Hangers, A–570–918	10/1/16–9/30/17
TRINIDAD AND TOBAGO: Carbon and Certain Alloy Steel Wire Rod, A–274–804	10/1/16–9/30/17
TURKEY: Hot-Rolled Steel Flat Products, A–489–826	3/22/16–9/30/17
UNITED KINGDOM: Hot-Rolled Steel Flat Products, A–412–825	3/22/16–9/30/17
Countervailing Duty Proceedings	
BRAZIL:	
Carbon and Certain Alloy Steel Wire Rod, C–351–833	1/1/16–12/31/16
Hot-Rolled Steel Flat Products, C–351–846	1/15/16–12/31/16
IRAN: Roasted In-Shell Pistachios, C–507–601	1/1/16–12/31/16
REPUBLIC OF KOREA: Hot-Rolled Steel Flat Products, C–580–884	8/12/16–12/31/16
THE PEOPLE'S REPUBLIC OF CHINA: Boltless Steel Shelving Units Prepackaged for Sale, C–570–019	1/1/16–12/31/16
Suspension Agreements	
RUSSIA: Uranium, A–821–802	10/1/16–9/30/16

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

The Department no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[3] Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[4] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS Web site at *http://access.trade.gov*.[5] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of October 2017. If the Department does not receive, by the last day of October 2017, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: September 28, 2017.

James Maeder,

Senior Director perfoming the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–21339 Filed 10–3–17; 8:45 am]

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[2] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/*.

[3] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[4] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[5] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–016]

Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China: Notice of Court Decision Not in Harmony With the Amended Final Determination of the Antidumping Duty Investigation and Notice of Second Amended Final Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On September 25, 2017, the United States Court of International Trade (CIT or the Court) entered a final judgment sustaining the Department of Commerce's (Department) results of remand redetermination concerning the antidumping duty (AD) investigation of certain passenger vehicle and light truck tires (passenger tires) from the People's Republic of China (PRC). The Department is notifying the public that the Court's final judgment in this case is not in harmony with the Department's amended final determination, and is therefore amending that determination with respect to the cash deposit rate for Cooper Tire & Rubber Company, Cooper (Kunshan) Tire Co., Ltd., and Cooper Chengshan (Shandong) Tire Co., Ltd. (collectively, Cooper), exporters and producers of subject merchandise.

DATES: Applicable: October 5, 2017.

FOR FURTHER INFORMATION CONTACT: Toni Page, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1398.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 2015, the Department published its final determination in the AD investigation of passenger tires from the PRC.[1] On August 10, 2015, the Department published an amended final determination and the AD order.[2] As part of the Department's amended final determination, the Department assigned a cash deposit rate of 11.12 percent to Cooper, which reflected an adjustment for export subsidies and estimated domestic subsidy pass-through from the companion countervailing duty (CVD) investigation of passenger tires from the PRC.[3]

On March 29, 2017, the Court remanded this case to the Department. Specifically, the Court directed the Department on remand to determine Cooper's AD cash deposit rate on the same basis as all other separate rate respondents and to inform the Court of the date by which the redetermined cash deposit rate would be put into effect.[4]

On April 13, 2017, the Department issued its *Results of Redetermination,*[5] recalculating Cooper's AD cash deposit rate by adjusting its weighted-average dumping margin downward using the export subsidy rate of 13.53 percent. This export subsidy rate reflects the weighted average of the export subsidies received by the mandatory respondents in the CVD investigation and made applicable to the remaining non-mandatory separate rate respondents in the AD investigation. As a result of this adjustment, Cooper's recalculated AD cash deposit rate is 8.72 percent. The Department informed the Court that it intended to place this redetermined cash deposit rate into effect by means of instructions issued to U.S. Customs and Border Protection (CBP), with an effective date as of the tenth day from the date on which the Court issues a final judgment sustaining the results of redetermination.

On September 25, 2017, the Court sustained the Department's *Results of Redetermination* in full.[6]

Timken Notice

In its decision in *Timken,*[7] as clarified by *Diamond Sawblades,*[8] the United States Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's September 25, 2017, judgment sustaining the Department's decision in the Results of Redetermination to re-calculate the cash deposit rate for Cooper from 11.12 percent to 8.72 percent, constitutes a final decision of the court that is not in harmony with the *Amended Final Determination.* This notice is published in fulfillment of the publication requirements of *Timken.*

Second Amended Final Determination

Because there is now a final court decision, the Department is amending the *Amended AD Final Determination* with respect to the cash deposit rate calculated for the Cooper entities. Based on the *Results of Redetermination,* as affirmed by the CIT in the *Cooper Remand,* the revised cash deposit rate for the Cooper companies are as follows:

Exporter/producer	Cash deposit rate (percent)
Cooper Tire & Rubber Company/Cooper Chengshan (Shandong) Tire Co., Ltd	8.72
Cooper Tire & Rubber Company/Cooper (Kunshan) Tire Co., Ltd	8.72
Cooper Chengshan (Shandong) Tire Co., Ltd./Cooper Chengshan (Shandong) Tire Co., Ltd	8.72
Cooper (Kunshan) Tire Co., Ltd./Cooper (Kunshan) Tire Co., Ltd	8.72

Cash Deposit Requirements

Since the *Amended AD Final Determination,* the Department has not established a new cash deposit rate for the above-listed companies. As a result, in accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to collect a cash deposit of 8.72 percent for entries of subject merchandise exported and produced by the above listed companies, effective October 5, 2017. Pursuant to the Court's final judgment and order, the Department will instruct CBP to issue a refund of cash deposits in the amount of 2.4 percent on entries of certain passenger vehicle and light truck tires from the People's Republic of China exported and produced by the above-listed companies entered on or after August 6, 2015 and through and including the date of publication in the **Federal Register** of this notice.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 735(d), and 777(i)(1) of the Act.

Dated: September 28, 2017.

Carole Showers,

Executive Director, Office of Policy performing the duties of the Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–21343 Filed 10–3–17; 8:45 am]

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[1] *See Antidumping Duty Investigation of Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, In Part,* 80 FR 34893 (June 18, 2015), and accompanying Issues and Decision Memorandum (IDM) (*AD Final Determination*).

[2] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 47902 (August 10, 2015) (*First Amended AD Final Determination*).

[3] *See Amended AD Final Determination,* 80 FR at 47904.

[4] *See Cooper Tire & Rubber Company, et al.,* v. *United States,* Court No. 15–00251, Slip Op. 17–32 (March 29, 2017) (*Remand Order*).

[5] *See Results of Remand Redetermination Pursuant to Remand,* Court No. 15–00251, dated April 13, 2017, available at: *http://ia.ita.doc.gov/remands/17-32.pdf* (*Results of Remand Redetermination*).

[6] *See Cooper Tire & Rubber Company, et al.,* v. *United States,* Court No. 15–00251, Slip. Op. 17–130 (September 25, 2017).

[7] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[8] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the Department of Commerce (the Department) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping and countervailing duty (AD/CVD) order(s) listed below. The International Trade Commission (the Commission) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s).

DATES: Applicable October 1, 2017.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the ''Initiation of Review'' section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating Sunset Reviews of the following antidumping and countervailing duty order(s):

DOC Case No.	ITC Case No.	Country	Product	Department contact
A–570–828	731–TA–672	PRC	Silicomanganese (4th Review)	Robert James (202) 482–0649.
A–823–805	731–TA–673	Ukraine	Silicomanganese (4th Review)	Robert James (202) 482–0649.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's Web site at the following address: *http://enforcement.trade.gov/sunset/.* All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.[1]

This notice serves as a reminder that any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information.[2] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in these segments.[3] The formats for the revised certifications are provided at the end of the *Final Rule.* The Department intends to reject factual submissions if the submitting party does not comply with the revised certification requirements.

On April 10, 2013, the Department modified two regulations related to AD/CVD proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301).[4] Parties are advised to review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in these segments. To the extent that other regulations govern the submission of factual information in a segment (such as 19 CFR 351.218), these time limits will continue to be applied. Parties are also advised to review the final rule concerning the extension of time limits for submissions in AD/CVD proceedings, available at *http://enforcement.trade.gov/frn/2013/1309frn/2013-22853.txt,* prior to submitting factual information in these segments.[5]

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), the Department will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d)). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice

[1] *See also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[2] *See* section 782(b) of the Act.

[3] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*) (amending 19 CFR 351.303(g)).

[4] *See Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013).

[5] *See Extension of Time Limits,* 78 FR 57790 (September 20, 2013).

of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review.[6]

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews. Consult the Department's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: September 28, 2017.

James Maeder,

Senior Director, perfoming the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–21340 Filed 10–3–17; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See* 19 CFR 351.218(d)(1)(iii).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–830]

Initiation and Preliminary Results of Changed Circumstances Review: Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod From Mexico

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Department) is simultaneously initiating and issuing the preliminary results of a changed circumstances review (CCR) of the antidumping duty order on carbon and certain alloy steel wire rod (wire rod) from Mexico to determine whether ArcelorMittal Mexico, S.A. de C.V. (AMM) is the successor-in-interest to ArcelorMittal Las Truchas, S.A. de C.V. (AMLT). Based on the information on the record, we preliminarily determine that AMM is the successor-in-interest to AMLT. Interested parties are invited to comment on these preliminary results.

DATES: Applicable October 4, 2017.

FOR FURTHER INFORMATION CONTACT: Keith Haynes, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5139.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 2002, the Department published in the **Federal Register** the antidumping duty order on wire rod from Mexico.[1] On May 19, 2016, the Department published its final results of the 2013–2014 administrative review of the *Order,* in which it assigned AMLT a 2.59 percent dumping margin.[2] On August 15, 2017, AMM, a foreign producer of the subject merchandise, requested that the Department initiate and conduct a changed circumstance review to determine that AMM is the successor-in-interest to AMLT for the purposes of the *Order.*[3] On September 12, 2017, AMM filed a letter stating it conferred with counsel for interested parties to this proceeding, specifically, counsel for Nucor Corporation, counsel for Gerdau Ameristeel USA, Charter Steel, and Keystone Steel, and counsel for Deacero S.A.P.I. de C.V. and Deacero USA (a group which included domestic interested parties/petitioners to the *Order*), at which time they stated they would not oppose the August 15, 2017, request.[4] AMM further requested that the Department initiate and conduct an expedited changed circumstances review.[5]

Scope of the Order

The merchandise covered by the *Order* is carbon and certain alloy steel wire rod. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7213.91.3000, 7213.91.3010, 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3090, 7213.91.3091, 7213.91.3092, 7213.91.3093, 7213.91.4500, 7213.91.4510, 7213.91.4590, 7213.91.6000, 7213.91.6010, 7213.91.6090, 7213.99.0030, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0000, 7227.20.0010, 7227.20.0020, 7227.20.0030, 7227.20.0080, 7227.20.0090, 7227.20.0095, 7227.90.6010, 7227.90.6020, 7227.90.6030, 7227.90.6035, 7227.90.6050, 7227.90.6051, 7227.90.6053, 7227.90.6058, 7227.90.6059, 7227.90.6080, and 7227.90.6085 of the HTSUS. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.[6]

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and the Department's regulations (19 CFR 351.216 and 351.221(c)(3)), the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an order which shows changed circumstances sufficient to warrant a review of the order. Generally, in the past, the Department has used CCRs to address the applicability of cash deposit rates after there have been changes in the name or structure of a respondent, such as a merger or spinoff (*i.e.,* successor-in-interest, or successorship determinations).[7]

[1] *See Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine,* 67 FR 65945 (October 29, 2002) (*Order*).

[2] *See Carbon and Certain Alloy Steel Wire Rod From Mexico: Final Results of Antidumping Duty Administrative Review,* 81 FR 31592 (May 19, 2016).

[3] *See* letter from AMM, ''Carbon and Certain Alloy Steel Wire Rod from Mexico: Request for Changed Circumstances Review,'' dated August 15, 2017 (CCR Request).

[4] *See* letter from AMM, ''Carbon and Certain Alloy Steel Wire Rod from Mexico: Supplement to Request for Changed Circumstances Review,'' dated September 12, 2017 (CCR Supplement).

[5] *Id.*

[6] For a complete description of the scope of the order, *see* Memorandum from James Maeder, Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Carole Showers, Executive Director, Office of Policy, performing the duties of the Deputy Assistant Secretary for Enforcement and Compliance, ''Carbon and Certain Alloy Steel Wire Rod from Mexico Preliminary Decision Memorandum of Changed Circumstances Review,'' dated concurrently with, and hereby adopted by, these preliminary results (Preliminary Decision Memorandum).

[7] *See, e.g., Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Changed Circumstances Review,* 81 FR 91909

Specifically, AMM states that as of May 2, 2017, AMLT, which received its own cash deposit rate as a mandatory respondent in the most recently completed administrative review of the *Order,* entered into a purchase and sale agreement (Agreement) with AMM, under which nearly all AMLT's assets and commercial relationships were sold to AMM.[8] Thus, consistent with Department practice, we find the information submitted by AMM demonstrates changed circumstances sufficient to warrant a review.[9] Therefore, in accordance with section 751(b)(1) of the Act and 19 CFR 351.216(d), the Department is initiating a changed circumstances review to determine whether AMM is the successor-in-interest to AMLT.

Preliminary Results

When it concludes that expedited action is warranted, the Department may publish the notice of initiation and preliminary results of a CCR in a single notice.[10] The Department has combined the notice of initiation and preliminary results in successor-in-interest cases when sufficient documentation has been provided supporting the request to make a preliminary determination.[11] In this instance, because the record contains information necessary to support the request for a preliminary determination, we find that expedited action is warranted, and we are combining the notice of initiation and the notice of preliminary results, in accordance with 19 CFR 351.221(c)(3)(ii).

In a CCR, we generally consider a company to be the successor to another company for antidumping (AD) cash deposit purposes if the operations of the successor are not materially dissimilar from those of its predecessor.[12] In making this determination, the Department examines a number of factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) suppliers; and (4) customer base.[13] While no one or several of these factors will necessarily provide a dispositive indication of succession, the Department will generally consider one company to be the successor to another company if its resulting operation is essentially the same as that of its predecessor.[14] Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the prior company, the Department will assign the new company the cash deposit rate of its predecessor.[15]

In its CCR Request, AMM provided evidence demonstrating that its operations are not materially dissimilar from those of its predecessor, AMLT.[16] Specifically, AMM and AMLT are both owned by the same parent company, and the record shows that the same employees and management control the company both before and after the acquisition.[17] Further, AMM demonstrates that it simply integrated AMLT's long steel products production facilities into its company's assets and has not made any material changes to the production processes.[18] Finally, the record confirms that there have not been any material changes to the company's suppliers,[19] nor to the customer base,[20] as a result of the merger. Based on the foregoing findings, which are explained in greater detail in the Preliminary Decision Memorandum, the Department preliminarily determines that AMM is the successor-in-interest to AMLT and, as such, it is entitled to AMLT's AD cash deposit rate with respect to entries of subject merchandise. Should our final results remain the same as these preliminary results, we will instruct U.S. Customs and Border Protection to suspend liquidation of entries of wire rod products produced and/or exported by AMM at the AD cash-deposit rate applicable to AMLT, effective the date of publication of the final results.

Public Comment

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.[21] Rebuttal briefs, which must be limited to issues raised in such briefs, may be filed not later than seven days after the date of publication of this notice.[22] Parties who submit case briefs or rebuttal briefs in this changed circumstances review are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument with an electronic version included.[23]

Any interested party may request a hearing within 30 days of publication of this notice.[24] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230 in a room to be determined.[25]

All submissions, with limited exceptions, must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Time (ET) on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.[26]

Unless extended, consistent with 19 CFR 351.216(e), we intend to issue the final results of this changed-circumstances review no later than 270 days after the date on which this review was initiated or within 45 days if all parties agree to the outcome of the review. We intend to issue and publish this initiation and preliminary results notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3) of the Department's regulations.

Dated: September 28, 2017.

Carole Showers,

Executive Director, Office of Policy performing the duties of the Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–21341 Filed 10–3–17; 8:45 am]

BILLING CODE 3510–DS–P

(December 19, 2016) (*Solar Cells PRC 2016 CCR Final*).

[8] *See* CCR Request at 2.

[9] *See* 19 CFR 351.216(d).

[10] *See* 19 CFR 351.221(c)(3)(ii).

[11] *See, e.g., Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China,* 81 FR 76561 (November 3, 2016), unchanged in *Solar Cells PRC 2016 CCR Final.*

[12] *Id.*

[13] *See Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Multilayered Wood Flooring from the People's Republic of China,* 79 FR 48117, 48118 (August 15, 2014), unchanged in *Multilayered Wood Flooring from the People's Republic of China: Final Results of Changed Circumstances Review,* 79 FR 58740 (September 30, 2014).

[14] *Id.*

[15] *See Solar Cells PRC 2016 CCR Final,* 81 FR at 91910.

[16] *See generally* CCR Request.

[17] *Id.* at 4–5 and Exhibits B and C.

[18] *Id.* at 6–7 and Exhibit A.

[19] *Id.* at 7–8 and Exhibit A.

[20] *Id.* at 8–9.

[21] *See* 19 CFR 321.309(c)(1)(ii).

[22] *See* 19 CFR 351.309(d)(1) and (2).

[23] *See* 19 CFR 351.309(c)(2) and (d)(2).

[24] *See* 19 CFR 351.310(c).

[25] *See* 19 CFR 351.310(d).

[26] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures: Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF695

International Trade Data System Test Concerning the Electronic Submission of Certain Data Required for the Seafood Import Monitoring Program

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

ACTION: Notice; request for comments.

SUMMARY: NMFS announces, in consultation with U.S. Customs and Border Protection (CBP), a test of the International Trade Data System (ITDS) involving the electronic submission of data, related to importation of fish products regulated by NMFS under the Seafood Import Monitoring Program (SIMP), using the import Partner Government Agency (PGA) data set via the Automated Commercial Environment (ACE) Secure Data Portal. CBP and NMFS have developed a plan to test and assess the electronic transmission of harvest and traceability data for fish imports of the Harmonized Tariff Schedule (HTS) codes covered by the SIMP.

The test will involve using the above referenced methods to transmit the data required for processing imports of products specified in the SIMP. Under this test, data may be submitted for the covered fish products imported in any operational port. SIMP does not require or allow for submission of forms through the Document Imaging System (DIS). All ports are operational for the test.

DATES: The test will commence after October 1, 2017, and will continue until concluded by publication of a notice in the **Federal Register** ending the test. Comments on the submission and processing of import data will be accepted throughout the duration of the test. On January 1, 2018 electronic submission of data under Seafood Import Monitoring Program will be mandatory.

ADDRESSES: To submit comments concerning this test program, send an email to Josephine Baiamonte (*Josephine.Baiamonte@dhs.gov*), Director, Business Transformation, Trade Transformation Office (ABO), Office of Trade. In the subject line of an email, please use, ''*Comment on NMFS SIMP Test FRN*''.

Any party seeking to participate in this test should contact their client representative. Interested parties without an assigned client representative should submit an email to John Handy at *John.Handy@dhs.gov* with the subject heading ''*NMFS SIMP FRN—Request to Participate*''.

FOR FURTHER INFORMATION CONTACT: For technical questions related to the Automated Commercial Environment (ACE) transmissions, contact your assigned client representative. Interested parties without an assigned client representative should direct their questions to John Handy at *John.Handy@dhs.gov.* For PGA reporting related questions, contact Emi Wallace (CBP) at *emi.r.wallace@cbp.dhs.gov* and for NMFS program related questions, contact Dale Jones (NMFS) at *dale.jones@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

I. The Automated Commercial Environment

ACE is an automated and electronic system for commercial trade processing, which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions.

CBP's modernization efforts are accomplished through phased releases of ACE component functionality designed to replace a specific function of the legacy Automated Commercial System (ACS) function. Each release will begin with a test and will end with mandatory use of the new ACE feature, thus retiring the legacy ACS function. Each release builds on previous releases and sets the foundation for subsequent releases.

II. International Trade Data System

This test is in furtherance of the ITDS, which is statutorily authorized by section 405 of the Security and Accountability for Every (SAFE) Port Act of 2006, Public Law 109–347. The purpose of ITDS, as defined by section 4 of the SAFE Port Act of 2006, is to eliminate redundant information filing requirements, efficiently regulate the flow of commerce, and effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by CBP, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

III. PGA Data Elements

At this time, ACE is prepared to accept certain PGA data elements for NMFS regulated fish imports included in the test. The PGA data elements comprising the test are generally related to harvest and landing of seafood, additional information on the Seafood Import Monitoring Program is available at *http://www.iuufishing.noaa.gov/.*

IV. The National Marine Fisheries Service Test

This ITDS test is in furtherance of key CBP ITDS initiatives as provided in the SAFE Port Act of 2006. Under this test, NMFS required data will be transmitted electronically through ACE for any merchandise or combination thereof covered by any of these programs.

For approved participants, the test may include all modes of transport and all commodities regulated under the Seafood Import Monitoring Program. The import entry filing process for NMFS will require the submission of specifically designated data/information at the time of filing entry with CBP. The transmission of the required data for NMFS will be utilized to collect the specified information that is required by NMFS. The data will be transmitted in ACE, using the Automated Broker Interface (ABI) at the time of filing an entry to CBP and it will accompany other required import data.

Examples of the kind of data that will be transmitted as part of this test are: The International Fisheries Trade Permit number, 3-alpha species codes, and fishing area. For information regarding fish products regulated by NMFS and data, information, forms and documents required by NMFS, see the implementation guidelines for the NMFS at: *https://www.cbp.gov/document/guidance/nmfs-simp-message-set.*

V. Test Participation Criteria and Participation Procedure

Any party seeking to participate in this test must provide CBP, in their request to participate, their ABI filer code and the port(s) at which they are interested in filing the appropriate PGA data set. Requests to participate in this test will be accepted throughout the duration of the test. To be eligible to apply for this test, the applicant must be a self-filing importer who has the ability to file import entries or a broker who has the ability to file import entries; and the applicant files or intends to file entries for NMFS commodities that are the subject of this test. All test

participants are required to use a software program that has completed ACE certification testing for import data.

At this time, data submissions may be submitted for imports filed at any CBP port. Test participants should contact their client representative regarding import filings eligible for the test (see **ADDRESSES**).

VII. Anticipated Process Changes

A final rule establishing the Seafood Import Monitoring Program (SIMP)—was effective on January 9, 2017, and has a compliance date of January 1, 2018 (81 FR 88975; December 9, 2016). This test covers communication and coordination among the agencies and the filers for the importation of these fisheries products. The agencies will also be testing new operational processes in real time with actual ACE filings in the production environment that include test messages to communicate errors in filing and release status updates to the port and to the filer.

VI. Confidentiality

All data submitted and entered into ACE is subject to the Trade Secrets Act (18 U.S.C. 1905) and is considered confidential, except to the extent as otherwise provided by law. As stated in previous notices, participation in this or any of the previous ACE tests is not confidential and upon a written Freedom of Information Act (FOIA) request, a name(s) of an approved participant(s) will be disclosed by CBP in accordance with 5 U.S.C. 552.

Dated: September 29, 2017.

Steven Wilson,

Acting Director, Office for International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2017–21330 Filed 10–3–17; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Public Availability of Fiscal Year 2016 Service Contract Inventory

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'') is publishing this notice to advise the public of the availability of CFTC's Fiscal Year 2016 Service Contract Inventory.

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Kathryn Rison, Contracting Officer, at 202–418–5419 or *krison@cftc.gov.*

SUPPLEMENTARY INFORMATION: In accordance with section 743 of division C of the Consolidated Appropriations Act of 2010, Public Law 111–117, 123 Stat. 3034, CFTC is publishing this notice to advise the public of the availability of the Fiscal Year (''FY'') 2016 Service Contract Inventory. CFTC has posted its inventory documents on the agency Web site at the following link: *http://www.cftc.gov/About/CFTCReports/index.htm.*

This inventory provides information on service contracts above the Simplified Acquisition Threshold ($150,000), as determined by the base and all options value, that were awarded in FY 2016. CFTC's service contract inventory data is included in the government-wide inventory, which can be filtered to display the CFTC-specific data. A link to the government-wide inventory is included in the posting on the CFTC Web site, or it can be accessed directly at *https://www.acquisition.gov/service-contract-inventory.*

The inventory documents posted on the CFTC Web site also include the following:

- *CFTC FY 2016 Service Contract Inventory Planned Analysis (February 2017):* This report provides information about the Product Service Codes (''PSC'') that CFTC plans to analyze from the 2016 inventory.
- *CFTC FY 2015 Service Contract Inventory Analysis (February 2017):* This report provides information about the PSCs that CFTC analyzed from the 2015 inventory.

Dated: September 29, 2017.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2017–21334 Filed 10–3–17; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Grant an Exclusive Patent License

AGENCY: Air Force Materiel Command, Department of the Air Force, Department of Defense.

ACTION: Notice of intent.

SUMMARY: Pursuant to the Bayh-Dole Act and implementing regulations, the Department of the Air Force hereby gives notice of its intent to grant an exclusive patent license agreement to The Regents of the University of California, a corporation of the State of California, having a place of business at 1111 Franklin Street, 5th Floor, Oakland, CA 94607–5200.

DATES: Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

ADDRESSES: Submit written objections to the Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Room 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; or Email: *afmclo.jaz.tech@us.af.mil.* Include Docket No. A60–170213A–JA in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Rm 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; Email: *afmclo.jaz.tech@us.af.mil.*

SUPPLEMENTARY INFORMATION: The Department of the Air Force intends to grant the exclusive patent license agreement for the invention described in:

—U.S. Provisional Patent Application Serial No. 62/445,551, filed January 12, 2017, and entitled ENDOVASCULAR PERFUSION AUGMENTATION FOR CRITICAL CARE; and

—U.S. Provisional Patent Application Serial No. 62/488,625, filed April 21, 2017, and entitled FLOW RATE CONTROL DEVICE FOR VARIABLE INTRA-AORTIC OCCLUSION.

Authority: 35 U.S.C. 209; 37 CFR 404.

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–21368 Filed 10–3–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2017–0012; OMB Control Number 0704–0259]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Part 216, Types of Contracts

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through December 31, 2017. DoD proposes that OMB extend its approval for three additional years.

DATES: DoD will consider all comments received by December 4, 2017.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0259, using any of the following methods:

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

Email: osd.dfars@mail.mil. Include OMB Control Number 0704–0259 in the subject line of the message.

Fax: 571–372–6094.

Mail: Defense Acquisition Regulations System, Attn: Ms. Carrie Moore, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, 571–372–6093. The information collection requirements addressed in this notice are available electronically on the Internet at: *http://www.acq.osd.mil/dpap/dfars/index.htm.* Paper copies are available from Ms. Carrie Moore, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 216, Types of Contracts, and related clauses in Part 252.216; OMB Control Number 0704–0259.

Needs and Uses: The clauses at DFARS 252.216–7000, Economic Price Adjustment—Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products; DFARS 252.216–7001, Economic Price Adjustment—Nonstandard Steel Items, and DFARS 252.216–7003, Economic Price Adjustment—Wage Rates or Material Prices Controlled by a Foreign Government, require contractors with fixed-price economic price adjustment contracts to submit information to the contracting officer regarding changes in established material prices or wage rates. The contracting officer uses this information to make appropriate adjustments to contract prices.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Type of Request: Revision of a currently approved collection.

Reporting Frequency: On occasion.

Number of Respondents: 132.

Responses per Respondent: 4.04, approximately.

Annual Responses: 533.

Average Burden per Response: 4 hours.

Annual Burden Hours: 2,132.

Summary of Information Collection

Paragraph (c) of the clause at DFARS 252.216–7000, Economic Price Adjustment—Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products, requires the contractor to notify the contracting officer of the amount and effective date of each decrease in any established price. Paragraph (d) of the clause permits the contractor to submit a written request to the contracting officer for an increase in contract price.

Paragraph (f)(2) of the clause at DFARS 252.216–7001, Economic Price Adjustment—Nonstandard Steel Items, requires the contractor to furnish a statement identifying the correctness of the established prices and employee hourly earnings that are relevant to the computation of various indices. Paragraph (f)(3) of the clause requires the contractor to make available all records used in the computation of labor indices upon the request of the contracting officer.

Paragraph (b)(1) of the clause at DFARS 252.216–7003, Economic Price Adjustment—Wage Rates or Material Prices Controlled by a Foreign Government, permits the contractor to provide a written request for contract adjustment based on increases in wage rates or material prices that are controlled by a foreign government. Paragraph (c) of the clause requires the contractor to make available its books and records that support a requested change in contract price.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–21355 Filed 10–3–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Basic Energy Sciences Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, App. 2, and the Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Basic Energy Sciences Advisory Committee's (BESAC) charter will be renewed for a two-year period.

The Committee will provide advice and recommendations to the Office of Science on the Basic Energy Sciences program.

Additionally, the renewal of the BESAC has been determined to be essential to conduct business of the Department of Energy and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, and the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Dr. Harriet Kung at (301) 903–3081.

Issued in Washington, DC, on July 28, 2017.

Shena Kennerly,

Acting Committee Management Officer.

[FR Doc. 2017–21332 Filed 10–3–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

DOE/NSF High Energy Physics Advisory Panel

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, App. 2, and Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the DOE/NSF High Energy Physics Advisory Panel (HEPAP) has been renewed for a two-year period.

The Panel will provide advice and recommendations to the Director, Office of Science (DOE), and the Assistant Director, Directorate for Mathematical and Physical Sciences (NSF), on scientific priorities within the field of high energy physics.

Additionally, the Secretary of Energy has determined that renewal of the HEPAP is essential to conduct business of the Department of Energy and the National Science Foundation and is in the public interest in connection with the performance duties imposed by law upon the Department of Energy. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the Department of Energy Organization Act (Pub. L. 95–91), and the rules and regulations in implementation of these acts.

FOR FURTHER INFORMATION CONTACT: Dr. John Boger at (301) 903–4520.

Issued in Washington, DC, on August 11, 2017.

Shena Kennerly,

Acting Committee Management Officer.

[FR Doc. 2017–21346 Filed 10–3–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Advanced Scientific Computing Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of Renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, and in accordance with Title 41 of the Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Advanced Scientific Computing Advisory Committee will be renewed for a two-year period beginning on June 30, 2017.

The Committee will provide advice to the Director, Office of Science (DOE), on the Advanced Scientific Computing Research Program managed by the Office of Advanced Scientific Computing Research.

Additionally, the renewal of the Advanced Scientific Computing Advisory Committee has been determined to be essential to the conduct of the Department of Energy business and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act, adhering to the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Christine Chalk at (301) 903–5152, *christine.chalk@science.doe.gov.*

Issued in Washington, DC, on June 30, 2017.

Shena Kennerly,

Acting Committee Management Officer.

Editorial Note: This document was received for publication by the Office of the Federal Register on September 29, 2017.

[FR Doc. 2017–21328 Filed 10–3–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ17–19–000]

Buckeye Power, Inc.; Notice of Filing

Take notice that on September 21, 2017, Buckeye Power, Inc. submitted its tariff filing: Buckeye Rate Schedule Filing, to be effective 9/21/2017.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on October 12, 2017.

Dated: September 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21302 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1840–000.

Applicants: Canton Mountain Wind, LLC.

Description: Fifth Supplement to June 15, 2017 Canton Mountain Wind, LLC tariff filing.

Filed Date: 9/28/17.

Accession Number: 20170928–5074.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: ER17–2554–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–09–28_SA 2997 Palo Alto Wind-MidAmerican 1st Rev GIA (J529 J590) to be effective 9/14/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5065.

Comments Due: 5 p.m. ET 10/19/17.

Docket Numbers: ER17–2555–000.

Applicants: PacifiCorp.

Description: Tariff Cancellation: Termination of Lower Valley Energy? Ancillary Services Agreement to be effective 9/30/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5104.

Comments Due: 5 p.m. ET 10/19/17.

Docket Numbers: ER17–2556–000.

Applicants: PacifiCorp.

Description: Tariff Cancellation: Termination of UAMPS Price Construct Agmt to be effective 11/29/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5105.

Comments Due: 5 p.m. ET 10/19/17.

Docket Numbers: ER17–2557–000.

Applicants: New England Power Company.

Description: § 205(d) Rate Filing: Large Generator Interconnection Agrmnt with Wheelabrator Millbury & CEII Request to be effective 9/26/2017.

Filed Date: 9/28/17.

Accession Number: 20170928–5132.

Comments Due: 5 p.m. ET 10/19/17.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES17–59–000.

Applicants: Portland General Electric Company.

Description: Application of Portland General Electric Company for Authority to Issue Short-Term Debt Securities.

Filed Date: 9/28/17.

Accession Number: 20170928–5129.

Comments Due: 5 p.m. ET 10/19/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21298 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2809–034]

KEI (Maine) Power Management (III) LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2809–034.

c. *Date filed:* April 28, 2017.

d. *Applicant:* KEI (Maine) Power Management (III) LLC (KEI Power).

e. *Name of Project:* American Tissue Hydroelectric Project.

f. *Location:* On Cobbosseecontee Stream, in the Town of Gardiner, Kennebec County, Maine. There are no federal or tribal lands within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Lewis C. Loon, Operations and Maintenance Manager—USA, KEI (Maine) Power Management (III) LLC, 423 Brunswick Avenue, Gardiner, ME 04345; (207) 203–3026.

i. *FERC Contact:* John Baummer, 202–502–6837, or *john.baummer@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2809–034.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now is ready for environmental analysis.

l. The existing American Tissue Project consists of: (1) A 256-foot-long, 23-foot-high cut granite, stone and brick masonry dam that includes a 61-foot-long, 26-foot-high west abutment section with 2-foot-high permanent flashboards, a 100-foot-long, 19- to 23-foot-high spillway section with 12-inch-high flashboards and a crest elevation of 122.3 feet mean sea level (msl), and a 95-foot-long, 27-foot-high east abutment section with a 34-foot-wide, 19-foot-high intake structure that includes: (a) A 17-foot-wide, 25.5-foot- high trashrack with 2-inch clear spacing, (b) a manually-operated headgate that controls flow to the penstock, and (c) three 4.67-foot-diameter low level outlets at an elevation of about 100 feet msl for releasing minimum flows to the bypassed reach; (2) an approximately 5.5-acre, 1,000-foot-long impoundment with a normal maximum water surface elevation of 123.3 feet msl; (3) a 280-foot-long, 7-foot-diameter underground steel penstock; (4) a 37-foot-long, 34-foot-wide concrete and wooden powerhouse containing a single 1.0-megawatt turbine-generator unit; (5) a 250-foot-long, 12-kilovolt transmission line; (6) a tailrace; and (7) appurtenant facilities. KEI Power operates the project in a run-of-river mode, with an average annual generation of 5,430 megawatt-hours.

KEI Power proposes to release the following minimum flows from the dam to provide downstream passage in the bypassed reach for alewives and adult eels: 10 cubic feet per second (cfs) from January 1 to May 31; 29 cfs from June 1 to August 31; 69 cfs from September 1 to November 15; and 10 cfs from November 16 to December 31, or inflow to the impoundment, whichever is less. KEI Power also proposes to release a minimum flow of 52 cfs (or inflow, whichever is less) to the tailrace, which includes the minimum flows to the bypassed reach, to protect aquatic resources in the downstream reach. In addition, KEI Power proposes to

upgrade the existing downstream fish passage facility; reduce or cease generation during nighttime hours during the downstream eel passage season if dead/injured or entrained eels are observed; and construct and operate a new upstream passage facility for American eel. KEI Power also proposes to revise the project boundary by removing most of the bypassed reach, except for a small portion of the reach necessary to accommodate the proposed upstream eel passage facility and existing downstream fish passage facilities.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title PROTEST, MOTION TO INTERVENE, COMMENTS, REPLY COMMENTS, RECOMMENDATIONS, TERMS AND CONDITIONS, or PRESCRIPTIONS; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: September 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21288 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–194–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: Application for Authorization Under Section 203 of the FPA to Acquire Jurisdictional Transmission Facilities of Northern States Power Company, a Minnesota corporation.
Filed Date: 9/27/17.
Accession Number: 20170927–5121.
Comments Due: 5 p.m. ET 10/18/17.

Docket Numbers: EC17–195–000.
Applicants: Radford's Run Wind Farm, LLC.
Description: Application For Authorization Under Section 203 of The Federal Power Act, Requests for Waivers of Filing Requirements, Expedited Review and Confidential Treatment of Radford's Run Wind Farm, LLC.
Filed Date: 9/28/17.
Accession Number: 20170928–5026.
Comments Due: 5 p.m. ET 10/19/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER09–1256–004; ER12–2708–006.
Applicants: Potomac-Appalachian Transmission Highline, LLC, PATH West Virginia Transmission Company, PATH Allegheny Transmission Company, LLC.
Description: Response of Potomac-Appalachian Transmission Highline, LLC and its operating companies to July 27, 2017 letter requesting additional information.
Filed Date: 9/27/17.
Accession Number: 20170927–5122.
Comments Due: 5 p.m. ET 10/18/17.

Docket Numbers: ER15–1456–005; ER11–3859–013; ER16–999–005; ER11–4634–005; ER17–436–003; ER17–437–006; ER14–1699–005; ER15–1457–005.
Applicants: Beaver Falls, L.L.C., Dighton Power, LLC, Greenleaf Energy Unit 1 LLC, Hazleton Generation LLC, Marcus Hook Energy, L.P., Marcus Hook 50, L.P., Milford Power, LLC, Syracuse, L.L.C.
Description: Notice of Change in Status of Beaver Falls, L.L.C., et al.
Filed Date: 9/27/17.
Accession Number: 20170927–5126.
Comments Due: 5 p.m. ET 10/18/17.

Docket Numbers: ER17–1639–003.
Applicants: AEP Generation Resources Inc.
Description: Compliance filing: AEP GR Deficency Letter Response to be effective 5/9/2017.
Filed Date: 9/27/17.
Accession Number: 20170927–5108.
Comments Due: 5 p.m. ET 10/18/17.

Docket Numbers: ER17–2553–000.
Applicants: Wabash Valley Power Association, Inc.
Description: § 205(d) Rate Filing: Amendments to Rate Schedules—Jay REMC to be effective 11/27/2017.
Filed Date: 9/27/17.
Accession Number: 20170927–5102.
Comments Due: 5 p.m. ET 10/18/17.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH17–4–003.
Applicants: Starwood Energy Group Global, L.L.C.
Description: Starwood Energy Group Global, L.L.C. submits FERC 65–B Change in Status of Waiver Notification.
Filed Date: 9/27/17.
Accession Number: 20170927–5118.
Comments Due: 5 p.m. ET 10/18/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date.

Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21297 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2541–000]

Estill Solar I, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Estill Solar I, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 18, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21300 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–192–000.
Applicants: Pattern Energy Group LP, Pattern Energy Group Inc., El Cabo Wind LLC.
Description: Application for Authorization for Disposition of Jurisdictional Facilities and Requests for Waivers, Confidential Treatment, and Expedited Consideration of Pattern Energy Group LP, et al.
Filed Date: 9/26/17.
Accession Number: 20170926–5129.
Comments Due: 5 p.m. ET 10/17/17.

Docket Numbers: EC17–193–000.
Applicants: RE Astoria LLC, RE Astoria 2 LLC, RE Barren Ridge 1 LLC.
Description: Application for Authorization under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, Expedited Action and Shortened Comment Period of RE Astoria LLC, et al.
Filed Date: 9/27/17.
Accession Number: 20170927–5062.
Comments Due: 5 p.m. ET 10/18/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–157–000.
Applicants: SP Cactus Flats Wind Energy, LLC.
Description: Self-Certification of EG of SP Cactus Flats Wind Energy, LLC.
Filed Date: 9/27/17.
Accession Number: 20170927–5071.
Comments Due: 5 p.m. ET 10/18/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–2549–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: TVA 2017 NITSA and NOA Filing to be effective 9/1/2017.
Filed Date: 9/27/17.
Accession Number: 20170927–5035.
Comments Due: 5 p.m. ET 10/18/17.

Docket Numbers: ER17–2550–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: PJM submits Six Cost Responsibility Agreements re: DP&L Transfer to AES Ohio Gen to be effective 8/31/2017.
Filed Date: 9/27/17.
Accession Number: 20170927–5072.
Comments Due: 5 p.m. ET 10/18/17.

Docket Numbers: ER17–2551–000.
Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ATSI submits Engineering and Construction Services Agreement SA No. 4713 to be effective 11/27/2017.
Filed Date: 9/27/17.
Accession Number: 20170927–5075.
Comments Due: 5 p.m. ET 10/18/17.

Docket Numbers: ER17–2552–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–09–28_SA 3044 Statcom on ATC MPFCA to be effective 11/27/2017.
Filed Date: 9/27/17.
Accession Number: 20170927–5085.
Comments Due: 5 p.m. ET 10/18/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests,

service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 27, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21296 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC17–15–000]

Commission Information Collection Activities (FERC–505 and FERC–512); Consolidated Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collections and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the requirements and burden of information collection, FERC–505 (Small Hydropower Projects and Conduit Facilities including License/Relicense, Exemption and Qualifying Conduit Facility Determination) and FERC–512 (Preliminary Permit) which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements.

DATES: Comments on the collection of information are due December 4, 2017.

ADDRESSES: You may submit comments identified by Docket No. IC17–15–000 by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Please reference the specific collection number and/or title in your comments.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year approval of the FERC–505 and FERC–512 information collection requirements with no changes to the current reporting requirements. Please note that each collection is distinct from the next.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Title: FERC–505, Small Hydropower Projects and Conduit Facilities including License/Relicense, Exemption, and Qualifying Conduit Facility Determination.

OMB Control No.: 1902–0115.

Abstract: The Hydropower Efficiency Act amended statutory provisions pertaining to preliminary permits and to projects that are exempt from certain licensing requirements under the Federal Power Act (FPA) in order to reduce cost and regulatory burden, and in turn, promote hydropower development. Specifically, the Hydropower Efficiency Act gave the Commission authority to extend a preliminary permit once for not more than two additional years without requiring the permittee to apply for a successive preliminary permit. The Hydropower Efficiency Act also expanded the number of projects that may qualify for exemptions from certain licensing requirements under the FPA (*i.e.,* small conduit hydroelectric facilities or small hydroelectric power projects), and allowed other projects to qualify to operate without Commission oversight (*i.e.,* qualifying conduit hydropower facilities). While the Commission-approved revised regulations formally implement the Hydropower Efficiency Act, the Commission has complied with the Act since its enactment.

Type of Respondents: Businesses or other for-profit and not-for-profit institutions.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–505 (SMALL HYDROPOWER PROJECTS AND CONDUIT FACILITIES INCLUDING LICENSE/RELICENSE, EXEMPTION, AND QUALIFYING CONDUIT FACILITY DETERMINATION)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden and cost per response [2]	Total annual burden and total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
FERC–505	16	1	16	273 hrs.; $20,884.50	4,368 hrs.; $334,152	$20,884.50

Title: FERC–512, Preliminary Permit.

OMB Control No.: 1902–0073.

Abstract: The information collected under the requirements of FERC–512, is used by the Commission to implement the statutory provisions of the Federal Power Act (FPA) 16 U.S.C. The purpose of obtaining a preliminary permit is to maintain priority of the application for a license for a hydropower facility while the applicant conducts surveys to prepare maps, plans, specifications and estimates; conducts engineering, economic and environmental feasibility studies; and making financial arrangements. The conditions under which the priority will be maintained are set forth in each permit.

Type of Respondent: Businesses or other for-profit and not-for-profit institutions.

Estimate of Annual Burden:[1] The Commission estimates the annual public reporting burden for the information collection as:

FERC–512 (PRELIMINARY PERMIT)

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response[2] (4)	Total annual burden and total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
FERC–512	50	1	50	24 hrs.; $1,836	1,200 hrs.; $91,800	$1,836

Dated: September 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21286 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF17–2–000]

Bonneville Power Administration; Notice of Filing

Take notice that on September 27, 2017, Bonneville Power Administration submitted a Notice of Inadvertent Error in the July 31, 2017 BP–18 Wholesale Power Rate Filing.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on October 27, 2017.

Dated: September 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21299 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2548–000]

EGP Stillwater Solar PV II, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request For Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EGP Stillwater Solar PV II, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 18, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

[1] Burden is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[2] Subject matter experts found that industry employment costs closely resemble FERC's wage average wage figure. FERC's 2017 average annual salary plus benefits per FTE (full-time equivalent) is $158,754 (or $76.50 per hour).

Dated: September 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–21301 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14857–000]

Watterra Energy, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On September 11, 2017, Watterra Energy, LLC (Watterra Energy) filed a preliminary permit application pursuant to section 4(f) of the Federal Power Act proposing to study the feasibility of the proposed Saylorville Dam Hydroelectric Project No. 14857–000, to be located at the existing Saylorville Dam on the Des Moines River, near the City of Des Moines in Polk County, Iowa. Saylorville Dam is owned by the United States government and operated by the United States Army Corps of Engineers.

The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owner's express permission.

Watterra Energy's proposed project would consist of: (1) A new 20-foot-diameter steel penstock that would be inserted into an existing 22-foot-diameter by 640-foot-long concrete conduit; (2) a new 55-foot-wide by 70-foot-long by 30-foot-high concrete powerhouse; (3) three new 5.22-megawatt (MW) turbines, with a combined generating capacity of 15.66 MW; (4) a new 70-foot-long by 55-foot-wide substation; (5) a new 7,000-foot-long, 13.8-kilovolt transmission line; and (6) appurtenant facilities. The project would have an estimated annual generation of 58 gigawatt-hours.

Applicant Contact: Mr. Craig Dalton, 220 W. Main Street, Hamilton, MT 59840; (406) 384–0080.

FERC Contact: Tyrone A. Williams, (202) 502–6331.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14857–000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14857) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21271 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP14–554–002; CP15–016–003; CP15–017–002]

Florida Southeast Connection, LLC; Transcontinental Gas Pipe Line Company, LLC; Sabal Trail Transmission, LLC; Notice of Availability of the Draft Supplemental Environmental Impact Statement for the Southeast Market Pipelines Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft supplemental environmental impact statement (SEIS) for the Southeast Market Pipelines Project (SMP Project). The SMP Project is composed of three separate, but related, interstate natural gas transmission pipeline projects. These projects are: Transcontinental Gas Pipe Line Company, LLC's Hillabee Expansion Project in Docket No. CP15–16–000; Sabal Trail Transmission, LLC's Sabal Trail Project in Docket No. CP15–17–000; and Florida Southeast Connection, LLC's Florida Southeast Connection Project in Docket No. CP14–554–000. Together, these projects involve the construction and operation of approximately 685 miles of pipeline and associated facilities.

The draft SEIS has been prepared to address the August 22, 2017 Opinion issued by the United States Court of Appeals for the District of Columbia regarding the Commission's environmental review of the SMP Project. The draft SEIS incorporates by reference and expands upon the analysis contained within the December 2015 final environmental impact statement (FEIS) for the SMP Project. The draft SEIS estimates the greenhouse gas emissions generated by the SMP Project's customers' downstream facilities, describes the methodology used to determine these estimates, discusses context for understanding the magnitude of these emissions, and addresses the value of using the social cost of carbon tool.

As described in the executive summary of the FEIS, and based on the environmental analysis section of the FEIS and this draft SEIS, we conclude that constructing and operating the SMP Project would result in temporary and permanent impacts on the environment. We also conclude that with the applicants' implementation of their respective impact avoidance, minimization, and mitigation measures, as well as their adherence to the measures we have required to further avoid, minimize, and mitigate these impacts, operating the SMP Project would not result in a significant impact on the environment.

Commission staff has mailed copies of the draft SEIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners, other interested individuals and groups; and newspapers and libraries in the project area. Additionally, the draft SEIS is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the draft EIS are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the draft SEIS may do so. The Commission will only consider comments on the draft SEIS, and not on the FEIS or the Commission's orders in this proceeding, on which the public

has already been provided the opportunity to comment. Comments on the draft SEIS must be filed on or before November 20, 2017. While the Commission makes every effort to consider all comments, it cannot guarantee that late comments will be considered.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference docket numbers CP14554–002; CP15–16–003; and CP15–17–002 with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister.* If you are filing a comment on a particular project, please select Comment on a Filing as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket numbers (CP14554–002, CP15–16–003, and CP15–17–002) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Questions?

Additional information about the SMP Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search, and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP14554, CP15–16, and CP15–17). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676; for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: September 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21269 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange, Investigation of Practices of the California Independent System Operator and the California Power Exchange Corporation, Investigation of Wholesale Rates of Public Utility Sellers of Energy and Ancillary Services in the Western Systems Coordinating Council, State of California, ex rel. Bill Lockyer, Attorney General of the State of California v. British Columbia Power Exchange Corp., Fact-Finding Investigation nto Possible Manipulation of Electric and Natural Gas Prices, Aquila, Inc., Aquila, Inc., California Independent System Operator Corporation, Investigation of Anomalous Bidding Behavior and Practices in the Western Markets, Notice of Filing

[Docket Nos. EL00–95–304], [EL00–98–276], [EL01–68–055], [EL02–71–062], [PA02–2–104], [EL03–138–011], [EL03–181–012], [ER03–746–057], [IN03–10–089]

Take notice that on September 26, 2017, MPS Merchant Services, Inc., Aquila Power Corporation and the California Parties filed a Joint Compliance Filing in Support of a Settlement.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on October 17, 2017.

Dated: September 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21270 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2485–076]

FirstLight Hydro Generating Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application for Temporary Amendment of Minimum and Maximum Reservoir Elevation Requirement.

b. *Project No.:* 2485–076.

c. *Date Filed:* September 11, 2017, as supplemented on September 25, 2017.

d. *Applicant:* FirstLight Hydro Generating Company (FirstLight).

e. *Name of Project:* Northfield Mountain Pumped Storage Project.

f. *Location:* The project is located on the east side of the Connecticut River, in the towns of Northfield and Erving, in Franklin County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Douglas Bennett, General Plant Manager—Massachusetts Hydro, FirstLight Hydro Generating Company, Northfield Mountain Station, 99 Millers Falls Road, Northfield, MA 01360. Phone (413) 659–4489.

i. *FERC Contact:* Mr. Christopher Chaney, (202) 502–6778, or *christopher.chaney@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, or comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2485–076) on any comments, motions to intervene, or protests filed.

k. *Description of Request:* FirstLight is seeking authorization to modify the upper reservoir's upper and lower water surface elevation limits from 1,000.5 feet mean sea level (msl) and 938 feet msl, to 1,004.5 feet msl and 920 feet msl, respectively. FirstLight proposes to use the additional storage capacity between December 1, 2017, and March 31, 2018. According to FirstLight, approval of changes in the water surface elevation limits would result in an increase in the maximum daily generation from 8,729 megawatt-hours (MWh) to 10,779 MWh, and provide Independent System Operator-New England with additional resources to address winter reliability needs.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document (*i.e.,* P–2485). You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to the amendment request. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: September 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21287 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2839–015]

Notice Soliciting Scoping Comments; Village of Lyndonville Electric Department

Take notice that the following hydroelectric license application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P–2839–015.

c. *Date filed:* May 26, 2017.

d. *Applicant:* Village of Lyndonville Electric Department.

e. *Name of Project:* Great Falls Hydroelectric Project.

f. *Location:* On the Passumpsic River, in the Town of Lyndon, Caledonia County, Vermont. There are no federal or tribal lands within the project boundary.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. Bill Humphrey, Village of Lyndonville Electric Department, 119 Park Avenue, Lyndonville, VT 05851; (802) 626–3366.

i. *FERC Contact:* Bill Connelly, (202) 502–8587 or *william.connelly@ferc.gov.*

j. *Deadline for filing scoping comments:* October 27, 2017.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659

(TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2839–015.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. The existing Great Falls Project consists of: (1) A 160-foot-long, 32-foot-high curved, concrete dam with 2-foot-high flashboards; (2) an approximately 12-acre impoundment having a storage capacity of 135-acre-feet at a normal full pond water surface elevation of 668.38 feet above mean sea level; (3) an 18.5-foot-wide headworks structure with two headgates; (4) a headworks gate house; (5) an intake structure and bypass pipe that are integral to the dam; (6) a 290-foot-long power canal; (7) two sluice gates; (8) an intake gate house with two trashracks; (9) a 200-foot-long metal penstock; (10) a 47-foot-long, 25-foot-wide powerhouse containing a 1,350-kilowatt (kW) turbine-generator unit and a 40-foot-long, 40-foot-wide powerhouse containing two 350-kW turbine-generator units, for a total capacity of 2,050-kW; (11) a 350-foot-long, 2.4-kilovolt (kV) above-ground generator lead that connects the turbine-generator units to a step-up transformer; (12) a 1.75-mile-long, 12.5-kV above-ground transmission line; and (13) appurtenant facilities.

The Village of Lyndonville Electric Department (Lyndonville) operates the project in a run-of-river mode with an annual average energy production of approximately 3,960 megawatt-hours. Lyndonville is not proposing any changes in project operation. Lyndonville proposes to continue to release a year-round minimum flow of 10 cfs (or inflow, whichever is less) to the bypassed reach to maintain habitat for fish and aquatic organisms and release a minimum flow of 75 cfs (or inflow, whichever is less) from the powerhouse during project shutdowns to protect fish and aquatic resources in the downstream reach. Lyndonville proposes to install an automatic pond level control system to improve control of impoundment water surface level fluctuations. Lyndonville also proposes to develop a minimum flow monitoring plan to ensure adequate flow is provided to the bypassed reach and downstream of the powerhouse.

Lyndonville also proposes to construct and maintain a new carry-in boat access trail downstream of the tailrace, on the west bank of the Passumpsic River, designate a new bank fishing area, and install a designated parking area outside of the project gates along the access road to the project. To ensure the adequacy of project recreation facilities, Lyndonville proposes to conduct a Recreation Inventory, Use and Needs Assessment within one year of completion of recreational improvements. Finally, Lyndonville proposes to develop a Historic Properties Management Plan to protect historic resources.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is available for inspection and reproduction at the address in Item H above.

n. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *Scoping Process:*

Commission staff intends to prepare a single Environmental Assessment (EA) for the Great Falls Hydroelectric Project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts, and reasonable alternatives to the proposed action.

Commission staff does not propose to conduct on-site scoping meetings at this time. Instead, we are soliciting comments, recommendations, and information on the Scoping Document 1 (SD1) issued on September 27, 2017.

Copies of SD 1 outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD 1 may be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, call (202) 502–8659.

Dated: September 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21268 Filed 10–3–17; 8:45 am]

BILLING CODE 6717–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2017–6007]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 11–03, Used Equipment Questionnaire.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

This collection will provide information needed to determine compliance and creditworthiness for transaction requests involving previously-owned equipment submitted to Ex-Im Bank under its insurance, guarantee, and direct loan programs. Information presented in this form will be considered in the overall evaluation of the transaction, including Export-Import Bank's determination of the appropriate term for the transaction.

The form can be viewed at: *https://www.exim.gov/sites/default/files/forms/eib11-03.pdf.*

DATES: Comments should be received on or before December 4, 2017, to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *http://www.regulations.gov* or by mail to Mardel West, Export-Import Bank of the United States, 811 Vermont Avenue NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 11–03, Used Equipment Questionnaire.

OMB Number: 3048–0039.

Type of Review: Regular.

Need and Use: The information collected will provide information needed to determine compliance and creditworthiness for transaction requests involving previously-owned equipment submitted to the Export Import Bank under its insurance, guarantee, and direct loan programs.

Affected Public

This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 1,000.

Estimated Time per Respondent: 15 minutes.

Annual Burden Hours: 250 hours.

Frequency of Reporting or Use: As needed.

Government Expenses

Reviewing Time per Year: 250 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $10,625 (time * wages).

Benefits and Overhead: 20%.

Total Government Cost: $12,750.

Bassam Doughman,

IT Specialist.

[FR Doc. 2017–21306 Filed 10–3–17; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice: 2017–6006]

Agency Information Collection Activities; Proposals Submissions, and Approvals

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 95–09 Letter of Interest Application.

SUMMARY: The Export-Import Banks of the United States (Ex-Im Bank), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

The Letter of Interest (LI) is an indication of Export-Import (Ex-Im) Bank's willingness to consider financing a given export transaction. Ex-Im Bank uses the requested information to determine the applicability of the proposed export transaction and determines whether or not to consider financing that transaction.

The form can be reviewed at: *https://www.exim.gov/sites/default/files/pub/pending/95-9-li.pdf.*

DATES: Comments must be received on or before December 4, 2017 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Mia Johnson, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 95–09 Letter of Interest Application.

OMB Number: 3048–0005.

Type of Review: Regular.

Need and Use: The Letter of Interest (LI) is an indication of Export-Import (Ex-Im) Bank's willingness to consider financing a given export transaction. Ex-Im Bank uses the requested information to determine the applicability of the proposed export transaction system prompts and determines whether or not to consider financing that transaction.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 540.

Estimated Time per Respondent: 0.5 hours.

Annual Burden Hours: 270.

Frequency of Reporting of Use: On occasion.

Government Reviewing Time per Year: 270.

Average Wages per Hour: $42.50.

Average Cost per Year: $11,475.

Benefits and Overhead: 20%.

Total Government Cost: $13,770.

Bassam Doughman,

IT Specialist.

[FR Doc. 2017–21312 Filed 10–3–17; 8:45 am]

BILLING CODE 6690–01–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting; Farm Credit Administration Board

AGENCY: Farm Credit Administration.

ACTION: Notice, Regular Meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATES: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on October 12, 2017, from 9:00 a.m. until such time as the Board concludes its business.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- September 14, 2017

B. New Business

- Direct Final Rule—Assessment and Apportionment of Administrative Expenses

Closed Session *

- Office of Secondary Market Oversight Periodic Report
- Office of Information Technology Cybersecurity Update

Dated: October 2, 2017.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2017–21487 Filed 10–2–17; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10086—Security Bank of Gwinnett County, Suwanee, Georgia

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10086—Security Bank of Gwinnett County, Suwanee, Georgia (Receiver) has been authorized to take all actions necessary to terminate the Receivership Estate of Security Bank of Gwinnett County (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary;

* Session Closed-Exempt pursuant to 5 U.S.C. Section 552b(c)(2), (8) and (9).

including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds. Effective October 1, 2017, the Receivership Estate has been terminated, the receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: September 29, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–21323 Filed 10–3–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 30, 2017.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Lawrence Keister & Company,* Scottsdale, Pennsylvania; to acquire additional voting shares of Mid Penn Bancorp, Inc., and thereby indirectly acquire voting shares of Mid Penn Bank, both in Millersburg, Pennsylvania.

Board of Governors of the Federal Reserve System, September 29, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–21319 Filed 10–3–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 171 0084]

Integra LifeSciences Holdings Corporation and Johnson & Johnson; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before October 27, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''Integra LifeSciences et al.; FTC File No. 1710084'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/integradivest* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Integra LifeSciences et al.; FTC File No. 1710084'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Aylin M. Skroejer, (202–326–2459), Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 27, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 27, 2017. Write ''Integra LifeSciences et al.; FTC File No. 1710084'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/integradivest* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, write ''Integra LifeSciences et al.; FTC File No. 1710084'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of

birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 27, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Agreement Containing Consent Orders To Aid Public Comment

Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') from Integra LifeSciences Holdings Corporation (''Integra'') and Johnson & Johnson designed to remedy the anticompetitive effects resulting from Integra's proposed purchase of certain assets of Johnson & Johnson's Codman Neuro (''Codman'') division. The proposed Decision and Order (''Order'') contained in the Consent Agreement requires the parties to divest all rights and assets to Natus Medical Incorporated (''Natus'') related to Integra's intracranial pressure monitoring systems and fixed pressure valve shunt systems, as well as Codman's cerebrospinal fluid collection systems, non-antimicrobial external ventricular drainage catheters, and dural grafts.

The proposed Consent Agreement has been placed on the public record for thirty days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will review the comments received and decide whether it should withdraw, modify, or make the Consent Agreement final.

Under the terms of the Asset Purchase Agreement signed on February 14, 2017, Integra will acquire Codman in a transaction valued at approximately $1.0 billion (the ''Acquisition''). The Commission's Complaint alleges that the proposed Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition in the U.S. markets for intracranial pressure monitoring systems, cerebrospinal fluid collection systems, non-antimicrobial external ventricular drainage catheters, fixed pressure valve shunt systems, and dural grafts. The proposed Consent Agreement will remedy the alleged violations by preserving the competition that otherwise would be lost in these markets as a result of the proposed Acquisition.

The Parties

Integra, headquartered in Plainsboro, New Jersey, is a medical device company with worldwide operations and one of the largest surgical instrument suppliers in the United States. The company has two U.S. business units: Specialty Surgical Solutions and Orthopedics and Tissue Technologies. The Specialty Surgical Solutions division offers instruments and systems for, among other specialties, neurosurgery and critical care.

Codman, part of Johnson & Johnson's DePuy Synthes Inc. business unit, is a global medical device company that offers a diverse portfolio of neurosurgery, neurovascular, and drug delivery products, including instruments and systems for hydrocephalus management, neurointensive care, and cranial surgery, as well as implantable drug infusion systems. The proposed transaction excludes Codman's neurovascular and drug delivery businesses.

The Relevant Products and Structure of the Markets

I. Intracranial Pressure Monitoring Systems

Intracranial pressure monitoring systems are used in intensive care units and operating rooms to measure pressure inside the skull, which can increase in the event of traumatic brain injury, hydrocephalus, intracranial tumors, and other medical conditions. An increase in intracranial pressure can severely damage the brain or spinal cord and is a common cause of death in neurosurgical patients, making quick detection of pressure buildup critical. Intracranial pressure monitoring systems use a pressure-sensitive probe inserted through the skull to send measurements via a transducer cable to a monitor at the patient's bedside. Customers would not switch to an alternative product in response to a small but significant increase in the price of intracranial pressure monitoring systems.

Integra and Codman are the only significant suppliers in the U.S. market for intracranial pressure monitoring systems, accounting for 68% and 26% of 2016 sales, respectively. The remainder of the market is comprised of small, fringe competitors that have limited competitive significance.

II. Cerebrospinal Fluid Collection Systems

Cerebrospinal fluid collection systems drain excess cerebrospinal fluid and monitor pressures within the fluid. They consist of a plastic drainage bag, tubing, and other accessories that connect to a patient through an external ventricular drainage catheter. There are no viable alternatives to cerebrospinal fluid collection systems.

Integra, Codman, and Medtronic are the only competitively significant suppliers of cerebrospinal fluid collection systems in the United States. Integra is the leading supplier with 57%

of the market. Medtronic accounts for an additional 27% of the market, and Codman has a share of 14%. The next closest competitor is Möller Medical, which offers a more complex technology and only accounts for a nominal share of the market.

III. Non-Antimicrobial External Ventricular Drainage Catheters

External ventricular drainage catheters funnel excess cerebrospinal fluid from the brain to cerebrospinal fluid collection systems to relieve intracranial pressure. External ventricular drainage catheters are either antimicrobial or non-antimicrobial, and the two types constitute distinct antitrust markets because of the substantial differences between them. Non-antimicrobial external ventricular drainage catheters lack an antibiotic coating and are suitable for less critical patients; they also may be used to avoid the risk of antibiotic interference when diagnosing infections. They are significantly less expensive than antimicrobial external ventricular drainage catheters. Customers would not switch from non-antimicrobial external ventricular drainage catheters to the antimicrobial versions or any other product in response to a 5% to 10% increase in the price of non-antimicrobial external ventricular drainage catheters, in part because even with such a price increase, antimicrobial external ventricular drainage catheters would still be considerably more expensive.

Integra and Codman account for 29% and 17% of the relevant market in the United States. The only other competitively significant firm is Medtronic, with a 51% share.

IV. Fixed Pressure Valve Shunt Systems

Shunts are the primary tool that neurosurgeons use to treat hydrocephalus, or excessive accumulation of cerebrospinal fluid. Shunt systems redirect excess cerebrospinal fluid from the brain or spinal cord to another area of the body, usually the abdomen, for reabsorption. Shunt systems consist of three components: A ventricular catheter inserted into the brain, a valve to regulate the flow of the fluid, and another catheter that is threaded to the location where the fluid is emptied. Once implanted, the one-way valve in the shunt system regulates the pressure in the brain by governing the amount and pressure of cerebrospinal fluid passing through the catheter.

There are two main types of hydrocephalus shunts: Fixed pressure valve shunts and programmable valve shunts. Fixed pressure valve shunts allow cerebrospinal fluid to pass through the shunt only when the pressure has exceeded some predetermined setting, which medical providers cannot adjust once implanted without another surgery. The settings on a programmable valve shunt system, which is significantly more expensive, can be adjusted non-invasively using specially designed magnetic tools. An insufficient number of customers are likely to switch to programmable valve shunts to prevent a small but significant increase in the price of fixed pressure valve shunt systems.

Integra, Codman, and Medtronic are the only significant suppliers of fixed pressure valve shunt systems. Medtronic accounts for 55% of U.S. sales, and Integra follows at 23% share and Codman at 15% share. Aesculap and Sophysa hold small, fringe positions in the market and their products are not close substitutes to those of Integra and Codman.

V. Dural Grafts

Dural grafts are used to repair or replace a patient's dura mater, the thick membrane that surrounds the brain and spinal cord and keeps cerebrospinal fluid in place. Integra leads the U.S. market with 66% share of 2016 sales. In addition, Integra manufactures approximately 77% of the dural grafts sold in the United States. Medtronic, Codman, and Stryker account for 11%, 9%, and 8% of sales, respectively. Other suppliers account for only a nominal share of the market.

The Relevant Geographic Market

The United States is the relevant geographic market in which to analyze the effects of the proposed Acquisition. These products are medical devices regulated by the U.S. Food and Drug Administration (''FDA''). Medical devices sold outside of the United States, but not approved for sale in the United States, do not provide viable competitive alternatives for U.S. consumers.

Competitive Effects of the Acquisition

The proposed Acquisition would cause substantial competitive harm in the relevant markets. The parties are the only significant suppliers of intracranial pressure monitoring systems in the U.S. market, and two of only three significant suppliers of cerebrospinal fluid collection systems, non-antimicrobial external ventricular drainage catheters, and fixed pressure valve shunt systems in the United States. In the dural grafts market, a combined Integra/Codman would control the vast majority of the U.S. market and eliminate the close competition that exists between the parties today. Eliminating the head-to-head competition between Integra and Codman in all of these highly concentrated markets would allow the combined firm to exercise market power unilaterally, resulting in higher prices and reduced choice for customers in these markets.

Entry Conditions

Entry in the relevant markets would not be timely, likely, or sufficient in magnitude, character, and scope to deter or counteract the anticompetitive effects of the proposed Acquisition. New entry would require significant investment of time and money to design and develop an effective product, obtain FDA approval, and develop clinical history supporting the long-term efficacy of a product. A new entrant must also establish a sales and marketing infrastructure, have or develop a track record of service and support, and offer a robust line of neurosurgical products sufficient to convince potential customers of the viability of its new product offerings. Such development efforts are difficult, time-consuming, and expensive, and often fail to result in a competitive product reaching the market.

The Consent Agreement

The proposed Consent Agreement and Order remedy the competitive concerns raised by the proposed Acquisition by requiring the parties to divest to Natus all assets and rights to research, develop, manufacture, market, and sell Integra's intracranial pressure monitoring systems and fixed pressure valve shunt systems, as well as Codman's cerebrospinal fluid collection systems, non-antimicrobial external ventricular drainage catheters, and dural grafts. Integra is also required to divest its San Diego, California facility that manufactures a key component of its intracranial pressure monitoring systems. Additionally, to further ensure the divestitures are successful, the proposed Order requires the parties to supply Natus with cranial access kits for a limited time until Natus is able to secure supply of that product independently. The kit, which is often sold with the divestiture assets, includes items such as a hand drill, forceps, and sutures used during cranial surgery. The provisions of the Consent Agreement ensure that Natus becomes an independent, viable, and effective competitor in the respective U.S. markets in order to maintain the competition that currently exists.

Based in Pleasanton, California, Natus is a global healthcare company that provides screening, diagnostic, and monitoring solutions for its three business units: Neurology, newborn care, and hearing and balance care. Its neurology business includes systems that are highly complementary to the divestiture assets and test for a variety of medical conditions, including epilepsy, head injury, tumors, Parkinson's, and sleep apnea. Natus is well positioned to restore the competition that otherwise would have been lost pursuant to the proposed Acquisition.

The parties must accomplish the divestitures and relinquish their rights to Natus no later than ten days after consummating the proposed Acquisition. If the Commission determines that Natus is not an acceptable acquirer, or that the manner of the divestitures is not acceptable, the proposed Order requires the parties to unwind the sale of rights to Natus and then divest the products to a Commission-approved acquirer(s) within six months of the date the Order becomes final.

To ensure compliance with the Order, the Commission has agreed to appoint a Monitor to ensure that Integra and Johnson & Johnson comply with all of their obligations pursuant to the Consent Agreement and to keep the Commission informed about the status of the transfer of the rights and assets to Natus. The proposed Order further allows the Commission to appoint a trustee in the event the parties fail to divest the products as required.

The purpose of this analysis is to facilitate public comment on the Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–21291 Filed 10–3–17; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 161 0084]

Abbott Laboratories and Alere Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before October 30, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''In the Matter of Abbott Laboratories and Alere Inc., File No. 161–0084'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/abbottalereconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of Abbott Laboratories and Alere Inc., File No. 161–0084'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Aylin M. Skroejer, (202–326–2459), Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 28, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 30, 2017. Write ''In the Matter of Abbott Laboratories and Alere Inc., File No. 161–0084'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/abbottalereconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, write ''In the Matter of Abbott Laboratories and Alere Inc., File No. 161–0084'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 30, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Agreement Containing Consent Orders To Aid Public Comment

Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') from Abbott Laboratories (''Abbott'') and Alere Inc. (''Alere'') designed to remedy the anticompetitive effects resulting from Abbott's proposed acquisition of Alere. The proposed Decision and Order (''Order'') contained in the Consent Agreement requires the parties to divest all rights and assets related to Alere's point-of-care blood gas testing business to Siemens Aktiengelsellschaft (''Siemens''), and all rights and assets related to Alere's point-of-care cardiac marker testing business to Quidel Corporation (''Quidel'').

The proposed Consent Agreement has been placed on the public record for thirty days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will review the comments received and decide whether it should withdraw, modify, or make the Consent Agreement final.

Under the terms of the Amendment to Agreement and Plan of Merger signed on April 13, 2017, which amends the Agreement and Plan of Merger signed on January 30, 2016, Abbott will acquire Alere in a transaction valued at approximately $8.3 billion, which includes Abbott's assumption of $3.0 billion in debt (the ''Acquisition''). The Commission's Complaint alleges that the proposed Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition in the U.S. markets for point-of-care blood gas testing systems and point-of-care cardiac marker testing systems. The proposed Consent Agreement will remedy the alleged violations by preserving the competition that otherwise would be lost in these markets as a result of the proposed Acquisition.

The Parties

Abbott, headquartered in Abbott Park, Illinois, is a global healthcare company with three business units in the United States: Diagnostic, nutritional, and vascular. Its diagnostic testing division provides an expansive portfolio of instruments, tests, software, and training to hospitals, laboratories, blood banks, and physician offices.

Alere, headquartered in Waltham, Massachusetts, is a global leader in rapid diagnostic testing. Alere provides diagnostic equipment, consumables, and patient self-management tools for cardiometabolic disease, infectious disease, and toxicology.

The Relevant Products and Structure of the Markets

I. Point-of-Care Blood Gas Testing Systems

Point-of-care blood gas testing systems are small, portable medical instruments that measure a patient's blood pH, oxygen, carbon dioxide, and electrolyte levels to assess lung and kidney function, as well as whether an acute patient requires oxygen or other urgent treatment. They provide results in less than five minutes at a patient's bedside or other acute care settings where fast turnaround time is critical, and rely on single-use, disposable test cartridges. Abbott and Alere offer the only handheld point-of-care blood gas testing devices, and other firms offer portable point-of-care models that range up to ten pounds in weight. Hospitals pay a substantial premium for the convenience of point-of-care blood gas testing equipment over the closest alternative, using larger benchtop analyzers that employ multi-use packs of reagents and are typically located in a hospital laboratory or other centralized location for analysis. The vast majority of customers would not switch to benchtop blood gas testing systems in response to a small but significant increase in the price of point-of-care blood gas testing systems.

Abbott and Alere are each other's closest competitors and the only significant suppliers in the U.S. market for point-of-care blood gas testing systems, accounting for 82% and 15% of 2016 sales, respectively. While IDEXX Laboratories, Inc. and LifeHealth LLC offer single-use, portable (but not handheld) systems, they are more distant competitors to Abbott and Alere and maintain fringe positions in the market.

II. Point-of-Care Cardiac Marker Testing Systems

Point-of-care cardiac marker testing systems are small, portable medical instruments that measure specific proteins released into the blood to assess whether a patient experiencing chest pains is having a myocardial infarction or congestive heart failure. They allow for quick initial diagnoses at a patient's bedside, which is critical because the time between a cardiac event and treatment increases the likelihood the patient will suffer permanent loss of heart muscle. The convenience of point-of-care cardiac marker testing systems differentiates them from larger benchtop models that can only be located in a hospital laboratory or some other central area of larger emergency departments. A small but significant increase in the price of point-of-care cardiac marker testing systems would not cause customers to switch to benchtop cardiac marker testing systems.

Abbott and Alere are the only significant suppliers of point-of-care cardiac marker testing systems, accounting for approximately 87% and 13%, respectively, of the 2016 U.S. market. Abbott offers point-of-care cardiac marker testing on a handheld analyzer, and Alere on a two-pound portable analyzer. The next closest competitor to the parties is Response Biomedical, which offers a more complex technology and accounts for only a nominal share of the market.

The Relevant Geographic Market

The relevant geographic market for point-of-care blood gas testing systems and point-of-care cardiac marker testing systems is the United States. These products are medical devices regulated by the U.S. Food and Drug Administration (''FDA''). Medical devices sold outside of the United States, but not approved for sale in the United States, do not provide viable competitive alternatives for U.S. consumers.

Competitive Effects of the Acquisition

The proposed Acquisition would likely result in significant competitive harm to consumers in the markets for point-of-care blood gas testing systems and point-of-care cardiac marker testing systems. In each relevant market, customers are able to leverage Abbott and Alere against each other to obtain better prices and improved products. By eliminating this direct and substantial head-to-head competition, the proposed Acquisition likely would allow the combined firm to exercise market power unilaterally, resulting in higher prices, reduced innovation, and less choice for consumers.

Entry Conditions

Entry in the relevant markets would not be timely, likely, or sufficient in magnitude, character, and scope to deter or counteract the anticompetitive effects of the proposed Acquisition. New entry would require significant investment of time and money for product research and development, regulatory approval by the FDA, and establishment of a U.S. sales and service infrastructure. Such development efforts are difficult, time-consuming, and expensive, and often fail to result in a competitive product reaching the market.

The Consent Agreement

The Consent Agreement eliminates the competitive concerns raised by the proposed Acquisition by requiring Alere to divest: (1) Its point-of-care blood gas testing business, including its Ottawa, Canada facilities, to Siemens; and (2) its point-of-care cardiac marker testing business, including its San Diego, California facility, to Quidel. Alere must divest all assets and rights to research, develop, manufacture, market, and sell its point-of-care blood gas testing and point-of-care cardiac marker testing product lines, including all related intellectual property and other confidential business information. Further, Siemens and Quidel intend to hire substantially all of Alere's employees whose responsibilities primarily relate to the research, development, manufacture, or sale of the relevant products. The provisions of the Consent Agreement ensure that Siemens and Quidel become independent, viable, and effective competitors in the respective markets in order to maintain the competition that currently exists.

Siemens is a global conglomerate with a healthcare division that is one of the world's largest suppliers of technology to the healthcare industry and a leader in medical imaging and laboratory diagnostics. Siemens currently supplies a benchtop blood gas testing system, and Alere's handheld system will be highly complementary to Siemens' portfolio in the United States. Siemens has the expertise, U.S. sales infrastructure, and resources to restore the competition that otherwise would have been lost pursuant to the proposed Acquisition.

Based in San Diego, California, Quidel develops, manufactures, and markets point-of-care diagnostic testing solutions globally. The company has expertise with immunoassay testing and currently focuses on infectious diseases, women's and general health, and gastrointestinal diseases. The acquisition of Alere's point-of-care cardiac marker testing business will complement Quidel's portfolio of rapid diagnostic testing solutions. Moreover, Quidel's chairman was co-inventor of Alere's point-of-care cardiac marker testing system, providing Quidel with additional understanding and background of the divestiture business.

The parties must accomplish the divestitures no later than thirty days after the consummation of the Proposed Acquisition. If the Commission determines that either Siemens or Quidel is not an acceptable acquirer, or that the manner of the divestitures is not acceptable, the proposed Order requires the parties to unwind the sale of rights to Siemens and/or Quidel and then divest the products to a Commission-approved acquirer(s) within six months of the date the Order becomes final.

The Commission has agreed to appoint a Monitor to ensure that Abbott and Alere comply with all of their obligations pursuant to the Consent Agreement and to keep the Commission informed about the status of the transfer of the rights and assets to Siemens and Quidel. The proposed Order further allows the Commission to appoint a trustee in the event the parties fail to divest the products as required.

The purpose of this analysis is to facilitate public comment on the Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–21290 Filed 10–3–17; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 162 3128]

Moonlight Slumber, LLC; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before October 30, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: ''In the Matter of Moonlight Slumber, LLC, File No. 1623128'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/moonlightslumberconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of Moonlight Slumber, LLC, File No. 1623128'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Amanda Kostner (202–326–2880) and Jock Chung (202–326–2984), Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned

consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 28, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 30, 2017. Write ''In the Matter of Moonlight Slumber, LLC, File No. 1623128'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *https://www.ftc.gov/policy/public-comments.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/moonlightslumberconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, write ''In the Matter of Moonlight Slumber, LLC, File No. 1623128'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 30, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Moonlight Slumber, LLC (''respondent'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves the deceptive environmental and health claims respondent made regarding its baby mattresses. According to the FTC complaint, respondent made unsubstantiated representations that its mattresses are organic, natural, or plant-based and that its mattresses will not emit any substance, including volatile organic compounds, or off gas; claimed that testing proved that its mattresses do not emit volatile organic compounds; and represented that its mattresses have been certified by Green Safety Shield, yet failed to disclose that it has a material connection to the Green Safety Shield seal. Consumers likely interpret such seals as a claim that an independent third party certified the product. The complaint alleges that all of these claims are deceptive in violation of Section 5(a) of the FTC Act.

The proposed consent order contains five provisions designed to prevent respondent from engaging in similar acts and practices in the future. Part I prohibits misleading representations regarding whether any mattress, blanket, pillow, pad, foam-containing product, or sleep-related product is organic, natural, or plant-based; regarding the emissions from such product; and regarding the general environmental and health benefits of such product. The order requires respondent to possess competent and reliable evidence, including scientific evidence when appropriate, to substantiate these representations.

Part II prohibits misleading representations regarding emissions-free and VOC-free claims. The order requires competent and reliable scientific evidence to substantiate that a product does not emit more than a trace level of emissions of the substance about which the claim is made. The order defines ''emission'' to include all emissions (not just VOCs that cause smog). This definition reflects the Commission's Enforcement Policy Statement and consumer expectations: Consumers are likely concerned about the potential health effects from exposure to chemical emissions found in indoor air, not just

VOCs that affect outdoor air quality. Consistent with the Green Guides, the order defines ''trace level of emissions'' for claims for a substance to mean that (1) emissions of the substance do not result in inhalation concentrations of that substance higher than background levels in the typical residential home; (2) emissions of the substance do not cause material harm that consumers typically associate with that substance, including harm to the environment or human health; and (3) the substance has not been added intentionally to the covered product.

Part III prohibits respondent from mispresenting the results of any tests or studies, or from misrepresenting that any product benefit is scientifically or clinically proven. Parts IV and V prohibit respondent from misrepresenting certifications or failing to adequately disclose a material connection to a party making a representation, *e.g.,* an endorser.

Parts VI through X are reporting and compliance provisions. Part VI mandates that respondent acknowledge receipt of the order, distribute the order to certain employees and agents, and secure acknowledgments from recipients of the order. Part VII requires that respondent submit compliance reports to the FTC within ninety (90) days of the order's issuance and submit additional reports when certain events occur. Part VIII requires that respondent create and retain certain records for five (5) years. Part IX provides for the FTC's continued compliance monitoring of respondent's activity during the order's effective dates. Part X is a provision ''sunsetting'' the order after twenty (20) years, with certain exceptions.

The purpose of the analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–21289 Filed 10–3–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10110]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by November 3, 2017.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, *Attention:* CMS Desk Officer, *Fax Number:* (202) 395–5806 *OR Email: OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at Web site address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Manufacturer Submission of Average Sales Prices (ASP) Data for Medicare Part B Drugs; *Use:* In accordance with Section 1847A of the Social Security Act (the Act), Medicare Part B covered drugs and biologicals not paid on a cost or prospective payment basis are paid based on the average sales price (ASP) of the drug or biological, beginning in Calendar Year (CY) 2005. The ASP data reporting requirements are specified in Section 1927 of the Act. The reported ASP data are used to establish the Medicare payment amounts. *Form Number:* CMS–10110 (OMB control number: 0938–0921); *Frequency:* Quarterly; *Affected Public:* Business or other For-profits; *Number of Respondents:* 180; *Total Annual Responses:* 720; *Total Annual Hours:* 9360. (For policy questions regarding this collection contact Felicia Eggleston at 410–786–9287.)

Dated: *September 28, 2017.*

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–21249 Filed 10–3–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[OMB Control Number—0985–0033]

Proposed Information Collection Activity; Public Comment Request; Revision of a Currently Approved Information Collection (ICR-Rev); State Developmental Disabilities Council—Annual Program Performance Report (PPR)

AGENCY: Administration on Intellectual and Developmental Disabilities (AIDD), Administration for Community Living (ACL), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on ACL's intention to collect information necessary to determine grantee compliance with Part B of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act). Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the proposed action. This notice solicits comments on a proposed revision to an existing data collection related to the State Councils on Developmental Disabilities (State Councils) Annual Program Performance Report (PPR). On an annual basis, each Council must submit a Program Performance Report (PPR) to describe the extent to which annual progress is being achieved on the 5-year State plan goals. The PPR will be used by (1) the Council as a planning document to track progress made in meeting state plan goals; (2) the citizenry of the State as a mechanism for monitoring progress and activities on the plans of the Council; and (3) the Department as a stewardship tool for ensuring compliance with the Developmental Disabilities Assistance and Bill of Rights Act and for monitoring and providing technical assistance (*e.g.,* during site visits), and support for management decision making.

DATES: Submit written or electronic comments on the collection of information by December 4, 2017.

ADDRESSES: Submit electronic comments on the collection of information to: *Sara.Newell-Perez@acl.hhs.gov.* Submit written comments on the collection of information by mail to Sara Newell-Perez, U.S. Department of Health and Human Services, Administration for Community Living, 330 C Street SW., Room 1108B, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Sara Newell-Perez at (202) 795–7413 or *Sara.Newell-Perez@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or update of an existing collection of information, before submitting the collection to OMB for approval.

The proposed data collection represents a revision of a currently approved information collection (ICR-Rev). In compliance with the requirements of Section 506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration on Community Living is soliciting public comment on the information collection described above. The Department specifically requests comments on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology. Consideration will only be given to comments and suggestions submitted within 60 days of this publication. The proposed State Councils on Developmental Disabilities Annual Program Performance Report can be found on the ACL Web site at: *https://www.acl.gov/about-acl/policy-and-regulations.*

ACL estimates the burden of this collection of information as follows:

Burden Estimates

The total estimated hour burden per respondent for the proposed DD Council PPR will increase from the 138 hours estimated in 2015 to 172 burden hours per response. The number of hours is multiplied by 56 State Council programs, resulting in a total estimated hour aggregate burden of 9,632.

The increase in burden is primarily due to the incorporation of new performance measures into the FFY 2017–2021 state plan cycle. These measures will hone in on individual and family advocacy, as well as systems change advocacy. One example of these measures is a reporting of the number of promising and/or best practices improved as a result of systems change activities. The Program Performance Report (PPR) is an opportunity for Councils to report on the actual data and outcomes that resulted from carrying out the new State Plan activities. The proposed revisions to the PPR form were reviewed and pilot tested by a Performance Measures Workgroup consisting of nine (9) State Council representatives. This workgroup deemed the PPR revisions necessary to accurately capture and report on the progress of the State Councils. A separate workgroup consisting of nine (9) different State Council representatives further discussed data collection methodologies as it relates to the proposed PPR template. The new performance measures will offer a comprehensive categorization and approach to collecting data necessary to report to Congress and other interested entities.

The burden calculation takes into account that 40% percent of the change Councils estimated for data collection burden will be pre-populated for them through their web-based reporting system, ACL Reporting. The increase of 24.6% for burden is consistent with the development of new performance measures and were approved and anticipated by the State Councils.

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
State Councils on Developmental Disabilities Annual Program Performance Report (PPR)	56	1	172	9,632
Total	56	1	172	9,632

Dated: September 26, 2017.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2017–21258 Filed 10–3–17; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Public Comment Request; Revision of a Currently Approved Information Collection (OMB Approval Number 0985–0042); State Grant for Assistive Technology Program Annual Progress Report (AT APR)

AGENCY: Administration for Community Living, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under the Paperwork Reduction Act of 1995 (the PRA). This 30-day notice requests comments on the information collection requirements related to a proposed Revision of a Currently Approved Information Collection (ICR-Rev). The revision would allow ACL to continue to collect information necessary to determine grantee compliance with Section 4 of the Assistive Technology Act of 1998, as Amended (AT Act).

DATES: Submit written comments on the collection of information by November 3, 2017.

ADDRESSES: Submit written comments on the collection of information: by fax at (202) 395–5806 or by email to *OIRA_submission@omb.eop.gov,* Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Robert Groenendaal at (202) 795–7356 or *robert.groenendaal@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or update of an existing collection of information, before submitting the collection to OMB for approval. The proposed data collection represents a revision of a currently approved information collection. In order to comply with the above requirement, ACL is requesting approval of an update of a previously approved collection, the State Grants for Assistive Technology Program Annual Progress Report (AT APR), formerly the 572 Report (0985–0042).

The AT APR is submitted annually by all State Grants for AT programs receiving formula funds under Section 4 of the Assistive Technology Act of 1998, as Amended (AT Act). The AT APR is used by ACL to assess grantees' compliance with Section 4 of the AT Act, with section 1329 of the Code of Federal Regulations, and with applicable provisions of the HHS regulations at 45 CFR part 75. The AT APR enables ACL to analyze qualitative and quantitative data to track performance outcomes and efficiency measures of the State Grants for AT programs; support budget requests; comply with the GPRA Modernization Act of 2010 (GPRAMA) reporting requirements; provide national benchmark information; and inform program development and management activities. This information collection has 3 pieces: (a) Web-based system that collects data from states; (b) performance measure survey on the access and acquisition of AT devices and services that states collect from individuals; and, (c) customer satisfaction survey that states collect from individuals on their experiences accessing and acquiring AT through the State AT program. The burden table below identifies the data collection activities for the three surveys above as well as the estimates for record keeping and entry of aggregate data. In addition to submitting a State Plan every three years, states and outlying areas are required to submit annual progress reports on their activities. The data required for these progress reports is specified in Section 4(f) of the AT Act. The State Grants for AT program conduct the following state-level and state leadership activities: State financing, device demonstration, device loans, device reutilization, training and technical assistance, public awareness, and information and referral.

Comments in Response to the 60-Day Federal Register Notice

A 60-Day notice was published in the **Federal Register** in Vol. 82, No. 135, pg. 32710, on July 17th, 2017. ACL received one comment from the Association of Assistive Technology Act Programs (ATAP), which represents 54 State Grant for AT programs. The comment noted that the proposed changes to the currently approved information collection were developed with extensive input of those it directly impacts, the State AT Program grantees. The revision process began over two years ago and grantees had multiple opportunities to discuss and make recommendations on the proposed changes, which were reviewed during numerous meetings with ATAP membership at national conferences and during online events. There is uniform support within the ATAP membership for the revisions.

Annual Burden Estimates

The proposed State Grants for Assistive Technology Program Annual Progress Report (AT APR) may be found on the ACL Web site at: *https://www.acl.gov/about-acl/public-input.* The total estimated hour burden per respondent for the proposed AT APR will decrease from the 406 hours per respondent estimated in FY 2014 to 404 hours estimated for FY 2017, an estimated reduction of two hours per respondent or 112 in total. These are in addition to reductions made during the last information collection process. The reduction in burden is a result of a data

collection workgroup composed of State AT program staff that met with ACL on several occasions to suggest revisions to the current instrument. The workgroup identified minor changes in several sections of the instrument, including the reporting of state-level and state leadership activities. For example, AT Device Reassignment and Open-Ended Loan have been combined into a single line in ''A. Recipient Table.'' This update aligns the AT APR with the State Plan for AT structure and will streamline data reporting by grantees. A separate module has been created for all the General Information for State AT programs that is consistent between the AT APR and the State Plan for AT. Data will be entered once and from that point forward only updates will be needed, which will streamline the data entry process for grantees. The Public Awareness table with numeric data has been replaced with two narrative text boxes. Numeric data reported in this section has been historically estimated with little consistency in how data is reported between grantees. With a shift to more electronic information sharing, quantified public awareness data is difficult to report for all grantees and aggregate data is not useful. This change will allow for qualitative data that is more helpful in understanding the activities conducted. The workgroup solicited feedback from all of the grantees through face-to-face meetings and webinar presentations. The number of hours is multiplied by 56 AT State Grants programs, resulting in a total estimated hour burden of 22,624 hours.

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
State Grants for AT Annual Progress Report (AT APR)	56	1	80.0	4,480
Performance Measure Surveys	56	1	54.0	3,024
Customer Satisfaction Surveys	56	1	54.0	3,024
Data Entry for the Instruments	56	1	208.0	11,648
Record Keeping Burden	56	1	8.0	448
Total	56	1	404.0	22,624

Estimated Total Annual Burden Hours: 22,624.

Dated: September 27, 2017.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2017–21259 Filed 10–3–17; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–5624]

Agency Information Collection Activities; Proposed Collection; Comment Request; Content and Format of Labeling for Human Prescription Drugs and Biological Products; Requirements for Pregnancy and Lactation Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the content and format requirements for pregnancy and lactation labeling for human prescription drugs and biological products.

DATES: Submit either electronic or written comments on the collection of information by December 4, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 4, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 4, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

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–N–5624 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Content and Format of Labeling for Human Prescription Drugs and Biological Products; Requirements for Pregnancy and Lactation Labeling.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those

submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION, CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Content and Format of Labeling for Human Prescription Drugs and Biological Products; Requirements for Pregnancy and Lactation Labeling

OMB Control Number 0910–0624—Extension

This information collection supports Agency regulations regarding the content and format requirements for pregnancy and lactation labeling. In the **Federal Register** of December 4, 2014 (79 FR 72064), FDA published a final rule entitled ''Content and Format of Labeling for Human Prescription Drug and Biological Products; Requirements for Pregnancy and Lactation Labeling.'' The final rule amended FDA regulations concerning the content and format of the ''Pregnancy,'' ''Labor and delivery,'' and ''Nursing mothers'' subsections of the ''Use in Specific Populations'' section of the labeling for human prescription drugs. The regulations now require, among other things, a summary of the risks of using a drug during pregnancy and lactation and a discussion of the data supporting that summary. The labeling must also include relevant information to help health care providers make prescribing decisions and counsel women about the use of drugs during pregnancy and lactation. The final rule eliminated the pregnancy categories A, B, C, D, and X. In addition, FDA eliminated the ''Labor and delivery'' subsection because the ''Pregnancy'' subsection includes information on labor and delivery. The final rule also required that labeling include relevant information about pregnancy testing, contraception, and infertility for health care providers prescribing for females and males of reproductive potential. In addition, the final rule provided for a 10-year implementation schedule for compliance with the relevant regulations. As the implementation schedule is realized, FDA plans to discontinue this separate information collection and incorporate the provisions into existing collections, as appropriate.

The content and format requirements apply to:

• Applications submitted on or after June 30, 2015 (§§ 314.50 (21 CFR 314.50), 314.70(b), 601.2 (21 CFR 601.2), and 601.12(f)(1));

• amendments to applications pending on June 30, 2015 (§§ 314.60 (21 CFR 314.60), 601.2, and 601.12(f)(1));

• supplements to applications approved from June 30, 2001 to June 30, 2015 (§§ 314.70(b) and 601.12(f)(1)); and

• annual reports for applications approved before June 30, 2001, that contain a pregnancy category, to report removal of the pregnancy category letter in their labeling (§§ 314.70(d) and 601.12(f)(3)).

Under 21 CFR 201.57(c)(9)(i) and (ii)), holders of approved applications must provide new labeling content in a new format—that is, to rewrite the pregnancy and lactation portions of each drug's labeling. Section 201.57(c)(9)(iii) requires that labeling must include the new subsection 8.3, ''Females and males of reproductive potential.'' Application holders are required to submit prior approval supplements to their approved applications before distribution of the new labeling, as required in § 314.70(b) (21 CFR 314.70(b)) or § 601.12(f)(1) (21 CFR 601.12(f)(1)).

Under 21 CFR 201.80(f)(6)(i), holders of approved applications are required to remove the pregnancy category designation (*e.g.,* ''Pregnancy Category C'') from the ''Pregnancy'' subsection of the ''Precautions'' section of the labeling. These application holders must report the labeling change in their annual reports, as required in § 314.70(d) or § 601.12(f)(3).

As indicated in Tables 1 and 2 of this document, we estimate that the burden associated with the information collection to be 1,598,000 hours.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Type of submission (21 CFR section)	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Supplements to applications approved 6/30/01 to 6/30/15 (§§ 314.70(b), 601.12(f)(1)).	390	26	10,140 (Submitted 3rd, 4th, and 5th years after 6/30/15).	120	1,216,800
Annual report submission of revised labeling for applications that contain a pregnancy category, approved before 6/30/01 (§§ 314.70(d), 601.12(f)(3)).	320	~17	5,500 (Submitted 3rd year after 6/30/15).	40	220,000
Total					1,436,800

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Type of submission (21 CFR section)	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
New Drug Applications (NDAs)/Abbreviated New Drug Applications (ANDAs)/Biologics License Applications (BLAs)/efficacy supplements submitted on or after 6/30/15, including amendments to applications pending as of 6/30/15 (§§ 314.50) 314.60, 314.70(b), 601.2, 601.12(f)(1)).	390	~10	4,000 (Submitted during 10-year period after 6/30/15).	40	160,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that approximately 4,000 applications containing the subject labeling will be submitted by approximately 390 applicants and repackagers and relabelers to FDA over the 10-year period beginning June 30, 2015. This figure (4,000 applications) includes labeling for approximately 800 applications submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 505(b)) or section 351 of the Public Health Service Act (42 U.S.C. 262), 1,200 applications submitted under section 505(j) of the FD&C Act, and 2,000 revised drug product labeling from repackagers and relabelers for approximately 2,000 applications. This estimate also includes labeling amendments submitted to FDA for applications pending as of the effective date of the final rule. FDA estimates that it will take applicants approximately 40 hours to prepare and submit the subject labeling. This estimate applies only to the requirements of the final rule and does not indicate the total hours required to prepare and submit complete labeling for these applications. The information collection burden to prepare and submit labeling in accordance with §§ 201.56 (21 CFR 201.56), 201.57, and 201.80 is approved by OMB under control numbers 0910–0572 and 0910–0001.

In addition, during the 3rd, 4th, and 5th years after the effective date of the final rule, the Agency estimates that it will receive approximately 10,150 supplements to applications that were either approved from June 30, 2001, to the effective date or were pending as of the effective date. This estimate includes supplements for approximately 1,080 NDAs, BLAs, and efficacy supplements; 1,320 ANDA supplements; and 7,750 drug product labeling supplements from repackagers and relabelers. FDA estimates that approximately 390 application holders, repackagers, and relabelers will submit these supplements, and that it will take approximately 120 hours to prepare and submit each supplement.

FDA also estimates that application holders will submit approximately 5,500 annual reports to FDA during the third year after the effective date for applications that contain a pregnancy category, approved before June 30, 2001. This estimate includes approximately 1,340 NDAs and BLAs, and approximately 4,160 ANDAs containing labeling changes as a result of the final rule. FDA estimates that approximately 320 application holders will submit these annual reports, and that it will take approximately 40 hours for each submission.

Dated: September 28, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–21292 Filed 10–3–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Patient Engagement Advisory Committee; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; amendment.

SUMMARY: The Food and Drug Administration (FDA) is announcing amendments to the notice of meeting of the Patient Engagement Advisory Committee. This meeting was announced in the **Federal Register** of July 26, 2017. The amendments are being made to reflect time changes in the **DATES** and *Procedure* sections and to add *Webcast Information* to the document. There are no other changes.

FOR FURTHER INFORMATION CONTACT: Letise Williams, Center for Devices and Radiological Health, Food and Drug

Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993–0002, 301–796–8398; or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code PEAC. Please call the Information Line for up-to-date information on this meeting.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 26, 2017 (82 FR 34681), FDA announced that a meeting of the Patient Engagement Advisory Committee would be held on October 11 and 12, 2017. On page 34681, in the third column, the **DATES** section is changed to reflect the time of these meetings on the announced dates.

On page 34682, in the first column, in the *Procedure* section, the third sentence is changed to reflect new times for oral presentations on October 11 and 12.

On page 34682, in the second column, a *Webcast Information* section is added before the last paragraph of the document. The amendments read as follows:

DATES: The meeting will be held on October 11, 2017, from 12:30 p.m. to 6 p.m. and October 12, 2017, from 8 a.m. to 5 p.m.

Procedure: Oral presentations from the public will be scheduled between approximately 2:30 p.m. to 3 p.m. on October 11, 2017, and approximately 1 p.m. to 2:30 p.m. on October 12, 2017.

Webcast Information: This meeting will also be made available to the public via webcast. The links for the webcasts are below: October 11, 2017: ''Patient Engagement Advisory Committee Meeting, Day 1,'' *https://event.webcasts.com/starthere.jsp?ei=1157277&tp_key=5580d0c7a5.* October 12, 2017: ''Patient Engagement Advisory Committee Meeting, Day 2,'' Morning Session—*https://event.webcasts.com/starthere.jsp?ei=1157280&tp_key=dfcde848fe;* and Afternoon Session—*https://event.webcasts.com/starthere.jsp?ei=1157282&tp_key=6d832a247e.*

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to the advisory committees.

Dated: September 29, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–21317 Filed 10–3–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Azza El-Remessy, Ph.D., University of Georgia, College of Pharmacy: Based on the report of an investigation conducted by the University of Georgia, College of Pharmacy (UGCP) and additional analysis conducted by ORI in its oversight review, ORI found that Dr. Azza El-Remessy, former Associate Professor, Department of Clinical and Administrative Pharmacy, UGCP, engaged in research misconduct in research supported by National Eye Institute (NEI), National Institutes of Health (NIH), grants R01 EY011766, R01 EY022408, and R01 EY04618, National Heart, Lung, and Blood Institute (NHLBI), NIH, grant R01 HL056259, and National Cancer Institute (NCI), NIH, grant K01 CA89689.

ORI found that false Western blot data were included in:

- *J Cell Sci.* 118(Pt. 1):243–52, 2005 (hereafter referred to as ''*J Cell Sci.* 2005''). Retraction in: *J Cell Sci.* 129(16):3203, 2016.
- *FASEB J.* 21(10):2528–39, 2007 (hereafter referred to as ''*FASEB J.* 2007''). Retraction in: *FASEB J.* 31(1):421, 2017.
- *PLoS One* 8(8):e71868, 2013 (hereafter referred to as ''*PLoS One* 2013'').

As a result of its investigation, UGCP recommended that *PLoS One* 2013 be corrected. As a result of the investigation, *J Cell Sci.* 2005 and *FASEB J.* 2007 have been retracted.

ORI found that Respondent intentionally, knowingly, or recklessly used the same Western blot bands to represent different experimental results. Specifically, Respondent reused and relabeled bands in:

1. Figure 3B, *J Cell Sci.* 2005, to represent p38 bands from retinal cultured endothelial cells in high glucose in the absence of exogenous VEGF and also cells in peroxynitrite in the presence of exogenous VEGF.
2. Figure 4A, *J Cell Sci.* 2005, to represent nitrotyrosine immunoprecipitations from retinal endothelial cells cultured in normal glucose in the presence or absence of FeTTP; the Respondent also duplicated controls for p85 immunoprecipitation by using three bands representing 2 normal glucose and 1 high glucose treatments, flipping them horizontally (mirror images) to also represent 2 high glucose and 1 peroxynitrite treatments.
3. Figure 4B, *J Cell Sci.* 2005, to represent p85 immunoprecipitations from retinal endothelial cells stimulated with VEGF and also cells treated with either high glucose or peroxynitrite.
4. Figure 4A, *PLoS One* 2013, to represent immunoprecipitations for phosphorylated GSK-3 (p-GSK-3) in cells with normal glucose or high glucose for day 1 and to also represent cells treated with VEGF or VEGF+VEGFI (inhibitor); the Respondent also duplicated GSK-3 controls by using the same bands to represent high glucose treatment for day 1 and day 3 treatments, flipping them horizontally, to also represent for VEGF and VEGFRI treatments.
5. Figure 3, *FASEB J.* 2007, to represent phosphorylated VEGF2 (P-VEGF2) protein expression in microvascular endothelial cells in: Lanes 1 and 8, lanes 2 and 5, and lanes 6 and 7, where each lane represents different experimental conditions.

Dr. El-Remessy entered into a Voluntary Settlement Agreement (Agreement) to resolve this matter without further expenditure of time or other resources. Dr. El-Remessy accepts ORI's findings of research misconduct as set forth above but neither admits nor denies ORI's findings of research misconduct. The settlement is not an admission of liability on the part of the Respondent. Dr. El-Remessy voluntarily agreed, beginning on September 12, 2017:

(1) To have her research supervised for a period of three (3) years beginning with the effective date of the Agreement; Respondent agreed that prior to the submission of an application for U.S. Public Health Service (PHS) support for a research project on which the Respondent's participation is proposed and prior to Respondent's participation in any capacity on PHS-supported research, Respondent shall ensure that a plan for supervision of Respondent's duties is submitted to ORI for approval; the supervision plan must be designed to ensure the scientific integrity of Respondent's research contribution; Respondent agreed that she shall not participate in any PHS-supported research until such a supervision plan is submitted to and approved by ORI; Respondent agreed to maintain responsibility for compliance with the agreed upon supervision plan;

(2) that for three (3) years beginning with the effective date of the Agreement,

any institution employing her shall submit, in conjunction with each application for PHS funds, or report, manuscript, or abstract involving PHS-supported research in which Respondent is involved, a certification to ORI that the data provided by Respondent are based on actual experiments or are otherwise legitimately derived and that the data, procedures, and methodology are accurately reported in the application, report, manuscript, or abstract;

(3) to exclude herself voluntarily from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of three (3) years, beginning with the effective date of the Agreement; and

(4) that as a condition of the Agreement, Respondent will request that *PLoS One* 8(8):e71868, 2013 be corrected or retracted.

FOR FURTHER INFORMATION CONTACT: Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8200.

Kathryn M. Partin,

Director, Office of Research Integrity.

[FR Doc. 2017–21367 Filed 10–3–17; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, SEP U24 Research Resource.

Date: November 30, 2017.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 5635 Fishers Lane, Suite 3146, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: September 28, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21263 Filed 10–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Multi-site Clinical Trials.

Date: October 19, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Shang-Yi Anne Tsai, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 9550, Bethesda, MD 20892, 301–827–5842, *shangyi.tsai@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA Mentored Clinical Scientists Development Program Award in Drug Abuse and Addiction (K12).

Date: October 25, 2017.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIH Pathway to Independence Award (K99/R00).

Date: October 25, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; (T32) Ruth L. Kirschstein National Research Service Award (NRSA) Institutional Research Training Grants.

Date: October 26–27, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Susan O. McGuire, Ph.D. Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Exploring Novel RNA Modifications in HIV/AIDS and Substance Use Disorders (R01, R21).

Date: November 1, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852,

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Cutting-Edge Basic Research Awards (CEBRA) (R21).

Date: November 29, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Shang-Yi Anne Tsai, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 9550, Bethesda, MD 20892, 301–827–5842, *shangyi.tsai@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: September 28, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21265 Filed 10–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of Microbiology, Infectious Diseases and AIDS Initial Review Group Microbiology and Infectious Diseases Research Committee.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group; Microbiology and Infectious Diseases Research Committee.

Date: October 30–31, 2017.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Frank S. De Silva, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3E72A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892934, (240) 669–5023, *fdesilva@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 28, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21264 Filed 10–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting of the Board of Scientific Counselors, NIDA.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute on Drug Abuse, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDA.

Date: November 7, 2017.

Closed: 8:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Intramural Research Program, National Institute on Drug Abuse, NIH, Johns Hopkins Bayview Campus, Baltimore, MD 21223.

Contact Person: Joshua Kysiak, Program Specialist, Biomedical Research Center, Intramural Research Program, National Institute on Drug Abuse, NIH, DHHS, 251 Bayview Boulevard, Baltimore, MD 21224, 443–740–2465, *kysiakjo@nida.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: September 28, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21266 Filed 10–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request, The National Institute of Mental Health Data Archive (NDA), National Institute of Mental Health

AGENCY: National Institutes of Health.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on July 11, 2017, and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Melba Rojas, NIMH Project Clearance Liaison, Science Policy and Evaluation Branch, Office of Science Policy, Planning and Communications, NIMH, Neuroscience Center, 6001 Executive Boulevard, MSC 9667, Bethesda, Maryland 20892, call 301–443–4335, or email your request, including your mailing address, to *nimhprapubliccomments@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: The National Institute of Mental Health (NIMH), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it

displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: The National Institute of Mental Health Data Archive (NDA), REVISION, OMB Control Number 0925–0667, National Institute of Mental Health (NIMH), National Institutes of Health (NIH).

Need and Use of Information Collection: This REVISION request seeks approval of updates to the previously approved National Database for Autism Research Data Access Request and Data Use Certification, to include additional terms/options for data submission and access to meet the needs of the expanding resource, and to change the repository name to the NIMH Data Archive (NDA). The NDA, formerly known as the National Database for Autism Research (NDAR), is an infrastructure that allows for the submission and storage of human subjects data from researchers conducting studies related to many scientific domains, regardless of the source of funding. The NIH and NIMH developed this resource to allow for the public collection of information from: (1) Individuals who seek permission to access data from the NDA for the purpose of scientific investigation, scholarship or teaching, or other forms of research and research development, via the Data Use Certification (DUC), and (2) individuals who request permission to submit data to the NDA for the purpose of scientific investigation, scholarship or teaching, or other forms of research and research development, via the Data Submission Agreement (DSA). The extensive information stored in the NDA continues to provide a rare and valuable scientific resource to the field, and plays an integral part in fulfilling research objectives in multiple scientific domains. The NIH and the NIMH seek to encourage use of the NDA by investigators in the field of multiple scientific research domains to achieve rapid scientific progress. In order to take full advantage of this resource and maximize its research value, it is important that data are made broadly available, on appropriate terms and conditions, to the largest possible number of investigators.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1,500.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
NDA Data Submission Agreement (DSA).	Researchers submitting data	250	1	90/60	375
NDA Data Use Certification (DUC)	Researchers requesting access to data.	750	1	90/60	1125
Total		1000	1000		1500

Melba Rojas,

Project Clearance Liaison, NIMH, NIH.

[FR Doc. 2017–21267 Filed 10–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Waiver of Compliance With Navigation Laws; Hurricane Maria

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

ACTION: Notice.

Hurricane Maria struck Puerto Rico resulting in widespread damage to its infrastructure. In light of this devastation, the Department of Defense (DoD) has requested a 10-day waiver of the Jones Act in the interest of national defense, commencing immediately.

The Jones Act, 46 United States Code (U.S.C.) 55102, states ''a vessel may not provide any part of the transportation of merchandise by water, or by land and water, between points in the United States to which the coastwise laws apply, either directly or via a foreign port'' unless the vessel was built in and documented under the laws of the United States and is wholly owned by persons who are citizens of the United States. Such a vessel, after obtaining a coastwise endorsement from the U.S. Coast Guard, is ''coastwise-qualified.'' The coastwise laws generally apply to points in the territorial sea, which is defined as the belt, three nautical miles wide, seaward of the territorial sea baseline, and to points located in internal waters, landward of the territorial sea baseline.

The navigation laws, including the coastwise laws, can be waived under the authority provided by 46 U.S.C. 501. The statute provides in relevant part, ''On request of the Secretary of Defense, the head of an agency responsible for the administration of the navigation or vessel-inspection laws shall waive compliance with those laws to the extent the Secretary considers necessary in the interest of national defense.'' 46 U.S.C. 501(a).

For the reasons stated above, and in light of the request from the Department of Defense, I am exercising my authority to waive the Jones Act for a 10-day period, commencing immediately, to facilitate movement of all products to be shipped from U.S. coastwise points to Puerto Rico. This waiver applies to covered merchandise laded on board a vessel within the 10-day period of the waiver and delivered by October 18, 2017. Carriers or shippers who conduct transportation pursuant to this waiver should provide notice of the vessel, dates of embarkation and disembarkation, type and quantity of cargo, and port of embarkation to *JonesActWaiverRequest@cbp.dhs.gov.*

Executed this 28th day of September, 2017.

Elaine C. Duke,

Acting Secretary of Homeland Security.

[FR Doc. 2017–21283 Filed 10–3–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6000–FA–05; FR–6000–FA–04; FR–6000–FA–14; FR–6000–FA–29; FR–6100–FA–12; FR–6100–FA–13; FR–6100–FA–33]

Announcement of Funding Awards

AGENCY: Office of Strategic Planning and Management, HUD.

ACTION: Notice.

SUMMARY: In accordance with the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in competitions for funding under the Notices of Funding Availability (NOFAs) for the following programs: Fiscal Year (FY) 2016 Resident Opportunity and Self-Sufficiency Program; FY2016 Family Self-Sufficiency Program; FY2016 Jobs Plus Initiative; FY2016 Research and Evaluation, Demonstration, and Data Analysis and Utilization; FY2017 Comprehensive Housing Counseling Grant Program; FY2017 Lead-Based Paint Hazard Control Grant Program; and FY2017 Lead Hazard Reduction Demonstration Grant Program.

For Additional Information, Contact: Office of Strategic Planning and Management, Grants Management and Oversight Division at *AskGMO@hud.gov* or the contact person listed in each appendix.

SUPPLEMENTARY INFORMATION: The *FY2016 Resident Opportunity and Self-Sufficiency Program* competition was announced in the NOFA published on *grants.gov* on March 31, 2016, FR–6000–N–05, and which closed on May 16, 2016. Applications were rated and selected for funding based on selection criteria contained in the NOFA. $31,597,607 was awarded to 115 recipients to develop local coordination of assistance under the Public Housing program with public and private resources, for supportive services and resident empowerment activities. Service Coordinators link program participants with the supportive services needed to achieve self-sufficiency or remain independent. The list of grantees selected under this NOFA are listed in Appendix A of this notice.

The *FY2016 Family Self-Sufficiency Program* competition was announced in the NOFA published on *grants.gov* on March 21, 2016, FR–6000–N–04, and which closed on April 20, 2016. Applications were rated and selected for funding based on selection criteria contained in the NOFA. $75,158,372 was awarded to 687 recipients to coordinate the use of assistance under the Housing Choice Voucher (HCV) and Public Housing programs with public and private resources to enable participating families to increase earned income and financial literacy, reduce or eliminate the need for welfare assistance, and make progress toward economic independence and self-sufficiency. The list of grantees selected under this NOFA are listed in Appendix B of this notice.

The *FY2016 Jobs Plus Initiative* competition was announced in the NOFA published on *grants.gov* on April 11, 2016, FR–6000–N–14, and which closed on June 13, 2016. Applications were rated and selected for funding based on selection criteria contained in the NOFA. $14,397,553 was awarded to six recipients to develop locally-based, job-driven approaches to increase earnings and advance employment outcomes through work readiness, employer linkages, job placement, educational advancement technology skills, and financial literacy for residents of public housing. The list of grantees selected under this NOFA are listed in Appendix C of this notice.

The *FY2016 Research and Evaluation, Demonstration, and Data Analysis and Utilization* competition was announced in the NOFA published on *grants.gov* on February 10, 2017, FR–6000–N–29, and which closed on May 11, 2017. Applications were rated and selected for funding based on selection criteria contained in the NOFA. $2,899,177 was awarded to four recipients for programs that seek to inform policy development and implementation to improve life in American communities through conducting, supporting, and sharing research, surveys, demonstrations, program evaluations, and best practices. Funding was awarded to conduct the Accessible Housing and Technology Research and Demonstration and Technical Assistance Assessment. The list of grantees selected under this NOFA are listed in Appendix D of this notice.

The *FY2017 Comprehensive Housing Counseling Grant Program* competition was announced in the NOFA published on *grants.gov* on January 31, 2017, FR–6100–N–33, and which closed on March 17, 2017. Applications were rated and selected for funding based on selection criteria contained in the NOFA. $50,672,051 was awarded to 253 recipients to provide counseling and advice to tenants and homeowners, both current and prospective, regarding property maintenance, financial management/literacy, and other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership. The list of grantees selected under this NOFA are listed in Appendix E of this notice.

The *FY2017 Lead-Based Paint Hazard Control Grant Program* competition was announced in the NOFA published on *grants.gov* on February 7, 2017, FR–6100–N–12, and which closed on March 23, 2017. Applications were rated and selected for funding based on selection criteria contained in the NOFA. $66,448,640 was awarded to 28 recipients for units of state and local government to implement comprehensive programs to identify and remediate lead based paint hazards in privately owned rental or owner occupied housing. The list of grantees selected under this NOFA are listed in Appendix F of this notice.

The *FY2017 Lead Hazard Reduction Demonstration Grant Program* competition was announced in the NOFA published on *grants.gov* on February 7, 2017, FR–6100–N–13, and which closed on March 23, 2017. Applications were rated and selected for funding based on selection criteria contained in the NOFA. $60,327,424 was awarded to 20 recipients for units of state and local government to implement comprehensive programs to identify and remediate lead based paint hazards in privately owned rental or owner occupied housing. HUD recognizes that one of the applicants selected for award, the City of Houston, TX, has been subject to devastation caused by Hurricane Harvey and that the City will be facing overwhelming challenges for an extended period. Accordingly, and with the City's agreement, instead of considering obligating FY 2017/2018 funds for their grant, pending successful completion of negotiations, HUD will reserve FY 2018/2019 funds when appropriated, apportioned, and allotted, for obligation pending successful completion of negotiations in FY 2018. The FY 2017/2018 funds will be used for other lead hazard control grants, as permitted by the Consolidated Appropriations Act, 2017, specifically for additional partial funding of Lead-Based Paint Hazard Control grants to the City of Brockton, MA, and the Malden Redevelopment Authority, Malden, MA. The list of grantees selected under this NOFA are listed in Appendix G of this notice.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545(a)(4)(C)), the Department is publishing the awardees and the

amounts of these awards in Appendices A–G to this document.

Dated: September 26, 2017.

Henry Hensley,

Director, Office of Strategic Planning and Management.

[FR–6000–FA–05]

[FR–6000–FA–04]

[FR–6000–FA–14]

[FR–6000–FA–29]

[FR–6100–FA–12]

[FR–6100–FA–13]

[FR–6100–FA–33]

Appendix A

FY2016 Resident Opportunity and Self-Sufficiency Program

Contact: Tremayne Youmans; 202–402–6621.

Recipient					Amount
Catholic Community Service	419 Sixth Street	Juneau	AK	99801–1072	$224,298
Pribilof Islands Aleut Community of St. Paul Island.	Box 86	St. Paul Island	AK	99660–0086	246,000
Housing Authority of the Birmingham District	1826 3rd Ave. South	Birmingham	AL	35233–1941	738,000
Housing Authority of the City of Eufaula	P.O. Box 36	Eufaula	AL	36072–0000	165,800
Huntsville Housing Authority	200 Washington Street.	Huntsville	AL	35804–0486	492,000
City of Tucson	310 N. Commerce Park Loop Public Housing Auth. Division.	Tucson	AZ	85726–7210	246,000
Bishop Paiute Tribe	50 Tu Su Lane	Bishop	CA	93514–8058	191,812
Housing Authority of the County of San Joaquin.	448 S. Center Street	Stockton	CA	95203–3426	321,586
Housing Authority of the County of Stanislaus	1701 Robertson Road Housing Program Services.	Modesto	CA	95358–0033	246,000
Housing Authority of the County of Yolo	147 West Main Street Client Services.	Woodland	CA	95695–2914	246,000
North Lincoln Local Resident Council	1401 Mariposa Street Local Resident Council.	Denver	CO	80204–2503	200,545
Thomas Bean Local Resident Council	2350 Cleveland Place Local Resident Council.	Denver	CO	80205–3208	200,545
Callahan House Association	32 Smith Street	Seymour	CT	06483–3738	246,000
Housing Authority of the City of Meriden	22 Church St. Resident Services Department.	Meriden	CT	06451–3256	246,000
Housing Authority of the City of New Britain	16 Armistice St	New Britain	CT	06053–0000	246,000
West Haven Housing Authority	15 Glade Street	West Haven	CT	06516–0000	246,000
Wilmington Housing Authority	400 N Walnut Street	Wilmington	DE	19802–1436	492,000
Housing Authority of Brevard County	1401 Guava Ave	Melbourne	FL	32935–0000	233,938
Housing Authority of the City of Cocoa	828 Stone Street	Cocoa	FL	32922–0000	246,000
Housing Authority of the City of Lakeland, Florida.	430 Hartsell Avenue	Lakeland	FL	33815–4502	219,185
Housing Authority of the City of Winter Park	718 Margaret Square	Winter Park	FL	32789–1932	222,710
Jacksonville Housing Authority	1300 Broad Street North Resident Svcs.	Jacksonville	FL	32202–3938	655,200
Manatee County Housing Authority	5631 11th Street East	Bradenton	FL	34203–5978	223,860
Orange Avenue United Tenants Association, Inc.	1700 Joe Louis St	Tallahassee	FL	32304–0000	220,198
Pahokee Housing Authority	465 Friend Terrace	Pahokee	FL	33476–1941	192,000
Pinellas County Housing Authority	11479 Ulmerton Road	Largo	FL	33778–1147	242,053
Sarasota Housing Authority Agency-wide Resident Council, Inc.	1300 Boulevard of the Arts.	Sarasota	FL	34236–4967	209,612
Dublin Housing Authority	500 West Mary Street	Dublin	GA	31040–0036	205,689
Griffin Housing Authority	518 Nine Oaks Drive	Griffin	GA	30224–4169	187,614
Housing Authority of the City of College Park	2000 Princeton Avenue.	College Park	GA	30337–2412	246,000
Housing Authority of the City of Gainesville	750 Pearl Nix Parkway.	Gainesville	GA	30503–7016	244,000
Macon-Bibb County Housing Authority	2015 Felton Avenue	Macon	GA	31201–4928	410,482
Guam Housing and Urban Renewal Authority	117 Bien Venida Avenue.	Sinajana	GU	96910–4643	183,606
Coeur d'Alene Tribal Housing Authority	1005 8th St	Plummer	ID	83851	234,144
Central Advisory Council	243 E. 32nd Street	Chicago	IL	60616–3974	195,990
Housing Authority of Henry County	125 N. Chestnut Street.	Kewanee	IL	61443–0125	188,761
Peoria Housing Authority	100 S. Richard Pryor Place.	Peoria	IL	61605–3905	246,000
Springfield Housing Authority	200 North Eleventh Street.	Springfield	IL	62703–1004	482,094
Winnebago County Housing Authority	3617 Delaware Street	Rockford	IL	61102–1506	241,476

Recipient					Amount
Campbellsville Housing & Redevelopment Authority.	400 Ingram Ave	Campbellsville	KY	42718–1627	246,000
City of Lebanon dba Housing Authority of Lebanon.	101 Hamilton Heights ROSS Service Coordinator.	Lebanon	KY	40033–1369	246,000
Housing Authority of Owensboro	2161 East 19th Street	Owensboro	KY	42303	228,053
Lexington-Fayette Urban County Housing Authority.	300 W. New Circle Road.	Lexington	KY	40505–1428	230,727
Dillard University	2601 Gentilly Blvd Office of Community Relations.	New Orleans	LA	70122–3043	246,000
Housing Authority of St. John the Baptist Parish.	152 Joe Parquet Circle.	LaPlace	LA	70068–0000	228,517
Brookline Housing Authority	90 Longwood Ave	Brookline	MA	02446–0000	246,000
Framingham Housing Authority	1 John J. Brady Drive	Framingham	MA	01702–2307	246,000
Malden Housing Authority	630 Salem Street	Malden	MA	02148–4361	246,000
Somerville Housing Authority	30 Memorial Road	Somerville	MA	02145–1704	246,000
Springfield Housing Authority	60 Congress Street	Springfield	MA	01101–1609	185,959
Housing Authority of the City of Annapolis	1217 Madison St	Annapolis	MD	21403–0000	246,000
O'Donnell Heights Tenant Council Inc	1200 Gusryan Street	Baltimore	MD	21224–5548	246,000
Bath Housing Authority	80 Congress Avenue	Bath	ME	04530–1542	217,679
Ellsworth Housing Authority	P.O. Box 28	Bar Harbor	ME	04609–0028	211,482
Housing Authority of the City of Brewer	15 Colonial Circle, Suite 1.	Brewer	ME	04412–1448	175,000
Melvindale Housing Commission	3501 Oakwood Boulevard.	Melvindale	MI	48122–0000	246,000
Port Huron Housing Commission	905 Seventh Street	Port Huron	MI	48060	205,800
St. Louis Housing Authority	3520 Page Boulevard Business Development.	St. Louis	MO	63106–1417	492,000
Housing Authority of the City of Meridian	2425 E Street	Meridian	MS	39302–870	268,009
Housing Authority of the City of Canton	120 Faith Lane	Canton	MS	39046–9761	245,000
Salish & Kootenai Housing Authority	P.O. Box 38	Pablo	MT	59855–0038	206,565
Housing Authority of the City of Goldsboro	700 North Jefferson Ave. Public Housing.	Goldsboro	NC	27530–3135	415,388
Lenoir Housing Authority	101 Hickory Street	North Wilkesboro	NC	28659–3521	201,000
Housing Authority of the City of Lincoln	5700 R Street	Lincoln	NE	68505–2332	246,000
Housing Authority of the City of Omaha	1805 Harney Street Resident Opportunity.	Omaha	NE	68102–1908	718,776
Kearney Housing Authority	P.O. Box 1236	Kearney	NE	68848–1236	135,274
Northern Ponca Tribal HA	1501 Michigan Avenue.	Norfolk	NE	68701–5602	227,740
Atlantic City Housing & Redevelopment Authority.	227 North Vermont Avenue, 17th Floor.	Atlantic City	NJ	08401–5563	467,439
Garfield Housing Authority	71 Daniel P. Conte Court.	Garfield	NJ	07026–2404	221,079
Housing Authority of the City of Camden	2021 Watson Street, 2nd Floor.	Camden	NJ	08105–1866	475,150
Housing Authority of the City of Elizabeth	688 Maple Avenue	Elizabeth	NJ	07202	492,000
Housing Authority of the City of Vineland	191 West Chester Avenue.	Vineland	NJ	08360–5417	240,000
North Bergen Housing Authority	6121 Grand Avenue	North	NJ	07047–0000	246,000
City of Beacon Housing Authority	1 Forrestal Avenue	Beacon	NY	12508–0000	246,000
Syracuse Housing Authority	516 Burt Street	Syracuse	NY	13202–3934	478,000
Cuyahoga Metropolitan Housing Authority	8120 Kinsman Road	Cleveland	OH	44104–4310	644,851
Lorain Metropolitan Housing Authority	1600 Kansas Avenue	Lorain	OH	44052–3317	201,319
Portage Metropolitan Housing Authority	2832 State Route 59	Ravenna	OH	44266–1650	231,624
Trumbull Metropolitan Housing Authority	4076 Youngstown Rd. SE., Suite 101.	Warren	OH	44484–3397	224,185
Housing and Community Services Agency of Lane County.	177 Day Island Rd. Property Management.	Eugene	OR	97401–7911	246,000
Warm Springs Housing Authority	P.O. Box 1167	Warm Springs	OR	97761–1167	156,000
Bradford County Housing Authority	4 Riverside Plaza	Blossburg	PA	16912–0000	220,153
Community Action Southwest	150 West Beau Street	Washington	PA	15301–4425	180,000
Community Action Southwest	150 West Beau Street	Washington	PA	15301–4425	180,000
Housing Authority of the City of Erie	606 Holland Street	Erie	PA	16501–1285	367,635
Housing Authority of the County of Beaver	300 State Avenue	Beaver	PA	15009–1629	447,597
Montgomery County Housing Authority	104 W. Main Street Public Housing.	Norristown	PA	19401–4716	175,304
Philadelphia Housing Authority	12 South 23rd Street Self-Sufficiency.	Philadelphia	PA	19103–3104	721,350
Tioga County Housing Authority	4 Riverside Plaza	Blossburg	PA	16912–0000	220,153

Recipient					Amount
Housing Authority of Florence	400 E Pine St.	Florence	SC	29506–0000	143,078
North Charleston Housing Authority	2170 Ashley Phosphate Rd., #700.	North Charleston	SC	29406–4195	246,000
Chattanooga Housing Authority	801 N. Holtzclaw Avenue.	Chattanooga	TN	37401–1486	417,336
Franklin Housing Authority	200 Spring Street	Franklin	TN	37064–3311	205,999
Memphis Housing Authority	700 Adams Avenue	Memphis	TN	38105–5002	713,910
Newport Housing Authority Resident Advisory Council.	440 Lennon Circle ROSS Coordinator.	Newport	TN	37821–2800	179,565
The Clarksville Housing Authority	721 Richardson Street	Clarksville	TN	37040–0603	235,000
Housing Authority of the City of Beaumont	1890 Laurel	Beaumont	TX	77701–1904	206,235
Housing Authority of the City of Bryan	1306 Beck Street	Brazos	TX	77803–0000	192,200
Housing Authority of the City of Wichita Falls	501 Webster	Wichita Falls	TX	76306	187,323
McAllen Housing Authority	2301 Jasmine Avenue	McAllen	TX	78501–7496	150,000
McKinney Housing Authority	1200 N. Tennessee St	McKinney	TX	75069–0000	218,251
Port Arthur Housing Authority	920 DeQueen Boulevard.	Port Arthur	TX	77640–5603	229,381
Robstown Housing Authority	625 West Avenue F	Robstown	TX	78380–2540	168,772
The Housing Authority of the City of Dallas, Texas (DHA).	3939 N. Hampton Rd	Dallas	TX	75212–1630	696,316
Cedar Terrace Tenant Association	127 Cedar Place Not Applicable.	Danville	VA	24541–3432	205,759
Norfolk Redevelopment and Housing Authority.	201 Granby Street Housing Operations.	Norfolk	VA	23510–1820	492,000
Portsmouth Redevelopment and Housing Authority.	3116 South Street	Portsmouth	VA	23705	404,404
Brattleboro Housing Authority	P.O. Box 2275	Brattleboro	VT	05303–0000	246,000
King County Housing Authority	600 Andover Park West Resident Services.	Tukwila	WA	98188–3326	485,238
Nooksack Indian Tribe	P.O. Box 157	Deming	WA	98244–0157	237,539
Yakama Nation Housing Authority	611 S. Camas Avenue ROSS Grant.	Wapato	WA	98951–0156	240,226
Appleton Housing Authority	925 W. Northland Ave	Appleton	WI	54914–1422	246,000
Arlington Court Resident Organization, Inc	650 W Reservoir Ave	Milwaukee	WI	53212–3646	240,818
Becher Court RO, Inc	c/o Kenneth Barbeau, Contract Admin. HACM Public and Indian Housing.	Milwaukee	WI	53212–3646	240,818
Riverview Resident Organization, Inc	650 W Reservoir Ave	Milwaukee	WI	53212–3646	240,818

Appendix B

FY2016 Family Self-Sufficiency Program

Contact: Tremayne Youmans; 202–402–6621.

Recipient					Amount
Alaska Housing Finance Agency	P.O. Box 101020	Anchorage	AK	99510–1020	$267,642
Albertville Housing Authority	711 South Broad Street.	Albertville	AL	35950–2674	21,121
Alexander City Housing Authority	2110 County Road	Alexander City	AL	35010–3800	38,773
Auburn Housing Authority	931 Booker Street	Auburn	AL	36832–2902	60,000
Bessemer Housing Authority	1515 Fairfax Avenue	Bessemer	AL	35020–6648	54,742
Housing Authority of the Birmingham District	1826 3rd Avenue South.	Birmingham	AL	35233–1905	135,214
Jefferson County Housing Authority	3700 Industrial Parkway.	Birmingham	AL	35217–5316	135,000
Florence Housing Authority	110 South Cypress St., Suite 1.	Florence	AL	35630–5523	52,246
Huntsville Housing Authority	200 Washington Street.	Huntsville	AL	35804–0486	240,576
Mobile Housing Board	151 S. Claiborne Street.	Mobile	AL	36602–2323	209,062
The Housing Authority of the City of Montgomery.	525 South Lawrence Street.	Montgomery	AL	36104–4611	109,801
Prichard Housing Authority	P.O. Box 10307	Prichard	AL	36610–0000	95,502
Sheffield Housing Authority	505 N. Columbia Ave	Sheffield	AL	35660–0429	50,212
Tuscaloosa Housing Authority	P.O. Box 2281	Tuscaloosa	AL	35401–2281	121,000
Housing Authority of Lonoke County	P.O. Box 74	Carlisle	AR	72024–0074	21,331

Recipient					Amount
Fort Smith Housing Authority	2100 North 31st Street.	Fort Smith	AR	72904–6140	52,025
Northwest Regional Housing Authority	P.O. Box 2568	Harrison	AR	72601–2568	41,016
Housing Authority of the City of Hot Springs	1004 Illinois Street	Hot Springs	AR	71901–4315	47,073
Jonesboro Urban Renewal and Housing Authority.	330 Union	Jonesboro	AR	72401–2815	42,460
Pulaski County Housing Agency	201 South Broadway, Suite 220.	Little Rock	AR	72201–2338	43,974
Lee County Housing Authority	100 West Main	Marianna	AR	72360–2854	27,596
McGehee Public Facilities Board	P.O. Box 725	McGehee	AR	71654–0725	39,810
White River Regional Housing Authority	P.O. Box 650	Melbourne	AR	72556–0650	39,594
Conway County Housing Authority	P.O. Box 229	Morrilton	AR	72110–0000	39,543
North Little Rock Housing Authority	628 West Broadway, Suite 100.	North Little Rock	AR	72114–0000	44,295
Pine Bluff Housing Authority	P.O. Box 8872	Pine Bluff	AR	71611–8872	127,000
Pope County Public Facilities Board/Universal Housing.	P.O. Box 846/301 East 3rd Street.	Russellville	AR	72811–846	18,026
Housing Authority of the City of West Memphis.	390 South Walker Avenue.	West Memphis	AR	72301–6013	44,900
Wynne Housing Authority	200 Fisher Place	Wynne	AR	72396–0552	34,340
City of Tempe Housing Services	1415 Melody Lane, Bldg. A.	Bisbee	AZ	85282–5482	68,680
White Mountain Apache Housing Authority	Mail Stop 101, P.O. Box 4008.	Chandler	AZ	85941–1270	58,000
Housing Authority of Cochise County	425 10th Street	Douglas	AZ	85603–0000	55,476
Housing Authority for the City of Yuma	P.O. Box 7000	Kingman	AZ	85364–2320	311,958
City of Mesa	P.O. Box 1466	Mesa	AZ	85211–1466	68,680
Housing Authority of Maricopa County	8910 N. 78th Avenue	Peoria	AZ	85345–7900	69,000
City of Phoenix Housing Department	251 W. Washington, 4th Floor.	Phoenix	AZ	85003–2245	207,000
Chandler, City of	6535 E. Osborn Rd., Bldg. 8, Paiute Neighborhood Center.	Scottsdale	AZ	85244–4008	121,732
Mohave, County of	P.O. Box 790	Sells	AZ	86402–7000	50,601
Yuma County Housing Department	8450 W. Highway 95 Suite 88.	Somerton	AZ	85350–2534	179,804
Tohono O'odham Ki:Ki Housing Association	3500 S. Rural Rd., 2nd Floor.	Tempe	AZ	85634–0790	69,000
City of Tucson	P.O. Box 27210	Tucson	AZ	85726–7210	206,680
Douglas City of Public Housing	50 West Chinatown Street.	Whiteriver	AZ	85607–2008	34,500
City of Scottsdale Housing Agency	420 South Madison Avenue.	Yuma	AZ	85251–6029	68,680
Housing Authority of the County of Santa Cruz.	700 W. Main Street	Alhambra	CA	95060–5709	138,000
City of Norwalk	201 South Anaheim Boulevard.	Anaheim	CA	90650–3144	64,637
Housing Authority of the City of Santa Barbara.	601–24th Street Front	Bakersfield	CA	93101–1590	201,604
Housing Authority of the County of Sacramento.	264 Harbor Blvd., #A	Belmont	CA	95814–2404	131,615
El Dorado County Public Housing Authority	1402 D Street	Brawley	CA	95667–5335	59,902
Housing Authority of the County of Merced	2039 Forest Ave	Chico	CA	95341–6548	54,400
Vacaville Housing Authority	9770 Culver Blvd	Culver City	CA	95688–6824	132,424
Housing Authority of the County of San Bernardino.	1331 Fulton Mall	Fresno	CA	92408–2841	207,000
Pico Rivera Housing Assistance Agency	11277 Garden Grove Blvd. Suite #101c.	Garden Grove	CA	90660–1016	32,500
Housing Authority of the County of Riverside	680 N. Douty, P.O. Box 355.	Hanford	CA	92504–2506	483,000
Housing Authority of the City of San Buenaventura.	22941 Atherton Street	Hayward	CA	93001–1636	64,264
City of Santa Rosa	815 West Ocean Avenue.	Lompoc	CA	95404–4904	68,000
City of Anaheim Housing Authority	521 E. 4th Street	Long Beach	CA	92805–3821	137,360
Housing Authority of the City of Napa	2600 Wilshire Boulevard.	Los Angeles	CA	94559–2512	138,000
Housing Authority of the City of Long Beach	15975 Anderson Ranch Parkway.	Lower Lake	CA	90802–2502	269,723
Housing Authority of the County of Butte	205 North G Street	Madera	CA	95928–7042	63,600
Housing Authority of the City of Sacramento	3133 Estudillo Street	Martinez	CA	95814–2404	69,000
Housing Authority of the County of Kern	405 U Street	Merced	CA	93301–4142	251,216

Recipient					Amount
Housing Authority of the County of San Mateo.	1701 Robertson Road	Modesto	CA	94002–4017	345,000
Housing Authority of the County of Marin	1115 Seminary Street	Napa	CA	94903–4173	206,959
San Diego, County (DBA Housing Authority of the County of SD).	1400 West Hillcrest Drive.	Newbury Park	CA	92123–1815	136,327
City of Oceanside Community Development Commission.	12700 Norwalk Blvd	Norwalk	CA	92054–2823	68,680
Housing Authority of the County of Los Angeles.	1619 Harrison Street	Oakland	CA	91801–3312	690,000
Lake County Housing Commission	300 N. Coast Hwy	Oceanside	CA	95457–1049	34,500
The Housing Authority of the City of Santa Ana.	435 South D Street	Oxnard	CA	92702–2030	138,000
Solano County Housing Authority	6615 Passons Blvd	Pico Rivera	CA	95688–6824	57,131
Madera, City of	2900 Fairlane Ct	Placerville	CA	93637–3512	56,720
Imperial Valley Housing Authority	505 S Garey Ave	Pomona	CA	92227–2117	60,641
Housing Authority of the City of San Jose	1450 Court St., Suite 108.	Redding	CA	95110–2330	138,000
Housing Authority of the County of Santa Clara.	P.O. Box 496071	Redding	CA	95110–2330	207,000
Area Housing Authority of the County of Ventura.	5555 Arlington Avenue.	Riverside	CA	91320–2721	64,135
Housing Authority of the City of San Luis Obispo.	311 Vernon Street	Roseville	CA	93401–4347	106,199
Housing Authority of the City of Los Angeles	801 12th Street	Sacramento	CA	90057–3400	755,480
Housing Authority of the City of Oakland	801 12th Street	Sacramento	CA	94612–3307	276,000
Housing Authority of the County of Santa Barbara.	123 Rico Street	Salinas	CA	93436–6526	67,327
Sonoma County Community Development Commission.	715 East Brier Drive	San Bernardino	CA	95403–4107	69,000
County of Shasta Housing Authority and Community Action.	1122 Broadway, Suite 300.	San Diego	CA	96001–1661	29,659
Pomona Housing Authority	3989 Ruffin Road	San Diego	CA	91766–3220	69,000
Housing Authority of the County of Monterey	505 West Julian Street.	San Jose	CA	93907–2157	138,000
Oxnard Housing Authority	505 West Julian Street.	San Jose	CA	93030–5918	136,327
Garden Grove Housing Authority	487 Leff Street	San Luis Obispo	CA	92843–1371	69,000
Housing Authority of the County of Stanislaus	4020 Civic Center Drive.	San Rafael	CA	95358–0033	134,056
City of Santa Monica Housing Authority	1770 North Broadway	Santa Ana	CA	90405–1080	65,286
Culver City Housing Authority	P.O. Box 22030	Santa Ana	CA	90232–0507	33,107
Housing Authority of the City of Redding	808 Laguna Street	Santa Barbara	CA	96049–6071	58,717
Regional Housing Authority of Sutter and Nevada Counties.	2931 Mission Street	Santa Cruz	CA	95993–2701	107,436
Roseville Housing Authority	1901 Main Street, Suite A.	Santa Monica	CA	95678–2649	66,213
Housing Authority of the County of Kings	1440 Guerneville Road.	Santa Rosa	CA	93232–0355	57,234
Vallejo Housing Authority	90 Santa Rosa Ave	Santa Rosa	CA	94585–5930	68,680
Housing Authority of the County of Contra Costa.	448 S. Center Street	Stockton	CA	94553–4000	138,000
Housing Authority of Alameda County	40 Eldridge Avenue Suite 2.	Vacaville	CA	94541–6633	276,000
San Diego Housing Commission	40 Eldridge Ave. Suite 2.	Vacaville	CA	92102–5629	408,798
Housing Authority of Fresno County	200 Georgia St	Vallejo	CA	93721–1630	65,604
Orange County Housing Authority	995 Riverside St	Ventura	CA	92706–2642	259,960
Housing Authority of the County of San Joaquin.	1455 Butte House Road.	Yuba City	CA	95203–3426	191,337
Boulder County Housing Authority	P.O. Box 471	Boulder	CO	80306–0471	193,740
Adams County Housing Authority	7190 Colorado Blvd	Commerce City	CO	80022–1812	49,484
Colorado Department of Local Affairs, Division of Housing.	1313 Sherman Street, Room 320.	Denver	CO	80203–2288	65,000
Housing Authority of the City and County of Denver.	777 Grant Street	Denver	CO	80203–3501	283,512
Housing Authority of the City of Englewood	3460 S. Sherman, Suite 101.	Englewood	CO	80113–0000	44,128
Fort Collins Housing Authority	1715 West Mountain Avenue.	Fort Collins	CO	80521–2359	203,654
Housing Authority of the City of Grand Junction.	1011 North 10th St	Grand Junction	CO	81501–3166	51,761
Housing Authority of the City of Pueblo	201 S. Victoria	Pueblo	CO	81003–3434	42,804
Ansonia Housing Authority	36 Main Street	Ansonia	CT	06401–0000	69,000
Bristol Housing Authority	164 Jerome Avenue	Bristol	CT	06010–0000	67,328

Recipient					Amount
Housing Authority of the City of Derby Connecticut.	101 West Fourth Street.	Derby	CT	06418–1844	54,914
The Housing Authority of the Town of Greenwich.	249 Milbank Avenue	Greenwich	CT	06830–6680	69,000
Connecticut Department of Housing	505 Hudson Street	Hartford	CT	06106–7107	206,040
Housing Authority of the City of Meriden	22 Church St	Meriden	CT	06451–0468	194,271
Housing Authority of the City of New Britain	16 Armistice St	New Britain	CT	06053–0000	138,000
Housing Authority of the City of Norwalk	24 ½ Monroe St	Norwalk	CT	06856–0508	138,000
Housing Authority of the City of Stamford	22 Clinton Avenue	Stamford	CT	06901–0000	67,815
Trout Brook Realty Advisors	80 Shield Street	West Hartford	CT	06110–1920	68,680
District of Columbia Housing Authority	1133 North Capitol Street NE.	Washington	DC	20002–7599	276,000
Wilmington Housing Authority	400 N Walnut Street	Wilmington	DE	19801–1436	138,000
Tallahassee Housing Authority	2333a West Glades Road.	Boca Raton	FL	32312–0000	52,346
Hialeah Housing Authority	5631 11th Street East	Bradenton	FL	33010–4845	112,644
Housing Authority of the City of Fort Myers	908 Cleveland Street	Clearwater	FL	33916–2310	160,828
Winter Haven Housing Authority	36739 S.R.52	Dade City	FL	33880–0000	138,000
Orange County Housing and Community Development.	211 N. Ridgewood Avenue, Suite 300.	Daytona Beach	FL	32801–2817	53,724
Pinellas County Housing Authority	533 South Dixie Highway, Suite 201.	Deerfield Beach	FL	33778–1147	133,539
Collier County Housing Authority	63 Bopete Manor Road.	Defuniak Springs	FL	34142–5544	26,025
Sarasota Housing Authority	437 SW 4th Avenue	Fort Lauderdale	FL	34236–0000	34,600
Housing Authority of Lakeland	4224 Renaissance Preserve Way.	Fort Myers	FL	33815–4502	105,738
Ocala Housing Authority	75 East 6th Street	Hialeah	FL	34475–0000	86,400
Palm Beach County Housing Authority	1800 Farm Worker Way.	Immokalee	FL	33407–1844	126,633
Housing Authority of the City of Deerfield Beach.	1300 Broad Street	Jacksonville	FL	33441–4665	47,232
Pasco County Housing Authority	430 Hartsell Ave	Lakeland	FL	33525–5101	32,749
Housing Authority of Pompano Beach	11479 Ulmerton Road	Largo	FL	33060–0000	46,107
Milton Housing Authority	4780 North State Rd 7	Lauderdale Lakes	FL	32570–0000	69,000
Housing Authority of the City of Orlando	701 NW 1st Court 16th Floor.	Miami	FL	32803–6026	24,000
Walton County Housing Agency	5668 Byrom Street	Milton	FL	32435–2943	30,000
Clearwater Housing Authority	14170 Warner Circle	North Fort Myers	FL	33755–4511	47,769
Manatee County Housing Authority	1629 NW 4th Street	Ocala	FL	34203–5978	31,310
Housing Authority of the City of Tampa	390 N. Bumby Avenue	Orlando	FL	33607–1727	424,887
Lee County Housing Authority	525 E. South Street	Orlando	FL	33903–3528	46,879
West Palm Beach Housing Authority	465 Friend Terrace	Pahokee	FL	33407–6284	127,534
Housing Authority of the City of Fort Lauderdale.	321 West Atlantic Boulevard.	Pompano Beach	FL	33315–1007	132,964
Pahokee Housing Authority	340 Gulf Breeze Avenue.	Punta Gorda	FL	33476–1941	39,000
Miami Dade Public Housing and Community Development.	269 South Osprey Ave.	Sarasota	FL	33136–3914	218,120
Boca Raton Housing Authority	2940 Grady Rd	Tallahassee	FL	33431–7305	51,515
Jacksonville Housing Authority	5301 W Cypress Street.	Tampa	FL	32202–3901	271,283
Punta Gorda Housing Authority	3432 West 45th Street	West Palm Beach	FL	33950–5634	26,513
The Housing Authority of the City of Daytona Beach.	1715 Division Avenue	West Palm Beach	FL	32114–3243	86,563
Broward County Housing Authority	2653 Avenue C. South West.	Winter Haven	FL	33319–5860	225,651
Housing Authority of the City of Albany	P.O. Box 485	Albany	GA	31702–0485	30,836
Housing Authority of Fulton County	4273 Wendell Drive, SW.	Atlanta	GA	30336–1632	46,562
The Housing Authority of the City of Atlanta	230 John Wesley Dobbs Avenue, N.E.	Atlanta	GA	30303–2421	249,000
Housing Authority of the City of Augusta	1435 Walton Way	Augusta	GA	30901–2609	150,695
Housing Authority of the City of Carrollton	1 Roop Street	Carrollton	GA	30117–4448	117,524
Housing Authority of the City of College Park	2000 Princeton Avenue.	College Park	GA	30337–2412	133,068
The Housing Authority of Columbus	1000 Wynnton Road, P.O. Box 630.	Columbus	GA	31902–0630	92,254
Housing Authority of the City of East Point	3056 Norman Berry Drive.	East Point	GA	30364–0363	69,000
Griffin Housing Authority	518 Nine Oaks Drive	Griffin	GA	30224–4169	69,000
Housing Authority of the City of Jonesboro	203 Hightower Street, P.O. Box 458.	Jonesboro	GA	302373647	84,711
Macon-Bibb County Housing Authority	2015 Felton Avenue	Macon-Bibb	GA	31201–4928	32,000

Recipient					Amount
Housing Authority of the City of Marietta	95 Cole Street	Marietta	GA	30060–2090	113,764
Northwest Georgia Housing Authority	800 North Fifth Avenue.	Rome	GA	30162–1428	87,386
Housing Authority of Savannah	P.O. Box 1179	Savannah	GA	31402–1179	198,000
Tri-City Housing Authority	33 Martin Luther King Jr. Drive, P.O. Box 458.	Woodland	GA	31836–0220	69,000
Guam Housing and Urban Renewal Authority	117 Bien Venida Avenue.	Sinajana	GU	96910–3643	125,718
Hawaii County Housing Agency	50 Wailuku Drive	Hilo	HI	96720–4295	66,204
Hawaii Public Housing Authority	1002 North School Street.	Honolulu	HI	96817–6912	132,031
Honolulu, City and County	Honolulu Hale	Honolulu	HI	96813–9926	189,008
Kauai, County of; DBA Kauai County Housing Agency.	4444 Rice Street Suite 330.	Lihue	HI	96766–1340	133,000
County of Maui	35 Lunalilo Street, Suite 400.	Wailuku	HI	96793–2523	24,732
Region XII Regional Housing Authority	320 E. 7th, P.O. Box 663.	Carroll	IA	51401–0663	45,000
City of Cedar Rapids	101 First Street SE	Cedar Rapids	IA	52401–1205	138,000
Municipal Housing Agency of Council Bluffs	505 South 6th Street	Council Bluffs	IA	51501–6405	24,338
Southern Iowa Regional Housing Authority	219 N. Pine Street	Creston	IA	50801–2413	43,850
City of Des Moines Municipal Housing Agency.	100 E Euclid Avenue Suite 101.	Des Moines	IA	50313–4534	201,973
City of Dubuque	350 West 6th Street Suite 312.	Dubuque	IA	52001–4648	132,478
Eastern Iowa Regional Housing Authority	7600 Commerce Park	Dubuque	IA	52002–9673	204,746
Municipal Housing Agency of the City of Fort Dodge.	700 South 17th Street	Fort Dodge	IA	50501–5300	102,766
Central Iowa Regional Housing Authority	1201 SE Gateway Drive.	Grimes	IA	50111–6637	57,529
Iowa City Housing Authority	410 E Washington Street.	Iowa City	IA	52240–1826	121,721
Muscatine, City of d/b/a Muscatine Municipal Housing Agency.	215 Sycamore St	Muscatine	IA	52761–3839	55,309
City of Sioux City Housing Authority	405 6th Street, Suite 107, P.O. Box 447.	Sioux City	IA	51102–0447	138,000
Northeast Nebraska Joint Housing Agency	1122 Pierce Street	Sioux City	IA	51105–1077	40,756
Ada County Housing Authority	1276 W River St. Suite #300.	Boise	ID	83702–7066	111,708
Boise City Housing Authority	1276 W River St. Suite #300.	Boise	ID	83702–7066	111,710
Idaho Housing and Finance Association	P.O. Box 7899, 565 W Myrtle St.	Boise	ID	83707–1899	247,402
Southwestern Idaho Cooperative Housing Authority.	377 Cornell St	Middleton	ID	83644–9903	89,114
Nampa Housing Authority	211 19th Ave	Nampa	ID	83687–4402	36,342
St. Clair County Housing Authority	1790 S. 74th St	Belleville	IL	62223–3363	34,500
Housing Authority of the City of Bloomington	104 East Wood Street	Bloomington	IL	61701–6768	51,782
Macoupin County Housing Authority	760 Anderson Street, P.O. Box 226.	Carlinville	IL	62626–1003	42,616
Marion County Housing Authority	719 East Howard	Centralia	IL	62801–2606	44,747
Chicago Housing Authority	60 East Van Buren	Chicago	IL	60605–1241	796,565
Housing Authority of Cook County	175 W. Jackson Blvd., Suite 350.	Chicago	IL	60604–3042	184,800
Madison County Housing Authority	1609 Olive Street	Collinsville	IL	62234–4909	69,000
Housing Authority of the City of East St. Louis.	700 North 20th Street	East St. Louis	IL	62205–1814	69,000
Housing Authority of the City of Elgin	120 S. State Street	Elgin	IL	60123–0000	136,000
Housing Authority of the City of Freeport	1052 West Galena	Freeport	IL	61032–3814	69,000
Housing Authority of the County of Lake	33928 N US Hwy 45	Grayslake	IL	60030–0000	222,561
Housing Authority of Joliet	6 S. Broadway St	Joliet	IL	60436–1735	63,898
Kankakee County Housing Authority	185 N. St. Joseph Ave., P.O. Box 965.	Kankakee	IL	60901–0965	43,280
Housing Authority of Henry County	125 N. Chestnut Street.	Kewanee	IL	61443–0125	91,977
Peoria Housing Authority	100 S Richard Pryor Place.	Peoria	IL	61605–3905	98,210
Menard County Housing Authority	101 West Sheridan Rd., P.O. Box 168.	Petersburg	IL	62675–1349	29,160
Rock Island Housing Authority	227 21st St	Rock Island	IL	61201–8819	65,000
Rockford Housing Authority	223 South Winnebago Street.	Rockford	IL	61102–9904	200,961
Winnebago County Housing Authority	3617 Delaware Street	Rockford	IL	61102–1506	132,936

Recipient					Amount
Springfield Housing Authority	200 North Eleventh Street.	Springfield	IL	62703–1004	236,000
Waukegan Housing Authority	215 South Martin Luther King Jr. Avenue.	Waukegan	IL	60085–5522	50,819
DuPage Housing Authority	711 E. Roosevelt Rd	Wheaton	IL	60187–5646	114,114
Housing Authority of the City of Bloomington	1007 North Summit Street.	Bloomington	IN	47404–3712	91,953
Housing Authority of the City of Columbus, Indiana.	799 McClure Road	Columbus	IN	47201–6610	40,377
Housing Authority, City of Elkhart	1396 Benham Ave	Elkhart	IN	46516–3341	86,540
The Housing Authority of the City of Evansville.	402 Court Street, Suite B.	Evansville	IN	47708–0000	116,690
Fort Wayne Housing Authority	7315 Hanna Street	Fort Wayne	IN	46816–0000	120,000
Housing Authority of the City of Gary	578 Broadway	Gary	IN	46402–0000	50,900
Housing Authority of the City of Hammond	1402 173rd Street	Hammond	IN	46324–2861	59,418
Indianapolis Housing Agency (IHA)	1919 North Meridian Street.	Indianapolis	IN	46202–1303	281,829
Housing Authority of the City of Kokomo	210 East Taylor Street, P.O. Box 1207.	Kokomo	IN	46903–1207	45,000
Marion Housing Authority	601 S. Adams St	Marion	IN	46953–0000	69,000
The Housing Authority of the City of Michigan City.	621 E. Michigan Blvd	Michigan City	IN	46360–2664	21,947
New Albany Housing Authority	P.O. Box 11	New Albany	IN	47150–0000	162,965
Housing Authority of City of Peru	701 E Main Street	Peru	IN	46970–2640	31,931
Housing Authority of South Bend	501 Alonzo Watson Drive.	South Bend	IN	46601–3715	36,748
Housing Authority of the City of Terre Haute	P.O. Box 3086	Terre Haute	IN	47803–0086	100,000
Housing Authority of Vincennes	501 Hart Street, P.O. Box 1636.	Vincennes	IN	47591–2103	43,635
NEKCAP, Inc	1260 220th Street, P.O. Box 380.	Hiawatha	KS	66434–0380	50,500
Lawrence-Douglas County Housing Authority	1600 Haskell Avenue	Lawrence	KS	66044–4399	238,461
Johnson County, Kansas	12425 W. 87th Street, Suite 200.	Lenexa	KS	66215–4524	62,736
City of Olathe	200 W. Santa Fe Street, P.O. Box 768.	Olathe	KS	66051–0768	54,278
Salina Housing Authority	P.O. Box 1202, 469 S. 5th Street.	Salina	KS	67401–1202	60,000
Topeka Housing Authority	2010 SE California Ave.	Topeka	KS	66607–1444	43,580
City of Wichita Kansas Housing Authority	332 N. Riverview	Wichita	KS	67203–4245	176,384
Barbourville Urban Renewal & Community Development Agency.	338 Court Square, P.O. Box 806.	Barbourville	KY	40906–0806	32,703
Cumberland Valley Regional Housing Authority.	338 Court Square, P.O. Box 806.	Barbourville	KY	40906–0806	86,125
Housing Authority of Bowling Green	247 Double Springs Road.	Bowling Green	KY	42101–5160	47,740
Boone County Fiscal Court Assisted Housing Department.	2950 Washington Square, P.O. Box 536.	Burlington	KY	41005–0536	65,558
City of Covington CDA	2300 Madison Avenue, 2nd floor.	Covington	KY	41014–1237	51,005
Housing Authority of Covington	2300 Madison Avenue	Covington	KY	41014–1237	69,000
City of Cynthiana (Housing Authority of Cynthiana).	148 Federal Street	Cynthiana	KY	41031–1420	63,291
Housing Authority of Frankfort	590 Walter Todd Drive	Frankfort	KY	40601–2026	48,728
Kentucky Housing Corporation	1231 Louisville Road	Frankfort	KY	40601–6156	102,633
Georgetown Housing Authority	139 Scroggin Park	Georgetown	KY	40324–2039	45,908
Housing Authority of Glasgow	111 Bunche Ave., P.O. Box 1745.	Glasgow	KY	42142–1745	42,904
Housing Authority of Floyd County	402 John M. Stumbo Drive.	Langley	KY	41645–9708	69,000
Lexington-Fayette Urban County Housing Authority.	300 W. New Circle Road.	Lexington	KY	40505–1428	104,029
Louisville Metro Housing Authority	420 South Eighth Street.	Louisville	KY	40203–1906	455,604
Housing Authority of Newport, KY	30 East 8th Street	Newport	KY	41071–0459	34,500
City of Richmond Section 8 Housing	P.O. Box 250	Richmond	KY	40476–0250	100,000
Housing Authority of Somerset	P.O. Box 449	Somerset	KY	42502–0449	41,981
Appalachian Foothills Housing Agency Inc	1214 Riverside Boulevard.	Wurtland	KY	41144–1635	43,834

Recipient					Amount
Terrebonne Parish Consolidated Government	809 Barrow Street	Houma	LA	70630–0000	43,478
Calcasieu Parish Police Jury Human Services Housing Department.	2001 Moeling Street	Lake Charles	LA	70601–0000	46,020
St. James Parish Housing Authority	2627 King Ave., P.O. Box 280.	Lutcher	LA	70071–0280	69,000
Housing Authority of Jefferson Parish	1718 Betty Street	Marrero	LA	70072–3318	131,167
Housing Authority of the City of Shreveport	2500 Line Avenue	Shreveport	LA	71104–3022	88,440
Acton Housing Authority	68 Windsor Ave	Acton	MA	01720–0681	58,000
Attleboro Housing Authority	80 South Avenue	Attleboro	MA	02703–4581	54,091
Boston Housing Authority	52 Chauncey Street	Boston	MA	02111–2325	275,040
Commonwealth of Massachusetts	100 Cambridge Street	Boston	MA	02114–2531	730,429
Braintree Housing Authority	25 Roosevelt Street	Braintree	MA	02184–8663	53,694
Brockton Housing Authority	54 Goddard Road	Brockton	MA	02303–7070	137,680
Chelmsford Housing Authority	10 Wilson Street	Chelmsford	MA	01824–3160	63,356
Chelsea Housing Authority	54 Locke Street	Chelsea	MA	02150–2250	133,909
Fall River Housing Authority	85 Morgan St	Fall River	MA	02722–0000	136,327
Framingham Housing Authority	1 John J. Brady Drive	Framingham	MA	01702–2307	66,970
Gloucester Housing Authority	P.O. Box 1599	Gloucester	MA	01931–1599	42,953
Greenfield Housing Authority	1 Elm Terrace	Greenfield	MA	01301–2203	63,159
Hingham Housing Authority	30 Thaxter Street	Hingham	MA	02043–2143	66,199
Holyoke Housing Authority	475 Maple Street, Suite One.	Holyoke	MA	01040-	96,424
Leominster Housing Authority	100 Main Street	Leominster	MA	01453–5599	48,250
Lowell Housing Authority	P.O. Box 60	Lowell	MA	01853–0060	65,558
Lynn Housing Authority & Neighborhood Development.	10 Church Street	Lynn	MA	01902–4418	113,713
Malden Housing Authority	630 Salem Street	Malden	MA	02148–4361	124,468
Medford Housing Authority	121 Riverside Avenue	Medford	MA	02155–4611	69,000
Melrose Housing Authority	910 Main Street	Melrose	MA	02176–2331	54,010
Methuen Housing Authority	24 Mystic St	Methuen	MA	01844–2499	55,668
Milton Housing Authority	65 Miller Avenue	Milton	MA	02186–4756	66,660
North Andover Housing Authority	One Morkeski Meadows.	North Andover	MA	01845–3954	57,857
Plymouth Housing Authority	P.O. Box 3537	Plymouth	MA	02361–3537	46,363
Quincy Housing Authority	80 Clay Street	Quincy	MA	02170–2799	69,000
Revere Housing Authority	70 Cooledge St	Revere	MA	02151–2963	66,600
Somerville Housing Authority	30 Memorial Road	Somerville	MA	02145–1704	131,392
Taunton Housing Authority	30 Olney Street, Suite B.	Taunton	MA	02780–4141	61,248
Wayland Housing Authority	106 Main Street	Wayland	MA	01778–4939	18,200
Winchester	13 Westley Street	Winchester	MA	01890–2130	69,000
Worcester Housing Authority	40 Belmont Street	Worcester	MA	01605–2665	336,300
Housing Authority of Baltimore City	417 E. Fayette Street, Room 923.	Baltimore	MD	21202–3431	482,040
Housing Authority of Washington County	6401 York Road	Baltimore	MD	21740–5701	31,310
Eric C. Brown	15 South Main Street, Suite 106.	Bel Air	MD	20774–5358	138,000
Havre De Grace Housing Authority	6751 Columbia Gateway Dr. Gateway.	Columbia	MD	21078–3011	69,000
Howard County Housing Commission	200 Chesapeake Blvd, Suite 1800.	Elkton	MD	21046–2164	61,059
Housing Authority of St. Mary's County, Maryland.	319 E. Antietam Street 2nd Floor.	Hagerstown	MD	20653–9998	45,048
Housing Opportunities Commission of Montgomery County, MD.	35 W. Baltimore Street.	Hagerstown	MD	20895–2484	483,000
Hagerstown Housing Authority	101 Stansbury Court	Havre De Grace	MD	21740–6059	150,784
Commissioners of Carroll County	10400 Detrick Avenue	Kensington	MD	21157–5194	54,078
Cecil County Housing Agency	7800 Harkins Road	Lanham	MD	21921–6682	52,034
Maryland Department of Housing and Community Development.	9200 Basil Court Suite 500.	Largo	MD	20706–1333	37,901
Rockville Housing Enterprises	21155 Lexwood Drive, Suite C.	Lexington Park	MD	20850–1456	56,930
Baltimore, County of	621–A Southlawn Lane.	Rockville	MD	21212–2121	208,475
Harford County, Maryland	225 North Center Street.	Westminster	MD	21014–8725	28,118
Augusta Housing	33 Union Street, Suite #3.	Augusta	ME	04330–6800	32,484
Maine State Housing Authority	353 Water St	Augusta	ME	04330–4678	54,031
Bangor Housing Authority	161 Davis Rd	Bangor	ME	04401–2310	57,050
Housing Authority of the City of Brewer	15 Colonial Circle, Suite 1.	Brewer	ME	04412–1448	52,832
City of Caribou	25 High St	Caribou	ME	04736–0025	48,729
Lewiston Housing Authority	1 College St	Lewiston	ME	04240–7118	57,820

Recipient					Amount
Housing Authority of City of Old Town	P.O. Box 404	Old Town	ME	04468–0404	23,972
Portland Housing Authority	14 Baxter Boulevard	Portland	ME	04101–1822	72,012
Westbrook Housing Authority	30 Liza Harmon Drive	Westbrook	ME	04092–3438	40,607
Lansing Housing Commission	727 Miller Avenue	Ann Arbor	MI	48933–1136	69,000
Detroit Housing Commission	1301 East Jefferson	Detroit	MI	48207–3148	296,700
Wyoming Housing Commission	1420 Fuller Ave SE	Grand Rapids	MI	49519–6111	137,680
Traverse City Housing Commission	419 Cherry Street	Lansing	MI	49684–2478	66,970
Plymouth Housing Commission	1160 Sheridan Street	Plymouth	MI	48170–1560	133,413
Grand Rapids Housing Commission	735 East Michigan Avenue.	P.O. Box 30044	MI	49507–2139	331,000
Pontiac Housing Commission	132 Franklin Blvd	Pontiac	MI	48341–0000	69,000
Saginaw Housing Commission	1803 Norman St	Saginaw	MI	48601–3225	136,031
Westland Housing Commission	150 Pine Street	Traverse City	MI	48186–4755	33,069
Ann Arbor Housing Commission	32150 Dorsey Road	Westland	MI	48103–3353	138,000
Michigan State Housing Development Authority.	2450 36th St SW	Wyoming	MI	48909–1474	966,000
Brainerd, City of	324 East River Rd	Brainerd	MN	56401–3504	59,000
Housing & Redevelopment Authority of Clay County.	116 Center Ave E., P.O. Box 99.	Dilworth	MN	56529–0099	65,746
Housing and Redevelopment Authority of Duluth, MN.	222 East Second Street, P.O. Box 16900.	Duluth	MN	55816–0900	65,543
Dakota County Community Development Agency.	1228 Town Centre Drive.	Eagan	MN	55123–1066	24,876
Mankato Economic Development Authority	10 Civic Center Plaza, P.O. Box 3368.	Mankato	MN	56002–3368	53,075
South Central MN Multi County HRA	422 Belgrade Avenue, Suite 102.	North Mankato	MN	56003–3874	38,806
Scott County Community Development Agency.	323 S. Naumkeag Street.	Shakopee	MN	55379–1652	22,500
Housing Authority of St. Louis Park	5005 Minnetonka Blvd	St. Louis Park	MN	55416–2216	38,391
Public Housing Agency of the City of St. Paul	555 North Wabasha Street, Suite 400.	St. Paul	MN	55102–1602	68,680
Housing & Redevelopment Authority of Virginia, MN.	442 Pine Mill Court, P.O. Box 1146.	Virginia	MN	55792–3097	58,713
Southeastern Minnesota Multi-County HRA	134 East Second Street.	Wabasha	MN	55981–1440	36,424
Washington County Housing and Redevelopment Authority.	7645 Currell Blvd	Woodbury	MN	55125–2256	46,497
Housing Authority of St. Louis County	106 W. Fourth	Appleton City	MO	63121–0000	119,589
Franklin County Public Housing Agency	201 S. Witzler St	Columbia	MO	63050–0920	86,840
Housing Authority of the City of Liberty	P.O. Box 920	Hillsboro	MO	64068–2372	44,645
Housing Authority of the City of Columbia	302 South Joplin Avenue.	Joplin	MO	65203–0000	103,675
St. Louis Housing Authority	920 Main, Suite 701	Kansas City	MO	63106–1417	129,481
Housing Authority of Saint Charles	17 East Kansas	Liberty	MO	63301–4711	110,548
Phelps County Public Housing Agency	403 Parkway Drive	Park Hills	MO	65559–9998	53,932
Economic Security Corporation of Southwest Area.	3019 Fair Street	Poplar Bluff	MO	64801–2354	42,500
St. Francois County Public Housing Agency	1041 Olive Street	Saint Charles	MO	63601–0308	31,530
Housing Authority of Kansas City, Missouri	421 W. Madison	Springfield	MO	64105–2017	360,798
Ripley County Public Housing Agency	#4 Industrial Drive	St. James	MO	63901–7044	34,213
Housing Authority of the City of Springfield	3520 Page Boulevard	St. Louis	MO	65806–2999	26,825
St. Clair County PHA	P.O. Box 23886	St. Louis	MO	64724–1402	194,272
The Housing Authority of the City of Biloxi	330 Benachi Avenue, P.O. Box 447.	Biloxi	MS	39533–0447	34,500
Tennessee Valley Regional Housing Authority.	P.O. Box 1329	Corinth	MS	38835–1329	176,640
Mississippi Regional Housing Authority VIII	10430 Three Rivers Road.	Gulfport	MS	39501–5914	105,850
Mississippi Regional Housing Authority, No. VII.	2180 Terry Road, P.O. Box 8746.	Jackson	MS	39284–8746	121,965
The Housing Authority of the City of Jackson, MS.	2747 Livingston Road	Jackson	MS	39213–692839213	55,636
South Delta Regional Housing Authority	202 Weston Ave	Leland	MS	38756–0955	106,500
Mississippi Regional Housing Authority, No. VI.	P.O. Box 748	McComb	MS	39649–0000	198,909
The Housing Authority of the City of Meridian	2425 E. Street	Meridian	MS	39302–0870	110,844
Mississippi Regional Housing Authority No. II	900 Molly Barr Road	Oxford	MS	38655–2106	30,000
Housing Authority of Billings	2415 1st Avenue North.	Billings	MT	59101–2318	41,049
Missoula Housing Authority	1235 34th Street	Missoula	MT	59801–8521	203,654
Mountain Projects, Inc	165 South French Broad Avenue.	Asheville	NC	28786–7759	33,604

Recipient					Amount
Coastal Community Action, Inc	869 Highway 105 Extension, Suite 10, P.O. Box 2510.	Boone	NC	28570–0729	37,301
Housing Authority of the City of Wilson, N.C	133 North Ireland Street.	Burlington	NC	27893–4130	59,500
Economic Improvement Council, Inc	400 East Blvd	Charlotte	NC	27932–0549	44,167
Gastonia Housing Authority	13450 U. S. Hwy 64 W., P.O. Box 571.	Chatham	NC	28053–2398	44,000
Western Piedmont Council of Governments	283 Harold Goodman Circle, P.O. Box 8746.	Concord	NC	28603–9026	69,000
Housing Authority of the City of Wilmington	330 East Main Street	Durham	NC	28401–0899	115,273
Roxboro Housing Authority	206 S. Long Street	East Spencer	NC	27573–4795	65,000
Statesville Housing Authority	712 Virginia Road	Edenton	NC	28677–6616	175,419
Housing Authority of the City of Salisbury, NC.	340 W. Long Ave, P.O. Box 2398.	Gastonia	NC	28145–0159	69,000
Isothermal Planning and Development Commission.	450 N. Church Street	Greensboro	NC	28139–0841	35,744
Housing Authority of the City of Asheville	1103 Broad Street	Greenville	NC	28801–3999	124,000
Burlington Housing Authority	220 King Creek Blvd., P.O. Box 685.	Hendersonville	NC	27217–2635	58,486
East Spencer Housing Authority	1880 2nd Av NW, P.O. Box 9026.	Hickory	NC	28039–0367	44,200
The Housing Authority of the City of Durham	841 S. Center Street	Hickory	NC	27701–3718	206,680
Twin Rivers Opportunities, Inc	500 East Russell Avenue.	High Point	NC	28560/1482	67,209
Thomasville Housing Authority	246 Georgetown Rd	Jacksonville	NC	27360–2426	32,000
Sandhills Community Action Program, Inc	608 N Queen St	Kinston	NC	28387–7168	38,000
Housing Authority of the City of Kinston	Post Office Box 1437	Laurinburg	NC	28501–0697	95,420
Housing Authority of the City of Winston-Salem.	1 Jamaica Dr	Lexington	NC	27101–2782	57,000
Rowan County Housing Authority	318 Craven St	New Bern	NC	28147–8200	90,900
North Wilkesboro Housing Authority	303 McQueen Avenue, P.O. Box 729.	Newport	NC	286593521	55,000
Housing Authority of the City of Greenville	101 Hickory Street	North Wilkesboro	NC	27834–3952	160,421
Housing Authority of the Town of Laurinburg	500 Mt. Bethel Church Street, P.O. Box 996.	Roxboro	NC	28353–1437	47,167
Western Carolina Community Action	111 West Court Street, P.O. Box 841.	Rutherfordton	NC	28793–0685	61,705
City of Hickory Public Housing Authority	310 Long Meadow Drive.	Salisbury	NC	28602–0000	50,073
Housing Authority of the City of Charlotte	200 S. Martin Luther King Jr. Ave.	Salisbury	NC	28203–5584	113,233
Housing Authority of the City of Greensboro	1000 Carthage Street	Sanford	NC	27401–2001	282,785
Mid-East Regional Housing Authority	340 Commerce Avenue, Suite 20.	Southern Pines	NC	27892–9764	40,902
Sanford Housing Authority	110 W. Allison Street	Statesville	NC	27330–4115	100,839
Washington Housing Authority	201 James Avenue	Thomasville	NC	27889–3824	40,667
City of Concord Housing Department	809 Pennsylvania Avenue, P.O. Box 1046.	Washington	NC	28026–0308	43,360
Chatham County Housing Authority	2251 Old Balsam Road.	Waynesville	NC	27344–6443	48,636
Lexington Housing Authority	415 East Boulevard, Suite 140, P.O. Box 811.	Williamston	NC	27292–0000	58,054
Eastern Carolina Human Services Agency Inc.	1524 S. 16th Street	Wilmington	NC	28541–0796	66,799
Housing Authority of the City of High Point	301 Nash St E	Wilson	NC	27260–6746	153,727
Northwestern Regional Housing Authority	500 West Fourth Street, Suite 300.	Winston-Salem	NC	28607–4958	206,884
Fargo Housing and Redevelopment Authority	325 Broadway	Fargo	ND	58102–0430	106,608
the Housing Authority of the City of Grand Forks.	1405 1st Ave North	Grand Forks	ND	582033484	104,385
Minot Housing Authority	108 Burdick Express Way East.	Minot	ND	58701–4434	43,612
Kearney Housing Authority	2715 I Ave, P.O. Box 1236.	Kearney	NE	68848–1236	84,908
Housing Authority of the City of Lincoln	5700 R Street	Lincoln	NE	68505–2332	112,808
Douglas County Housing Authority	5404 N. 107th Plaza	Omaha	NE	68134–0000	51,510
Housing Authority of the City of Omaha	1805 Harney Street	Omaha	NE	68102–1908	186,161

Recipient					Amount
Goldenrod Regional Housing Agency	1017 Avenue E, P.O. Box 799.	Wisner	NE	68791–0799	36,421
New Hampshire Housing Finance Authority	32 Constitution Drive	Bedford	NH	03110–6062	234,031
Dover Housing Authority	62 Whittier Street	Dover	NH	03820–2946	138,000
Keene Housing	831 Court Street	Keene	NH	03431–1712	131,198
Manchester Housing and Redevelopment Authority.	198 Hanover Street	Manchester	NH	03104–6125	44,997
Atlantic City Housing Authority & Urban Redevelopment Agency.	227 North Vermont Avenue, 17th Floor.	Atlantic City	NJ	08401–5563	58,065
Housing Authority of the Town of Boonton	125 Chestnut Street	Boonton	NJ	07005–1130	69,000
Housing Authority of the City of Camden	2021 Watson Street, 2nd Floor.	Camden	NJ	08105–1866	46,683
Housing Authority of Gloucester County	100 Pop Moylan Blvd	Deptford	NJ	08096–1947	43,400
Housing Authority Town of Dover	215 East Blackwell Street.	Dover	NJ	07801–0000	31,777
Housing Authority of the City of East Orange	160 Halsted Street	East Orange	NJ	070182693	69,000
Housing Authority of the Borough of Fort Lee	1403 Teresa Drive, Suite FLHA.	Fort Lee	NJ	07024–2102	51,000
County of Monmouth	3000 Kozloski Road	Freehold	NJ	07728–9969	69,000
Irvington Housing Authority	624 Nye Avenue	Irvington	NJ	071112323	68,680
Housing Authority of City of Jersey City	400 US Highway #1	Jersey City	NJ	07306–6545	243,635
Lakewood Housing Authority	317 Sampson Avenue	Lakewood	NJ	08701–3565	66,214
Lakewood TWP Residential Assistance Program.	600 W. Kennedy Blvd	Lakewood	NJ	08701–1243	51,140
Housing Authority of the Borough of Madison	24 Central Avenue	Madison	NJ	079401811	69,000
Housing Authority County of Morris	99 Ketch Road	Morristown	NJ	07960–2606	68,587
The Newark Housing Authority	500 Broad S., 2nd Flr	Newark	NJ	07102–3112	134,897
Housing Authority of the City of Orange	340 Thomas Boulevard.	Orange	NJ	07050–4151	68,000
Passaic County Public Housing Agency	100 Hamilton Plaza Suite 510.	Paterson	NJ	07505–2100	123,244
Housing Authority of the City of Perth Amboy	P.O. Box 390	Perth Amboy	NJ	08862–0390	191,458
The Housing Authority of Plainfield	510 East Front Street	Plainfield	NJ	07060–1449	69,000
Pleasantville Housing Authority	168 North Main Street	Pleasantville	NJ	08232–2569	137,680
NJ Department of Community Affairs	101 S. Broad Street, P.O. Box 051.	Trenton	NJ	08625–0051	207,000
Housing Authority of the City of Vineland	191 West Chester Avenue.	Vineland	NJ	08360–5417	69,000
Woodbridge Housing Authority	20 Bunns Lane	Woodbridge	NJ	07067–1765	22,286
Bernalillo County Housing Department	1900 Bridge Blvd SW	Albuquerque	NM	87105–3164	118,368
Clovis Housing and Redevelopment Agency, Inc.	2101 W Grand Avenue.	Clovis	NM	88101–3315	86,644
Mesilla Valley Public Housing Authority	926 S San Pedro Street.	Las Cruces	NM	88001–3637	26,322
Eastern Regional Housing Authority	P.O. Drawer 2057	Roswell	NM	88202–2057	138,000
Santa Fe Civic Housing Authority	664 Alta Vista Street	Santa Fe	NM	87505–4149	62,275
Santa Fe County Housing Authority	52 Camino De Jacobo	Santa Fe	NM	875073546	46,984
Housing Authority of the City of Truth or Consequences.	108 S. Cedar	Truth or Consequences	NM	87901–2881	45,325
Southern Nevada Regional Housing Authority	340 North 11th Street	Las Vegas	NV	89101–3162	697,609
Ithaca Housing Authority	200 South Pearl Street.	Albany	NY	14850–5347	137,360
Town of Huntington Housing Authority	38–40 State Street	Albany	NY	11746–1223	68,680
Town of Smithtown	52 Division Street	Amsterdam	NY	11787–0575	24,853
City of North Tonawanda, Belmont Housing Resources, Agent.	1195 Main Street	Buffalo	NY	14209–2196	48,583
Geneva Housing Authority	300 Perry Street	Buffalo	NY	14456–1718	65,642
Town of Colonie	1195 Main Street	Buffalo	NY	12866–4111	52,602
Town of Guilderland	470 Franklin Street	Buffalo	NY	12866–4111	65,038
Cohoes Housing Authority	One Independence Hill.	Farmingville	NY	12866–4111	34,212
Village of Highland Falls	41 Lewis St., P.O. Box 153.	Geneva	NY	12866–4111	32,969
Buffalo Municipal Housing Authority	1a Lowndes Avenue	Huntington Housing Authority.	NY	14204–2270	34,500
Town of Brookhaven	800 S. Plain St.	Ithaca	NY	11738–0362	58,273
Village of Kiryas Joel Housing Authority	301 Michigan St	Lockport	NY	109502938	66,200
Municipal Housing Authority of the City of Schenectady.	51 Forest Road Suite 360.	Monroe	NY	12305–2595	105,029
New York City Housing Authority	76 Evergreen Drive	Monticello	NY	10007–2599	207,000
Mechanicville Housing Authority	281 Phelps Lane	N. Babylon	NY	12866–4111	66,479
Albany Housing Authority	100 Gold Street	New York	NY	12202–0000	206,360
Syracuse Housing Authority	250 Broadway	New York	NY	13202–3934	206,040

Recipient					Amount
Municipal Housing Authority of the City of Utica, New York.	963 Montauk Highway	Oakdale	NY	13501–2540	69,000
Town of Islip Housing Authority	20 West Oneida Street, Third Floor.	Oswego	NY	11769–1433	51,000
New York City Dept. of Housing Preservation & Development.	675 West Main Street	Rochester	NY	10038 1605	1,373,600
City of Johnstown	11 Federal Street	Saratoga Springs	NY	12866–4111	32,969
City of Lockport Housing Authority Inc	11 Federal Street	Saratoga Springs	NY	14094–1724	68,000
City of Utica Section 8 Program	11 Federal Street	Saratoga Springs	NY	13502–4236	46,000
Monticello Housing Authority	11 Federal Street	Saratoga Springs	NY	12701–0000	74,839
NYS Housing Trust Fund Corp	11 Federal Street	Saratoga Springs	NY	12207–2837	1,224,755
Rental Assistance Corporation of Buffalo	11 Federal Street	Saratoga Springs	NY	14202–1375	98,697
Rotterdam FSS	11 Federal Street	Saratoga Springs	NY	12866–4111	54,797
Town of Babylon Housing Assistance Agency	11 Federal Street	Saratoga Springs	NY	11703–4006	49,599
Troy Housing Authority	11 Federal Street	Saratoga Springs	NY	12180–1423	130,955
Village of Ballston Spa	11 Federal Street	Saratoga Springs	NY	12866–4111	41,623
Village of Fort Plain	11 Federal Street	Saratoga Springs	NY	12866–4111	65,938
Erie County PHA Consortium, Town of Amherst, Belmont Housing.	375 Broadway	Schenectady	NY	14209–2196	147,097
City of Oswego Community Development Office.	P.O. Box 575	Smithtown	NY	13126–2574	34,500
Rochester Housing Authority	516 Burt Street	Syracuse,	NY	14611–2313	175,814
Amsterdam Housing Authority	One Eddy's Lane	Troy	NY	12010–4002	101,435
Gloversville Housing Authority	509 Second Street, Suite One.	Utica	NY	12866–4111	74,199
Village of Scotia	1 Kennedy Plaza	Utica	NY	12866–4111	28,779
Trumbull Metropolitan Housing Authority	100 West Cedar Street.	Akron	OH	44484–3397	116,290
Clinton Metropolitan Housing Authority	10 Hope Drive	Athens	OH	45177–1222	50,225
Parma Public Housing Agency	116 North Everett Street.	Bellefontaine	OH	44134–2775	41,212
Allen Metropolitan Housing Authority	1100 Maple Court	Cambridge	OH	45804–1242	39,501
Portage Metropolitan Housing Authority	385 Center St	Chardon	OH	44266–1650	38,462
Geauga Metropolitan Housing Authority	178 West Fourth Street.	Chillicothe	OH	44024–1155	122,654
Columbus Metropolitan Housing Authority	1627 Western Avenue	Cincinnati	OH	43211–2771	143,439
Morgan Metropolitan Housing Authority	176 Rustic Dr	Circleville	OH	43756–9701	46,264
Lucas Metropolitan Housing Authority	8120 Kinsman Road	Cleveland	OH	43697–0477	236,365
Wayne Metropolitan Housing Authority	880 E. 11th Avenue	Columbus	OH	44691/3566	43,528
Youngstown Metropolitan Housing Authority	400 Wayne Avenue	Dayton	OH	44503–1399	241,611
Delaware Metropolitan Housing Authority	222 Curtis St (Rear)	Delaware	OH	43015–2595	34,500
Logan County Metropolitan Housing Authority	315 N. Columbus St	Lancaster	OH	43311–1132	37,903
Pickaway Metro Housing Authority	600 S. Main St	Lima	OH	43113–1576	23,500
Lorain Metropolitan Housing Authority	1600 Kansas Avenue	Lorain	OH	44052–3317	111,120
Cuyahoga Metropolitan Housing Authority	401 East Seventh Street.	Manchester	OH	44104–4310	213,277
The City of Marietta, Ohio/PHA	301 Putnam Street	Marietta	OH	45750	44,222
Vinton Metropolitan Housing Authority	310 West High Street, P.O. Box 487.	McArthur	OH	45651–0487	38,728
Fairfield Metropolitan Housing Authority	4580 N St Rt. 376 NW	McConnelsville	OH	43130–1619	109,225
Adams Metropolitan Housing Authority	441 General Hartinger Parkway.	Middleport	OH	45144–1401	40,000
Morrow Metropolitan Housing Authority	619 West Marion Road, Suite 107.	Mount Gilead	OH	43338–1097	37,589
Tuscarawas Metropolitan Housing Authority	201a West High Street.	Mount Vernon	OH	44663–3861	50,000
Cambridge Metropolitan Housing Authority	134 Second Street SW.	New Philadelphia	OH	43725–6388	32,900
Springfield Metropolitan Housing Authority	189 First Street	Painesville	OH	45502–1219	69,000
Meigs Metropolitan Housing Authority	1440 Rockside Road Suite 306.	Parma	OH	45760–1251	14,608
Lake Metropolitan Housing Authority	2832 State Route 59	Ravenna	OH	44077–3111	57,000
Chillicothe Metropolitan Housing Authority	322 Warren Street	Sandusky	OH	45601–3219	95,572
Athens Metropolitan Housing Authority	101 West High St	Springfield	OH	45701–2136	41,276
Jefferson Metropolitan Housing Authority	815 North Sixth Avenue.	Steubenville	OH	43952–1861	49,999
Akron Metropolitan Housing Authority	435 Nebraska	Toledo	OH	44307–2502	312,696
Zanesville Metropolitan Housing Authority	4076 Youngstown Road, Se, Suite 101.	Warren	OH	43701–6871	210,794
Knox Metropolitan Housing Authority	249 West 13th Street, P.O. Box 619.	Wellston	OH	43050–2427	23,122
Cincinnati Metropolitan Housing Authority	478 Thorne Avenue	Wilmington	OH	45214–2001	333,219
Erie Metropolitan Housing Authority	345 North Market Street.	Wooster	OH	44870–2265	51,650

Recipient					Amount
Dayton Metropolitan Housing Authority	131 West Boardman St.	Youngstown	OH	45410–1118	160,294
Jackson Metropolitan Housing Authority	407 Pershing Road	Zanesville	OH	45692–0619	40,640
Housing Authority of the City of Muskogee	220 North 40th	Muskogee	OK	74401–2129	42,436
Housing Authority of the City of Norman	700 North Berry Road	Norman	OK	73069–7562	44,515
Oklahoma City Housing Authority	1700 Northeast Fourth Street.	Oklahoma City	OK	73117–3800	35,358
Oklahoma Housing Finance Agency	100 NW 63rd Street, Suite 200.	Oklahoma City	OK	73116–8208	195,071
Housing Authority of the City of Shawnee	601 W. Seventh St., P.O. Box 3427.	Shawnee	OK	74802–3427	133,356
Housing Authority of the City of Stillwater	807 S. Lowry	Stillwater	OK	74074–4742	45,178
Housing Authority of the City of Tulsa	415 E. Independence St.	Tulsa	OK	74106–5727	86,006
Linn-Benton Housing Authority	1250 Queen Avenue Se.	Albany	OR	97322–6661	137,360
Housing Authority & Urban Renewal Agency of Polk County.	204 SW Walnut Ave., P.O. Box 467.	Dallas	OR	97338–1428	67,000
Housing and Community Services Agency of Lane County.	177 Day Island Rd	Eugene	OR	97401–7911	207,000
Housing Authority of Washington County	111 Ne Lincoln Street, Suite 200–L.	Hillsboro	OR	97124–3036	120,563
Northeast Oregon Housing Authority	P.O. Box 3357	La Grande	OR	97850–7357	85,000
Housing Authority of Yamhill County	135 Ne Dunn Place	McMinnville	OR	97128–9081	262,625
Housing Authority of Jackson County	2251 Table Rock Rd	Medford	OR	97501–1409	127,526
Housing Authority of Clackamas County	P.O. Box 1510; 13930 S. Gain St.	Oregon City	OR	97045–0510	99,286
Home Forward	135 SW Ash Street	Portland	OR	97204–3540	513,219
Central Oregon Regional Housing Authority	405 SW 6th Street	Redmond	OR	97756–2204	134,654
Housing Authority of the City of Salem	360 Church St Se	Salem	OR	97301–3707	267,213
Marion County Housing Authority	2645 Portland Rd. N.E. Suite 200.	Salem	OR	97301–0198	48,040
Columbia Gorge Housing Authority	500 E 2nd Street	The Dalles	OR	97058–2129	54,000
Mid-Columbia Housing Authority	500 E 2nd St	The Dalles	OR	97058–2129	54,000
Northwest Oregon Housing Authority	P.O. Box 1149	Warrenton	OR	97146–1149	45,437
Lehigh County Housing Authority	2700 Pleasant Valley Blvd.	Altoona	PA	18049–3722	48,480
Housing Authority of the County of Dauphin	602 East Howard Street.	Bellefonte	PA	17113–7598	56,654
Housing Authority of Indiana County	114 Woody Dr	Butler	PA	15701–2132	26,429
Lycoming County Housing Authority	436 West Washington St.	Chambersburg	PA	17701–2824	39,952
Adams County Housing Authority	8 West Main Street	Clarion	PA	17325–2316	47,768
Westmoreland County Housing Authority	157 South Fourth Street, P.O. Box 876.	Easton	PA	15601–6392	210,717
Housing Authority of the County of Franklin	635 Broad St	Emmaus	PA	17201–2458	20,800
Housing Authority of the City of Lancaster	40 E. High St	Gettysburg	PA	17602–4201	34,500
Housing Authority of North Cumberland County.	154 S. Greengate Road.	Greensburg	PA	17847–1016	64,214
Philadelphia Housing Authority	351 Chestnut Street	Harrisburg	PA	19103–3014	414,000
Housing Authority of Centre County	104 Philadelphia Street.	Indiana	PA	16823–2145	47,278
Housing Authority of the County of Clarion	350 South Jefferson Street.	Kittanning	PA	16214–1816	81,266
Delaware County Housing Authority	325 Church Street	Lancaster	PA	19094–1428	43,932
Altoona Housing Authority	50 Manoning Street	Milton	PA	16602–4492	53,836
Allegheny County Housing Authority	104 W. Main Street, Suite #1.	Norristown	PA	15222–1418	169,307
Housing Authority of the City of Pittsburgh	12 S. 23rd Street, 6th Floor.	Philadelphia	PA	15219–2068	349,017
Housing Authority of the County of Armstrong	200 Ross St	Pittsburgh	PA	16201–2418	26,587
Housing Authority of the County of Chester	625 Stanwix Street–12th Floor.	Pittsburgh	PA	19382–8401	53,200
Housing Authority of the City of York	501 Mohn Street, P.O. Box 7598.	Steelton	PA	17403–0000	69,000
Housing Authority of the City of Easton	30 West Barnard Street, Suite 2.	West Chester	PA	18044–0876	57,570
Harrisburg Housing Authority	1941 Lincoln Drive	Williamsport	PA	17101–2785	55,000
Montgomery County Housing Authority	1855 Constitution Avenue.	Woodlyn	PA	19401–4716	55,182
The Housing Authority of the County of Butler	31 S. Broad St	York	PA	16001–5692	45,477
Municipality of Bayamon	P.O. Box 1588	Bayamon	PR	00960–1588	28,180

Recipient					Amount
Municipality of Juana Diaz	Calle Degetau #35, P.O. Box 1409.	Juana Diaz	PR	00795–1409	24,203
Municipality of San German	136 Ave Universidad Interamericana.	San German	PR	0000–00683	58,755
Municipality of San Juan	P.O. Box 70179	San Juan	PR	00936–8179	30,105
Central Falls Housing Authority	30 Washington Street	Central Falls	RI	02863–2842	63,456
Town of Coventry Housing Authority	14 Manchester Circle	Coventry	RI	02816–8827	51,571
Town of Cumberland Housing Authority	573 Mendon Rd	Cumberland	RI	02864–6200	67,326
Housing Authority of the Town of East Greenwich.	146 First Avenue	East Greenwich	RI	02818–3663	69,000
East Providence Housing Authority	99 Goldsmith Avenue	East Providence	RI	02914–2221	58,970
Narragansett Housing Authority	25 Fifth Avenue	Narragansett	RI	02882–3612	69,000
Town of North Providence Housing Authority	945 Charles Street	North Providence	RI	02904–5647	20,020
Housing Authority of the City of Pawtucket	214 Roosevelt Avenue	Pawtucket	RI	02860–2153	138,000
Rhode Island Housing	44 Washington Street	Providence	RI	02903–1721	183,618
The Housing Authority of the City of Providence.	100 Broad Street	Providence	RI	02903–4129	196,744
Warwick Housing Authority	1035 West Shore Road.	Warwick	RI	02889–3417	69,000
Charleston County Housing and Redevelopment Authority.	2106 Mount Pleasant Street.	Charleston	SC	29403–0000	60,000
The Housing Authority City of Charleston	550 Meeting Street	Charleston	SC	29403–5068	52,136
Housing Authority of Greenville	122 Edinburg	Greenville	SC	29607–2530	101,393
Housing Authority of Myrtle Beach	605 10th Avenue North, P.O. Box 2468.	Myrtle Beach	SC	29577–2468	68,680
North Charleston Housing Authority	2170 Ashley Phosphate Rd., #700.	North Charleston	SC	29406–4195	50,000
Housing Authority of the City of Spartanburg	2271 South Pine Street.	Spartanburg	SC	29302–4339	109,364
Brookings County Housing & Redevelopment Commission.	1310 S. Main Ave. Suite #106.	Brookings	SD	57006–0432	37,823
Mobridge Housing & Redevelopment Commission.	202 1st Ave East	Mobridge	SD	57601–0370	34,233
Sioux Falls Housing and Redevelopment Commission.	630 S. Minnesota Ave	Sioux Falls	SD	57104–4825	73,865
Chattanooga Housing Authority	801 N Holtzclaw Avenue.	Chattanooga	TN	37404–1486	125,800
East Tennessee Human Resource Agency, Inc.	101 Penny Avenue	Columbia	TN	37923–4517	34,750
Jackson Housing Authority	P.O. Box 425	Crossville	TN	38301–4888	203,278
Town of Crossville Housing Authority	200 Spring Street	Franklin	TN	38557–0425	54,158
Shelbyville Housing Authority	125 Preston Street	Jackson	TN	37160–3295	49,037
Kingsport Housing & Redevelopment Authority.	906 E. Sevier Avenue, P.O. Box 44.	Kingsport	TN	37662–0044	157,258
Franklin Housing Authority	9111 Cross Park Drive Suite D–100.	Knoxville	TN	37064–3311	55,080
Knoxville's Community Development Corporation.	901 N. Broadway, P.O. Box 3550.	Knoxville	TN	37927–6663	48,583
Housing Authority of the City of Mission	1300 East 8th	Mission	TN	78572–5817	86,735
Tennessee Housing Development Agency	502 Deaderick Street Third Floor.	Nashville	TN	37243–0900	267,000
Oak Ridge Housing Authority	10 Van Hicks Lane	Oak Ridge	TN	37830–4969	20,892
Columbia Housing & Redevelopment Authority.	316 Templeton Street	Shelbyville	TN	38401–0000	69,000
Housing Authority of the City of Waco	534 Cypress, Suite 200.	Abilene	TX	76703–0978	98,746
Housing Authority of the City of Pharr	P.O. Box 1971	Amarillo	TX	78577–3023	37,501
Housing Authority of the City of Wichita Falls	1007 Franklin St	Anthony	TX	76306–2954	48,500
Housing Authority of the City of Lubbock	501 W. Sanford Street, Suite 20.	Arlington	TX	79401–5105	39,390
City of Longview, TX	1124 S. Ih-35	Austin	TX	75606–1952	49,014
Housing Authority of the City of Abilene	1890 Laurel	Beaumont	TX	79601–5198	48,320
Housing Authority of San Angelo	2606 Boca Chica Blvd	Brownsville	TX	76903–2455	80,000
Anthony Housing Authority	3991 E. 29th Street, P.O. Drawer 4128.	Bryan	TX	79821–0017	37,988
Housing Authority of Bexar County	1500 North Frazier, Suite 101.	Conroe	TX	78212–0000	179,000
Housing Authority of the City of Ft. Worth	3939 N. Hampton Rd	Dallas	TX	76102–5764	337,320
Robstown Housing Authority	2377 North Stemmons Freeway, Suite 600.	Dallas	TX	78380–4110	30,000
Housing Authority of Austin	5300 E. Paisano Dr	El Paso	TX	78704–2614	248,317
Housing Authority of the City of El Paso	1201 E. 13th Street	Fort Worth	TX	79905–2931	101,794
Galveston Housing Authority	2100 Circle Drive	Fort Worth	TX	77551–4241	29,576

Recipient					Amount
Housing Authority of the Round Rock	4700 Broadway	Galveston	TX	78664–4545	69,000
Houston Housing Authority	2640 Fountainview, Suite 400.	Houston	TX	77057–7610	327,282
Tarrant County Housing Assistance Office	340 State Hwy 75 North, Ste. E.	Huntsville	TX	76119–8130	194,081
Housing Authority of the City of Arlington	210 Premier Drive	Jasper	TX	76011–7090	162,702
Brazos Valley Council of Governments	1000 W. Corral Avenue.	Kingsville	TX	77805–4128	483,000
Housing Authority of the City of Beaumont	P.O. Box 1952	Longview	TX	77701–1904	82,410
Housing Authority of the City of Brownsville	1708 Crickets Avenue	Lubbock	TX	78521–2312	182,283
City of Amarillo	2301 Jasmine Avenue	McAllen	TX	79105–1971	34,500
San Marcos Housing Authority	1710 Edwards	Midland	TX	78666–6565	102,520
Housing Authority of the County of Hidalgo	104 W. Polk Ave	Pharr	TX	78599–4034	79,196
Midland County Housing Authority	625 W. Ave. F	Robstown	TX	79701–2313	42,466
Texoma Council of Governments	1505 Lance Lane	Round Rock	TX	75090–3107	134,862
McAllen Housing Authority	420 East 28th Street	San Angelo	TX	78501–7496	45,000
Dallas, County of	1017 N. Main Avenue, Suite 201.	San Antonio	TX	75207–2710	64,000
Walker County Housing Authority	818 S. Flores Street	San Antonio	TX	77320–3176	45,450
Deep East Texas Council of Governments	1201 Thorpe Lane	San Marcos	TX	75951–7495	71,714
Housing Authority of the City of Kingsville	1117 Gallagher Drive	Sherman	TX	78363–3035	54,823
San Antonio Housing Authority	4400 Cobbs Drive, P.O. Box 978.	Waco	TX	78208–0000	807,673
Montgomery County Housing Authority	1800 N Texas Blvd	Weslaco	TX	77301–22208	43,122
The Housing Authority of the City of Dallas	501 Webster	Wichita Falls	TX	75212–1603	746,384
Davis Community Housing Authority	352 South 200 West, Suite 1, P.O. Box 328.	Farmington	UT	84025–0328	24,387
Housing Authority of the City of Ogden	1100 Grant Ave	Ogden	UT	84404–4931	52,030
Housing Authority of Utah County	240 E Center	Provo	UT	84606–3162	53,539
Provo City Housing Authority	650 West 100 North	Provo	UT	84601–2632	81,952
Housing Authority of Salt Lake City	1776 S West Temple	Salt Lake City	UT	84115–1816	101,804
Housing Authority of the County of Salt Lake	3595 South Main Street.	Salt Lake City	UT	84115–4434	202,098
St. George Housing Authority	975 North 1725 West # 101.	St. George	UT	84770–4963	20,570
Tooele County Housing Authority	66 West Vine Street	Tooele	UT	84074–2152	44,928
County of Loudoun	401 Wythe Street	Alexandria	VA	20177–7400	67,326
Bristol Redevelopment and Housing Authority	809 Edmond Street	Bristol	VA	24201–4385	41,843
City of Roanoke Redevelopment and Housing Authority.	1468 S. Military Highway.	Chesapeake	VA	24017–5443	161,460
Richmond Redevelopment and Housing Authority.	135 Jones Crossing	Danville	VA	23220–6887	69,000
City of VA Beach Dept. of Housing and Neighborhood Preservation.	3700 Pender Drive, Suite 300.	Fairfax	VA	23456–9083	48,435
Hampton Redevelopment & Housing Authority.	100 East Fourth Ave	Franklin	VA	23669–0280	50,813
Chesapeake Redevelopment & Housing Authority.	1 Franklin St, Suite 603, P.O. Box 280.	Hampton	VA	23320–2604	162,030
Alexandria Redevelopment & Housing Authority.	P.O. Box 1361	Hopewell	VA	22314–0000	138,000
James City County Office of Housing & Community Development.	P.O. Box 7400	Leesburg	VA	23188–2674	23,990
Newport News Redevelopment and Housing Authority.	227 27th Street	Newport News	VA	23607–0797	148,068
Hopewell Redevelopment and Housing Authority.	201 Granby Street	Norfolk	VA	23860–7812	69,000
Portsmouth Redevelopment and Housing Authority.	3116 South Street, P.O. Box 1098.	Portsmouth	VA	23705–4116	196,272
Norfolk Redevelopment and Housing Authority.	901 Chamberlayne Parkway.	Richmond	VA	23510–1820	332,175
Danville Redevelopment and Housing Authority.	2624 Salem Turnpike, N.W.	Roanoke	VA	24541–0669	47,271
Fairfax County Redevelopment and Housing Authority.	530 East Pinner Street.	Suffolk	VA	22030–6039	138,000
Waynesboro Redevelopment and Housing Authority.	2424 Courthouse Drive.	Virginia Beach	VA	22980–0821	83,321
Franklin Redevelopment and Housing Authority.	1700 New Hope Road, P.O. Box 1138.	Waynesboro	VA	23851–1901	60,000
Suffolk Redevelopment and Housing Authority.	5320 Palmer Lane, Suite 1a.	Williamsburg	VA	23434–3023	104,340
Prince William County OHCD	15941 Donald Curtis Drive.	Woodbridge	VA	22191–4256	69,000

Recipient					Amount
Virgin Islands Housing Authority	4402 Anna's Retreat #200.	St. Thomas	VI	00802–1737	69,000
Brattleboro Housing Authority	P.O. Box 2275	Brattleboro	VT	05303–0000	138,000
Burlington Housing Authority	65 Main Street	Burlington	VT	05401–8408	101,685
Vermont State Housing Authority	1 Prospect Street	Montpelier	VT	05602–3556	234,998
Housing Authority of Island County	345 6th Street, Suite 100.	Bremerton	WA	98239–3400	48,267
The Housing Authority of the City Bremerton	600 Park Ave	Bremerton	WA	98337–1544	66,717
Pierce County Housing Authority	1650 Port Drive	Burlington	WA	98444–2613	138,000
Housing Authority of the City of Pasco and Franklin County.	7 NW 6th Street	Coupeville	WA	99301–4569	50,160
Housing Authority of the City of Vancouver	1415 S. 10th	Kelso	WA	98660–2676	192,056
Housing Authority City of Longview	820 11th Avenue	Longview	WA	98632–2072	80,655
Housing Authority of the City of Yakima	1206 12th Avenue SE	Olympia	WA	98902–1474	113,500
Housing Authority City of Kelso	2505 West Lewis Street.	Pasco	WA	98626–2729	44,266
Peninsula Housing Authority	2603 S. Francis Street	Port Angeles	WA	98362–6710	94,170
Seattle Housing Authority	190 Queen Anne Ave. N., P.O. Box 19028.	Seattle	WA	98109–1028	414,000
Housing Authority of the City of Tacoma	902 South L Street	Tacoma	WA	98405–4037	197,662
Housing Authority of Thurston County	1525 108th Street S	Tacoma	WA	98501–2351	132,428
King County Housing Authority	600 Andover Park West.	Tukwila,	WA	98188–3326	329,785
Housing Authority of Chelan County and the City of Wenatchee.	2500 Main St Ste 100	Vancouver	WA	98801–9417	42,067
Housing Authority of Skagit County	1555 S. Methow	Wenatchee	WA	98233–3106	49,000
Kitsap County Consolidated Housing Authority.	810 N 6th Avenue	Yakima	WA	98337–1891	25,756
Appleton Housing Authority	925 W Northland Ave	Appleton	WI	54914–1422	49,600
Brown County Housing Authority	100 N Jefferson St	Green Bay	WI	54301–5006	90,308
City of Kenosha Housing Authority	625 52nd Street, Rm 98.	Kenosha	WI	53140–3480	67,266
Housing Authority of the City of Milwaukee	P.O. Box 324	Milwaukee	WI	53201–0324	138,000
Dane County Housing Authority	2001 W. Broadway	Monona	WI	53713–3707	38,572
Winnebago County Housing Authority	600 Merritt Avenue	Oshkosh	WI	54901–5178	69,000
Housing Authority of Racine County	837 Main Street	Racine	WI	53403–1522	66,190
Benwood-McMechen Housing Authority	2200 Marshall Street	Benwood	WV	26031–1323	18,104
Charleston-Kanawha Housing Authority	1525 Washington St West.	Charleston	WV	25387–2332	81,960
Clarksburg-Harrison Regional Housing Authority.	433 Baltimore Ave	Clarksburg	WV	26301–2053	34,028
Housing Authority of Mingo County	5026 Helena Avenue	Delbarton	WV	25670–0120	69,000
Randolph County Housing Authority	1404 N Randolph Avenue, P.O. Box 1579.	Elkins	WV	26241–9661	22,736
The Fairmont-Morgantown Housing Authority	103 Twelfth Street, P.O. Box 2738.	Fairmont	WV	26555–2738	30,186
The Huntington West Virginia Housing Authority.	300 Seventh Avenue, West.	Huntington	WV	25701–1739	36,960
Parkersburg Housing Authority	1901 Cameron Ave	Parkersburg	WV	26101–9316	43,275
Wheeling Housing Authority	11 Community St., P.O. Box 2089.	Wheeling	WV	26003–5201	48,410

Appendix C

FY2016 Jobs Plus Initiative

Contact: Jayme Brown, 202–402–3264

Recipient					Amount
Housing Authority of the City of Tampa	5301 West Cypress St	Tampa	FL	33607	$2,500,000
City of Phoenix Housing Department	251 W. Washington St	Phoenix	AZ	85003	2,000,000
Housing Authority of Baltimore City	417 E. Fayette Street	Baltimore	MD	21202	2,498,734
Greater Dayton Premier Management (Dayton MHA).	400 Wayne Ave	Dayton	OH	45410	2,399,211
New York City Housing Authority	250 Broadway	New York	NY	10007	2,000,000
The City of Providence Housing Authority	100 Broad St	Providence	RI	02903	2,999,608

Appendix D

FY2016 Research and Evaluation, Demonstration, and Data Analysis and Utilization

Contact:

Recipient					Amount
The Urban Institute	2100 M St. NW	Washington	DC	20037	$899,177
University of Florida	207 Ginter Hall	Gainesville	FL	32611	531,539
Home Innovation Research	400 Prince Georges Blvd.	Upper Marlboro	MD	20774	835,325
Auburn University	310 Samford Hall	Auburn	AL	36849	633,136

Appendix E

FY2017 Comprehensive Housing Counseling Grant Program

Contact: David Valdez, 713–718–3178.

Recipient					Amount
Jefferson County Housing Authority	3700 Industrial Parkway.	Birmingham	AL	35217	$15,476
United Way of Central Alabama, Inc	3600 8th Avenue	Birmingham	AL	35222	308,121
Community Action Partnership of North Alabama, Inc.	1909 Central Pkwy SW.	Decatur	AL	35601	22,042
Community Action Agency of Northwest Alabama, Inc.	745 Thompson St	Florence	AL	35630	24,788
Community Action Partnership, Huntsville/Madison & Limestone Counties, Inc.	3516 Stringfield Rd NW.	Huntsville	AL	35810	20,542
CCCS of Alabama—Montgomery	640 South Lawrence Street, Farmer Wilson Building.	Montgomery	AL	36104	24,236
Housing Authority of the City of Prichard	200 W. Prichard Avenue.	Prichard	AL	36610	18,221
Organized Community Action Program, Inc	507 N 3 Notch St	Troy	AL	36081	20,840
Community Service Programs of West Alabama, Inc.	601 Black Bears Way	Tuscaloosa	AL	35401	25,609
Mississippi County, Arkansas Economic Opportunity Commission, Inc.	1400 North Division Street.	Blytheville	AR	72315	17,400
Crawford Sebastian Community Development Council.	1617 South Zero	Fort Smith	AR	72901	24,788
Northwest Regional Housing Authority	114 Sisco Ave	Harrison	AR	72601	16,296
In Affordable Housing, Incorporated	108 S Rodney Parham Rd.	Little Rock	AR	72205	26,921
Southern Bancorp Community Partners	8924 Kanis Rd	Little Rock	AR	72205	19,721
Universal Housing Development Corporation	301 E 3rd St	Russellville	AR	72801	24,378
Newtown Community Development Corporation.	511 W University Dr., Suite 4.	Tempe	AZ	85281	22,594
Eden Council for Hope and Opportunity (Echo).	770 A St	Hayward	CA	94541	24,251
Operation Hope, Inc	707 Wilshire Blvd Suite 3030.	Los Angeles	CA	90017	200,000
Project Sentinel	554 Valley Way	Milpitas	CA	95035	30,823
Community Housing and Shelter Services	708 H Street	Modesto	CA	95354	21,378
Habitat for Humanity, Stanislaus County	630 Kearney Avenue	Modesto	CA	95350	25,199
National Association of Real Estate Brokers-Investment Division, Inc.	7677 Oak Port Street, Suite 1030, 10th Fl.	Oakland	CA	94621	1,048,234
Fair Housing Council of Riverside County, Inc	3933 Mission Inn Ave	Riverside	CA	92501	33,041
Asian Incorporated	1167 Mission Street, 4th Floor.	San Francisco	CA	94103	23,288
Consumer Credit Counseling Services of San Francisco.	595 Market St, Suite 920.	San Francisco	CA	94105	619,754
Fair Housing Advocates of Northern California.	1314 Lincoln Ave	San Rafael	CA	94901	20,825
Orange County Fair Housing Council, Inc	1516 Brookhollow Drive, Suite A.	Santa Ana	CA	92705	17,542
City of Vacaville Department of Housing Services.	40 Eldridge Avenue Suite 2.	Vacaville	CA	95688	19,580
Community Services and Employment Training, Inc.	312 NW 3rd Avenue	Visalia	CA	93291	18,079

Recipient					Amount
Rural Community Assistance Corporation	3120 Freeboard Drive, Suite 201.	West Sacramento	CA	95691	831,486
Colorado Housing and Finance Authority	1981 Blake St	Denver	CO	80202	588,701
Community Renewal Team, Inc	330 Market Street	Hartford	CT	06120	17,117
Connecticut Housing Finance Authority	999 West Street	Rocky Hill	CT	06067	224,070
Housing Counseling Services, Incorporated	2410 17th St NW Ste 100.	Washington	DC	20009	77,205
National CAPACD	1628 16th Street, NW, 4th Floor.	Washington	DC	20009	709,815
National Community Reinvestment Coalition, Inc.	740 15th St NW, Suite 400.	Washington	DC	20005	1,380,384
National Council of La Raza	1126 16th Street, NW, Suite 600, Raul Yzaguirre Building.	Washington	DC	20036	1,811,601
National Foundation for Credit Counseling, Inc.	2000 M St. NW, Suite 505.	Washington	DC	20036	1,623,724
Neighborhood Reinvestment Corp. DBA NeighborWorks America.	999 North Capital Street NE, Suite 900.	Washington	DC	20002	3,000,000
Delaware State Housing Authority	18 The Green	Dover	DE	19901	116,071
All-American Foreclosure Solutions, Inc	1430 SE 16th PL Suite ''A''.	Cape Coral	FL	33990	20,132
Bright Community Trust, Inc	2605 Enterprise Road E. Suite 230.	Clearwater	FL	33759	21,094
Tampa Bay Community Development Corporation.	2139 NE Coachman Rd.	Clearwater	FL	33765	25,340
Adopt A Hurricane Family, Inc. Dba Crisis Housing Solutions.	4700 SW 64th Avenue—Suite C.	Davie	FL	33314	20,146
Mid-Florida Housing Partnership, Inc	1834 Mason Ave	Daytona Beach	FL	32117	22,736
Affordable Homeownership Foundation Inc	5264 Clayton Ct., Suite 1.	Fort Myers	FL	33907	20,953
Home Ownership Resource Center of Lee County.	2915 Colonial Blvd Ste 200.	Fort Myers	FL	33966	18,900
Lee County Housing Development Corporation.	3677 Central Ave, Suite F.	Fort Myers	FL	33901	18,079
Habitat for Humanity of Jacksonville, Inc	2404 Hubbard Street	Jacksonville	FL	32206	19,042
Jacksonville Area Legal Aid, Inc	126 W Adams St	Jacksonville	FL	32202	22,736
The Agriculture and Labor Program, Inc	300 Lynchburg Rd	Lake Alfred	FL	33850	17,527
Broward County Housing Authority	4780 N State Road 7	Lauderdale Lakes	FL	33319	23,415
Debt Management Credit Counseling Corp	3310 N. Federal Highway.	Lighthouse Point	FL	33064	124,970
Community Housing Initiative, Inc	3033 College Wood Dr.	Melbourne	FL	32934	23,147
Miami Beach Community Development Corp	945 Pennsylvania Ave	Miami Beach	FL	33139	14,655
Ocala Housing Authority	1629 NW 4th St	Ocala	FL	34475	28,370
Opa Locka Community Development Corporation.	490 Opa Locka Blvd	Opa Locka	FL	33054	23,005
Community Enterprise Investments, Incorporated.	302 North Barcelona St.	Pensacola	FL	32501	22,453
Consolidated Credit Solutions, Inc	5701 W Sunrise Blvd	Plantation	FL	33313	46,737
Comprehensive Housing Resources, Inc	21450 Gibralter Dr., Suite 1.	Port Charlotte	FL	33952	20,825
Manatee Community Action Agency, Inc	6428 Parkland Dr	Sarasota	FL	34243	20,811
Solita's House Inc	3101 E. 7th Ave	Tampa	FL	33605	26,161
Credit Card Mgmt. Svcs., Inc. DBA Debthelper.Com.	1325 N Congress Ave, #201.	West Palm Beach	FL	33401	198,435
West Palm Beach Housing Authority	1715 Division Ave	West Palm Beach	FL	33407	23,415
Area Committee to Improve Opportunities Now, Inc.	594 Oconee Street	Athens	GA	30605	20,542
Georgia Housing and Finance Authority	60 Executive Park South, NE.	Atlanta	GA	30329	570,000
Summech Community Development Corporation, Inc.	633 Pryor Street	Atlanta	GA	30312	23,623
Affordable Housing Enterprises, Inc	214 South 12th Street	Griffin	GA	30224	21,363
Home Development Resources, Inc	67 Athens Street	Jefferson	GA	30549	15,886
Appalachian Housing and Redevelopment Corporation.	800 Avenue B	Rome	GA	30165	14,655
Economic Opportunity for Savannah Chatham County Area, Inc.	618 W Anderson St	Savannah	GA	31415	19,594
Refugee Family Assistance Program	5405 Memorial Drive Suite 101.	Stone Mountain	GA	30083	21,915
United Neighbors, Inc	808 Harrison Street	Davenport	IA	52803	18,348
Home Opportunities Made Easy, Inc. (Home, Inc.).	1111 Ninth Street, Suite 210.	Des Moines	IA	50314	21,221

Recipient					Amount
Eastern Iowa Regional Housing Authority	7600 Commerce Park	Dubuque	IA	52002	22,250
Muscatine Municipal Housing Agency	215 Sycamore St	Muscatine	IA	52761	21,632
Center for Siouxland	715 Douglas St	Sioux City	IA	51101	27,534
Family Management Financial Solutions, Inc	359 Rock Island Ave	Waterloo	IA	50701	23,496
Idaho Housing and Finance Association	565 West Myrtle	Boise	ID	83702	267,723
Macoupin County Housing Authority	760 Anderson Street	Carlinville	IL	62626	18,348
Housing Action Illinois	11 E. Adams St, Suite 1601.	Chicago	IL	60603	820,030
Latin United Community Housing Association	3541 W. North Avenue.	Chicago	IL	60647	25,000
Smart Money Housing Aka Smart Women Smart Money.	3510 West Franklin Blvd.	Chicago	IL	60624	41,975
Total Resource Community Development Organization.	1415 W 104th St	Chicago	IL	60643	22,609
Community Investment Corporation of Decatur, Inc.	2121 S. Imboden Court.	Decatur	IL	62521	21,221
Lake County Housing Authority	33928 N US Highway 45.	Grayslake	IL	60030	23,684
Will County Center for Community Concerns	2455 Glenwood Ave	Joliet	IL	60435	32,398
Springfield Housing Authority	200 N 11th St	Springfield	IL	62703	14,655
Open Communities	614 Lincoln Avenue	Winnetka	IL	60093	17,259
City of Bloomington—Housing and Neighborhood Development (Hand).	401 N Morton Street	Bloomington	IN	47404	25,675
Community Action Program of Evansville & Vanderburgh County, Inc.	401 SE 6th St Ste 1	Evansville	IN	47713	21,915
The Affordable Housing Corporation of Marion, Indiana.	812 S Washington St	Marion	IN	46953	26,982
Hoosier Uplands Economic Development Corporation.	500 W Main St	Mitchell	IN	47446	24,378
Muncie Home Ownership and Development Center.	120 West Charles Street.	Muncie	IN	47305	21,363
Lincoln Hills Development Corporation	302 Main St	Tell City	IN	47586	22,453
Housing Assistance and Development Services, Inc.	215 E 12th Ave	Bowling Green	KY	42101	20,953
Live The Dream Development, Inc	247 Double Springs Rd.	Bowling Green	KY	42101	17,117
Campbellsville Housing and Redevelopment Authority.	400 Ingram Ave, PO Box 597.	Campbellsville	KY	42718	11,970
Kentucky Housing Corporation	1231 Louisville Rd	Frankfort	KY	40601	357,292
KCEOC Community Action Partnership, Inc	5448 N US Highway 25E.	Gray	KY	40734	20,684
Louisiana Housing Corporation	2415 Quail Drive	Baton Rouge	LA	70808	580,191
Saint Martin, Iberia, Lafayette Community Action Agency.	501 Saint John St	Lafayette	LA	70501	20,132
Action for Boston Community Development, Inc.	178 Tremont St	Boston	MA	02111	29,166
Citizens' Housing and Planning Association, Inc.	18 Tremont Street, Suite 401.	Boston	MA	02108	801,584
Neighborhood Stabilization Corporation	225 Centre Street, Suite 100.	Boston	MA	02119	1,717,297
The Housing Partnership Network	1 Washington Mall, 12th Fl.	Boston	MA	02108	987,136
Chelsea Restoration Corporation	154 Pearl St. Ofc 2	Chelsea	MA	02150	21,646
Catholic Social Services—Fall River	PO Box M	Fall River	MA	02724	17,117
Community Service Network, Inc	136 Elm Street	Stoneham	MA	02180	20,750
Pro-Home, Inc	40 Summer Street	Taunton	MA	02780	24,236
RCAP Solutions, Inc	12 E Worcester St	Worcester	MA	01604	23,967
Arundel Community Development Service Inc	2666 Riva Road, Suite 210.	Annapolis	MD	21401	25,340
Garwyn Oaks Northwest Housing Resource Center, Inc.	2300 Garrison Blvd, Suite 140.	Baltimore	MD	21216	23,005
Harford County Housing Agency	15 S Main St Ste 106	Bel Air	MD	21014	26,906
Frederick Community Action Agency	100 S Market St	Frederick	MD	21701	27,869
Maryland Rural Development Corporation	101 Cedar Lane, PO Box 739.	Greensboro	MD	21639	20,400
Hagerstown Neighborhood Development Partnership, Inc.	21 E Franklin St	Hagerstown	MD	21740	23,826
Washington County Community Action Council.	101 Summit Ave	Hagerstown	MD	21740	26,227
Southern Maryland Tri-County Community Action.	8383 Old Leonardtown Road.	Hughesville	MD	20637	25,609
Housing Initiative Partnership, Inc	6525 Belcrest Road, Suite 555.	Hyattsville	MD	20782	33,786

Recipient					Amount
Home Partnership, Inc	626 Towne Center Dr., Suite 102.	Joppa	MD	21085	19,990
Garrett County Community Action Committee, Inc.	104 E Center St	Oakland	MD	21550	26,855
Homefree—U S A	6200 Baltimore Avenue, 3rd Floor.	Riverdale	MD	20737	2,207,859
Shore Up!, Inc	520 Snow Hill Rd	Salisbury	MD	21804	18,900
Diversified Housing Development, Inc	8025 Liberty Rd	Windsor Mill	MD	21244	24,378
Maine State Housing Authority	353 Water Street	Augusta	ME	04330	178,000
Midcoast Maine Community Action	34 Wing Farm Pkwy	Bath	ME	04530	22,057
Bay Area Housing, Inc	114 Washington Ave	Bay City	MI	48708	23,826
Housing Services Mid-Michigan	319 S Cochran Ave	Charlotte	MI	48813	24,930
Greenpath, Inc	36500 Corporate Drive.	Farmington Hills	MI	48331	2,494,258
NCCS Center for Nonprofit Housing	6308 S. Warner Ave	Fremont	MI	49412	14,655
Grand Rapids Urban League	745 Eastern Ave SE	Grand Rapids	MI	49503	19,863
Community Action Agency	1214 Greenwood Ave	Jackson	MI	49203	31,025
Michigan State Housing Development Authority.	735 E. Michigan Avenue.	Lansing	MI	48912	565,182
Oakland County Housing Counseling	250 Elizabeth Lake Rd Ste 1900.	Pontiac	MI	48341	31,771
Oakland Livingston Human Service Agency	196 Cesar E Chavez Ave.	Pontiac	MI	48342	21,632
Northwest Michigan Community Action Agency, Inc.	3963 Three Mile Road, North.	Traverse City	MI	49686	26,982
Community Housing Network, Inc	570 Kirts Blvd. Suite 231.	Troy	MI	48084	21,221
African Development Center of Minnesota	1931 S 5th St	Minneapolis	MN	55454	19,863
Homeownership Preservation Foundation	7645 Lyndale Ave. South, Suite 250.	Minneapolis	MN	55423	1,121,052
Catholic Charities Diocese of St. Cloud	157 Roosevelt Rd Ste 200.	Saint Cloud	MN	56301	20,000
Minnesota Homeownership Center	1000 Payne Avenue, Suite 200.	Saint Paul	MN	55130	737,570
Southern Minnesota Regional Legal Services, Inc.	55 5th St E Ste 400	Saint Paul	MN	55101	29,870
Community Action Partnership of Hennepin County.	8800 Highway 7 Ste 401.	St Louis Park	MN	55426	37,277
Community Services League	404 North Noland Road.	Independence	MO	64050	23,288
Better Family Life, Inc	5415 Page Blvd Ste 204.	Saint Louis	MO	63112	18,363
Community Action Agency of St. Louis County, Inc.	2709 Woodson Rd	Saint Louis	MO	63114	17,117
Housing Options Provided for the Elderly	4265 Shaw Blvd	Saint Louis	MO	63110	261,946
Youth Education and Health in Soulard	1901 S 11th St	Saint Louis	MO	63104	24,712
Housing Authority of the City of Jackson	2747 Livingston Road, 256 East Fortification Street.	Jackson	MS	39213	22,453
Housing Education and Economic Development, Inc.	3405 Medgar Evers Blvd.	Jackson	MS	39213	32,965
Mississippi Home Corporation	735 Riverside Drive	Jackson	MS	39202	364,661
Mississippi Homebuyer Education Center—Initiative.	350 West Woodrow Wilson, Suite 3480.	Jackson	MS	39213	382,914
Covenant Faith Outreach Ministries—Covenant Community Development Corporation.	1211 West Main	Tupelo	MS	38801	19,580
Montana Homeownership Network	509 1st Ave S	Great Falls	MT	59401	459,160
Foothills Credit Counseling, Inc	709 W Main St, Suite A.	Forest City	NC	28043	25,123
Housing Authority of the City of Greensboro	450 N Church St	Greensboro	NC	27401	20,953
Western Piedmont Council of Governments	1880 2nd Ave NW	Hickory	NC	28601	32,464
Housing Authority of the City of High Point	500 E Russell Ave	High Point	NC	27260	22,042
Twin Rivers Opportunities, Inc	318 Craven St	New Berlin	NC	28560	24,378
North Carolina Housing Coalition	5800 Faringdon Place	Raleigh	NC	27609	676,208
Raleigh Area Development Authority, Inc	4030 Wake Forest Road, Suite 205.	Raleigh	NC	27609	23,288
Telamon Corporation	5560 Munford Road, Suite 109.	Raleigh	NC	27612	435,381
Chatham County Housing Authority	13450 US Hwy 64 West.	Siler City	NC	27344	20,542
Sandhills Community Action Program, Inc	340 Commerce Avenue, Suite 20.	Southern Pines	NC	28387	25,548
Statesville Housing Authority	110 W Allison St	Statesville	NC	28677	18,900

Recipient					Amount
North Dakota Housing Finance Agency	2624 Vermont Avenue	Bismarck	ND	58504	59,318
High Plains Community Development Corporation.	803 E 3rd St Ste 4	Chadron	NE	69337	30,129
Blue Valley Community Action Partnership	620 5th St	Fairbury	NE	68352	17,259
Credit Advisors Foundation	1818 S. 72nd Street	Omaha	NE	68124	138,669
Family Housing Advisory Services, Inc	2401 Lake St	Omaha	NE	68111	25,072
New Hampshire Housing Finance Authority	32 Constitution Dr	Bedford	NH	03110	290,146
Senior Citizens United Community Services of Camden County, Inc.	537 W Nicholson Rd	Audubon	NJ	08106	22,802
County of Bergen, Department of Human Services, Division of Senior Services.	1 Bergen County Plz Fl 2.	Hackensack	NJ	07601	18,556
Consumer Credit and Budget Counseling, Dba National Foundation for Debt Management.	299 S Shore Rd, US Route 9 So.	Marmora	NJ	08223	135,145
Housing Authority of the City of Paterson	60 Van Houten St	Paterson	NJ	07505	22,042
Central Jersey Housing Resource Center, Inc	600 1st Ave Ste 3	Raritan	NJ	08869	14,500
Ocean Community Economic Action Now, Inc. (O.C.E.A.N., Inc.).	2008 Route 37	Toms River	NJ	08753	24,647
Housing & Community Development Network of New Jersey.	145 West Hanover Street.	Trenton	NJ	08618	300,106
New Jersey Housing and Mortgage Finance Agency.	637 South Clinton Avenue.	Trenton	NJ	08611	160,748
North Hudson Community Action Corporation	407 39th St Fl 2	Union City	NJ	07087	18,348
Northern Pueblos Housing Authority	5 W Gutierrez Ste 10	Santa Fe	NM	87506	18,348
Southern Nevada Regional Housing Authority	340 N 11th St	Las Vegas	NV	89101	18,348
Nevada Partners, Inc	710 W Lake Mead Blvd.	North Las Vegas	NV	89030	23,557
New York State Housing Finance Agency	38–40 State Street, 4th Floor.	Albany	NY	12207	700,863
Allegany County Community Opportunities and Rural Development (Accord) Corp.	84 Schuyler St	Belmont	NY	14813	26,982
Metro-Interfaith Housing Management Corporation.	21 New St	Binghamton	NY	13903	17,117
Rockaway Development and Revitalization Corp.	1920 Mott Ave, Suite 2.	Far Rockaway	NY	11691	20,953
City of Fulton Community Development Agency.	125 West Broadway	Fulton	NY	13069	20,005
National Urban League	120 Wall Street, 7th Floor.	New York	NY	10005	1,123,216
New York Mortgage Coalition	85 Broad Street, 17th Floor.	New York	NY	10004	453,476
Strycker's Bay Neighborhood Council, Inc	696 Amsterdam Avenue.	New York	NY	10025	15,066
Niagara Falls Neighborhood Housing Services.	479 16th St	Niagara Falls	NY	14303	22,042
Marketview Heights Association, Inc	308 North Street	Rochester	NY	14605	23,005
Pathstone Corporation	400 East Avenue	Rochester	NY	14607	261,565
Hispanic Brotherhood of Rockville Centre, Inc	59 Clinton Ave	Rockville Centre	NY	11570	20,273
Better Neighborhoods, Incorporated	120 Emmons St	Schenectady	NY	12304	23,826
Fair Housing Contact Service	441 Wolf Ledges Pkwy Ste 200.	Akron	OH	44311	26,085
Working in Neighborhoods	1814 Dreman Ave	Cincinnati	OH	45223	23,967
Community Housing Solutions	12114 Larchmere Blvd	Cleveland	OH	44120	19,311
CountyCorp	130 W. Second Street, Suite 1420.	Dayton	OH	45402	20,542
WSOS Community Action Commission, Inc	109 S Front St	Fremont	OH	43420	28,228
West Ohio Community Action Partnership	540 S. Central Ave	Lima	OH	45804	20,273
Fair Housing Resource Center	1100 Mentor Ave	Painesville	OH	44077	32,257
Compass Family & Community Services	535 Marmion Ave	Youngstown	OH	44502	20,811
Youngstown Metropolitan Housing Authority	131 W Boardman St	Youngstown	OH	44503	23,415
Youngstown Neighborhood Development Corp.	820 Canfield Road	Youngstown	OH	44511	22,184
Consumer Credit Counseling Service of Central Oklahoma.	3230 N Rockwell Ave	Bethany	OK	73008	34,197
Community Development Support Association.	2615 E Randolph Ave	Enid	OK	73701	18,759
Choctaw Housing Authority	207 Jim Monroe Rd	Hugo	OK	74743	18,079
Community Action Agency of Oklahoma City & Oklahoma/Canadian Counties, Inc.	319 SW 25th St	Oklahoma City	OK	73109	18,759
Housing Partners of Tulsa, Incorporated	415 E. Independence Street.	Tulsa	OK	74106	16,848
Open Door Counseling Center	34420 SW Tualatin Valley Hwy.	Hillsboro	OR	97123	35,763

Recipient					Amount
Community Connection of Northeast Oregon, Inc.	2802 Adams Ave	La Grande	OR	97850	19,580
Housing Authority of Yamhill County	135 NE Dunn Pl	McMinnville	OR	97128	23,826
Native American Youth and Family Center	5135 NE Columbia Blvd.	Portland	OR	97218	14,655
Westmoreland Community Action	226 S Maple Ave	Greensburg	PA	15601	18,079
Pennsylvania Housing Finance Agency	211 North Front Street	Harrisburg	PA	17101	1,612,373
Mon Valley Initiative	303–305 E. 8th Avenue.	Homestead	PA	15120	794,620
Hispanic Association of Contractors and Enterprises.	167 W Allegheny Ave Suite 200.	Philadelphia	PA	19140	26,161
Intercommunity Action, Inc. DBA Interact, Journey's Way.	403 Rector St	Philadelphia	PA	19128	16,848
Nueva Esperanza, Inc	4261 N 5th St	Philadelphia	PA	19140	661,310
Pennsylvania Community Real Estate Corp. DBA Tenant Union Representative Network (T.U.R.N.).	21 S 12th St Fl 11	Philadelphia	PA	19107	24,109
Corporacion Desarrollo Economico, Vivienda Y Salud.	Calle Eugenio M. de Hostos #175, Esq Puro Girau.	Arecibo	PR	00612	24,251
Providence Housing Authority	50 Laurel Hill Ave	Providence	RI	02909	19,580
Community Development & Improvement Corp.	100 Rogers Terrace	Aiken	SC	29801	19,169
Beaufort County Black Chamber of Commerce.	801 Bladen Street	Beaufort	SC	29902	26,586
Southeastern Housing Foundation	986 Doyle Street	Orangeburg	SC	29115	19,169
South Dakota Housing Development Authority.	3060 E. Elizabeth Street.	Pierre	SD	57501	271,990
Gap Community Development Resources, Inc.	129 West Fowlkes Street, Suite 137.	Franklin	TN	37064	21,505
West Tennessee Legal Services, Inc	210 West Main Street	Jackson	TN	38301	824,040
Eastern Eight Community Development Corp	214 East Watauga Avenue.	Johnson City	TN	37601	25,199
Clinch-Powell Resource Conservation and Development Council, Inc.	7995 Rutledge Pike	Rutledge	TN	37861	25,751
Community Action Network, Inc	7891 Highway 69 S	Springville	TN	38256	22,594
Easter Seals of Greater Houston, Inc	4500 Bissonnet St., Suite 340.	Bellaire	TX	77401	21,915
Dallas Area Habitat for Humanity	2800 N Hampton Rd	Dallas	TX	75212	20,542
East Dallas Community Organization	4210 Junius St Fl 5	Dallas	TX	75246	16,706
Transformance	8737 King George Drive, Suite 200.	Dallas	TX	75235	212,703
Keystone Community Development Corporation.	309 W X St	Deer Park	TX	77536	20,542
City of San Antonio/Department of Human Services.	106 S. Saint Marys St, 7th Floor.	San Antonio	TX	78205	24,661
Money Management International Inc	14141 Southwest Fwy	Sugar Land	TX	77478	3,000,000
Waco Community Development Corporation	1624 Colcord Ave	Waco	TX	76707	23,005
Utah State University—Family Life Center	493 N 700 E	Logan	UT	84321	29,166
Community Action Services	815 S Freedom Blvd Suite 100.	Provo	UT	84601	23,826
Catholic Charities USA	2050 Ballenger Avenue, Suite 400.	Alexandria	VA	22314	1,117,080
Virginia Housing Development Authority	601 S. Belvidere Street.	Richmond	VA	23220	1,225,258
Virgin Islands Housing Finance Authority	3202 Demara Plaza, Suite 200.	St. Thomas	VI	00802	25,910
Bennington-Rutland Opportunity Council, Inc	45 Union St	Rutland	VT	05701	28,086
Washington State Housing Finance Commission.	1000 2nd Avenue Suite 2700.	Seattle	WA	98104	480,901
Movin' Out, Inc	902 Royster Oaks Drive Suite 105.	Madison	WI	53714	24,788
Tenant Resource Center	1202 Williamson St., Suite 102.	Madison	WI	53703	23,840
Housing Authority of Mingo Co	5026 Helena Ave	Delbarton	WV	25670	14,655
Kanawha Institute for Social Research & Action, Inc.	131 Perkins Ave	Dunbar	WV	25064	16,027
Southern Appalachian Labor School Foundation, Inc.	140 School Street	Oak Hill	WV	25901	19,863

Appendix F

FY2017 Lead-Based Paint Hazard Control Grant Program

Contact: Shannon Steinbauer, 202–402–6885.

Recipient					Amount
City of Phoenix	200 West Washington	Phoenix	AZ	85003–1611	$2,900,000
Pima County	33 N. Stone Ave	Tucson	AZ	85701–1404	1,650,000
Fresno County DPH	1221 Fulton Mall	Fresno	CA	93721–3604	1,000,000
City and County of Denver	200 W. 14th Ave. #200.	Denver	CO	80204–2732	2,813,904
City of Bridgeport	999 Broad St	Bridgeport	CT	06604–4320	2,875,000
City of Waterbury	One Jefferson Square	Waterbury	CT	06706–1102	2,900,000
City of Clinton	611 South 3rd St	Clinton	IA	52733–2958	1,650,000
City of Waterloo	620 Mulberry St	Waterloo	IA	50703–5713	2,495,893
City of Pocatello	911 North 7th Ave	Pocatello	ID	83201–7700	1,499,999
Wyandotte County	701 N. 7th St., #823	Kansas City	KS	66101–3035	1,650,000
Louisville/Jefferson County Metro Government.	527 W. Jefferson St	Louisville	KY	40202–2814	2,899,990
City of Brockton	45 School St	Brockton	MA	02301–4049	1,367,085
Malden Redevelopment Authority	17 Pleasant St	Malden	MA	02148–5106	1,367,085
Charter County of Wayne	33030 Van Born Rd	Wayne	MI	48184–0000	2,900,000
City of Jackson	161 W Michigan Ave	Jackson	MI	49201–1315	2,900,000
City of Minneapolis	350 South 5th St., Room 301M.	Minneapolis	MN	55415–1384	2,900,000
Kansas City Health Department	2400 Troost Ave., Suite 3400.	Kansas City	MO	64108–2666	2,900,000
City of Greensboro	300 W. Washington St	Greensboro	NC	27402–3136	2,900,000
City of Nashua	229 Main St	Nashua	NH	03060–2938	2,900,000
New Hampshire Housing Finance Authority	32 Constitution Dr	Bedford	NH	03110–6062	2,900,000
City of Las Vegas	495 S. Main St	Las Vegas	NV	89101–6318	1,649,710
City of Toledo	One Government Center.	Toledo	OH	43604–2275	2,900,000
Cuyahoga County Board of Health	5550 Venture Dr	Parma	OH	44130–9315	2,900,000
County of Northampton	669 Washington St	Easton	PA	18042–8785	1,650,000
City of Chattanooga	101 E 11th St., City Hall, Suite 200.	Chattanooga	TN	37402–4201	1,650,000
City of Richmond	900 East Broad St	Richmond	VA	23219–1907	2,710,314
City of Roanoke	215 Church Ave. SW, Rm 208 North.	Roanoke	VA	24011–0016	2,719,660
City of Burlington	149 Church St	Burlington	VT	05401–8400	2,900,000

Appendix G

FY2017 Lead Hazard Reduction Demonstration Grant Program

Contact: Shannon Steinbauer, 202–402–6885.

Recipient					Amount
City of Phoenix	200 West Washington	Phoenix	AZ	85003–1611	$2,900,000
Pima County	33 N. Stone Ave	Tucson	AZ	85701–1404	1,650,000
County of Los Angeles	313 N. Figueroa St	Los Angeles	CA	90012–2602	3,400,000
City of Hartford	550 Main St	Hartford	CT	06103–2913	3,400,000
State of Connecticut Department of Housing	505 Hudson St	Hartford	CT	06106–7107	3,400,000
State of Indiana	30 S. Meridian St	Indianapolis	IN	46204–3564	3,400,000
City of Somerville	City Hall, 93 Highland Ave.	Somerville	MA	02143–1740	1,703,572
City of Lewiston	27 Pine St	Lewiston	ME	04240–7204	3,400,000
Hennepin County	701 4th Ave. S, Rm 400.	Minneapolis	MN	55415–1843	3,400,000
City of St. Louis	1520 Market St	St. Louis	MO	63101–2630	2,100,000
County of Hudson	830 Bergen Ave	Jersey City	NJ	07306–4517	2,424,097
City of Rochester	30 Church St	Rochester	NY	14614–1290	1,000,000
City of Schenectady	105 Jay St	Schenectady	NY	12305–1905	2,999,755
The City of New York	100 Gold St	New York	NY	10038–1605	3,400,000
City of Cincinnati	801 Plum St	Cincinnati	OH	45202–0000	3,400,000
City of Cleveland	601 Lakeside Ave	Cleveland	OH	44114–1015	3,400,000
City of Portland, Oregon	1120 SW Fifth Ave., Room 1250.	Portland	OR	97204–1912	3,400,000

Recipient					Amount
Redevelopment Authority of the City of Erie	626 State St., Rm 107	Erie	PA	16501–1146	3,000,000
City of Providence	444 Westminster St	Providence	RI	02903–3206	3,400,000
City of Fort Worth	200 Texas St	Fort Worth	TX	76102–6312	3,400,000
Houston	8000 N. Stadium Dr., 2nd Floor.	Houston	TX	77054–1823	3,000,000
Kenosha County	8600 Sheridan Rd., Suite 600.	Kenosha	WI	53143–6515	3,300,000

[FR Doc. 2017–21331 Filed 10–3–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOS05000 L13100000.DB0000–16X]

Notice of Availability of the Record of Decision for the Bull Mountain Unit Master Development Plan, Gunnison County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) prepared a Record of Decision (ROD) for the Bull Mountain Unit Master Development Plan (MDP) and by this notice is announcing its availability.

DATES: Requests for BLM Colorado State Director review of the Decision must be filed within 20 business days from the date of receipt of the Decision.

ADDRESSES: Copies of the Bull Mountain Unit MDP ROD are available for public inspection at the BLM Uncompahgre Field Office, 2465 South Townsend Ave., Montrose, CO 81401. Interested persons may also review the ROD and the Final Environmental Impact Statement (EIS) on the project Web site at *https://eplanning.blm.gov/epl-front-office/eplanning/legacyProjectSite.do?methodName=renderLegacyProjectSite&projectId=66641.*

Mail requests for BLM Colorado State Director review of the Decision to the BLM Colorado State Director, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215.

FOR FURTHER INFORMATION CONTACT: Gina Phillips, Southwest District NEPA Coordinator; telephone (970) 240–5300; email *gphillips@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM Uncompahgre Field Office received a proposed MDP for natural gas exploration and development from SG Interests I, Ltd. (SGI) for the Bull Mountain Unit. An MDP provides information common to multiple planned wells, including drilling plans, Surface Use Plans of Operations, and plans for future production.

The Bull Mountain Unit MDP ROD identifies the Preferred Alternative (Alternative D from the Final EIS), with minor modifications, as the BLM's Selected Alternative. Approval of the Preferred Alternative as described in the Final EIS (2016) meets the BLM's purpose and need, provides for natural gas exploration and development, and approves the Federal 12–89–7–1 Application for Permit to Drill (APD). The Selected Alternative approves a plan for the exploration and development of up to 146 natural gas wells, four water disposal wells, and associated infrastructure on Federal and private mineral leases within a Federally-unitized area known as the Bull Mountain Unit. SGI requested and obtained the BLM's approval of the unit after exploration wells demonstrated the potential for economically viable reserves of natural gas.

The Bull Mountain Unit is located within the Colorado River basin, approximately 30 miles northeast of the Town of Paonia, and is bisected by State Highway 133. The boundaries of the unit encompass approximately 19,670 acres of Federal and private oil and gas mineral estate in Gunnison County, Colorado. The unit consists of 440 acres of BLM Federal surface lands and subsurface mineral estate; 12,900 acres of split-estate lands consisting of private surface and Federal mineral estate administered by the BLM; and 6,330 acres of fee land consisting of private surface and private mineral estate. Work on the MDP began with a preliminary Environmental Assessment in 2008. In 2012, the BLM determined that an EIS was necessary due to potential significant impacts to air quality in nearby Class 1 air sheds, water, socioeconomics, and wildlife. The BLM released the Draft EIS on January 16, 2015, for a 90-day public comment period (80 FR 2438). The BLM received 565 unique comment letters and 83 form letters. Based on these public comments, internal reviews, and cooperating agency input, the BLM revised the Draft EIS and published the Final EIS on July 8, 2016 (81 FR 44652).

The BLM also consulted with the U.S. Fish and Wildlife Service (FWS), which concurred with the BLM's finding that the project ''may affect, but is not likely to adversely affect'' the green lineage Colorado River cutthroat trout and Canada Lynx and designated habitat for both species, and that it ''may affect, is likely to adversely affect'' four endangered Colorado River fish, but that anticipated water depletions from the Colorado River basin are within the amounts addressed in the FWS's 2008 programmatic biological opinion. Finally, the BLM consulted with the Colorado State Historic Preservation Office, which raised no concerns as to the project's potential to affect historic properties.

Based on public comments, internal BLM comments, and updated information provided by SGI, the BLM selected the BLM's Preferred Alternative (Alternative D), as modified, for approval in the ROD. The decision includes a suite of design features, mitigation measures and best management practices that specifically address impacts to air resources and air quality related values, water resources, and wildlife.

The BLM's decision, which is based on Alternative D in the Final EIS, is the environmentally preferred action because it best meets the following criteria:

- Satisfies statutory requirements (true for all alternatives).
- Represents what the BLM considers to be the best combination of actions and best meets the purpose and need as described in Chapter 1 of the Final EIS.
- Provides the best approach to address key resource and planning issues.

• Provides resource protection and a viable strategy for development of the mineral resource.
• Responds to public comments.
• Includes input from cooperating agencies, stakeholders, the public, and BLM specialists.

An adversely affected party may seek administrative review of the Decision by the Colorado State Director, as provided in 43 CFR 3165.3. A request for State Director review must be filed in the BLM Colorado State Office within 20 business days from the date of receipt of the Decision.

Authority: 40 CFR 1506.6, 40 CFR 1506.10.

Gregory P. Shoop,

Acting BLM Colorado State Director.

[FR Doc. 2017–20948 Filed 10–3–17; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–24142; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before September, 9, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by October 19, 2017.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before September, 9, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

ARIZONA

Maricopa County

Liberty Methodist Episcopal Church, South, 19912 W. US 85, Buckeye, SG100001752

MISSOURI

Adair County

Salisbury School, (One-Teacher Public Schools of Missouri MPS), MO K, Kirksville vicinity, MP100001757

Jackson County

Aurora Apartments, (Working-Class and Middle-Income Apartment Buildings in Kansas City, Missouri MPS), 3012–3014 Linwood Blvd, Kansas City, MP100001758
Interstate Securities Building, 215 E. 18th St., Kansas City, SG100001759
St. Francis Xavier School, 5220 Troost Ave., Kansas City, SG100001760

St. Louis Independent city

Banneker School, 2840 Samuel Shepard Dr., St. Louis (Independent City), SG100001761

PUERTO RICO

Anasco Municipality

Hostos—Ramirez de Arellano School District, (Early Twentieth Century Schools in Puerto Rico TR), Calle San Antonio, Calle 65th de Infanteria, Anasco vicinity, MP100001762

San Juan Municipality

Mural ''La Famila'' 2030 Avenida Borinquen, San Juan vicinity, SG100001763

TEXAS

Dallas County

First National Bank Tower, 1401 Elm St., Dallas, SG100001764

An additional documentation has been received for the following resource(s):

ARIZONA

Maricopa County

Story, F.Q., Neighborhood Historic District (Additional Documentation), 1617 W. Culver St., Phoenix, AD88000212

Pima County

El Encanto Estates Residential Historic District (Additional Documentation), Roughly bounded by Country Club Rd., Broadway Blvd., Fifth St., & Jones St., Tucson, AD87002284

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

COLORADO

Hinsdale County

Ute—Ulay Mine and Mill, (Hinsdale County Metal Mining MPS), Cty. Rd. 20, Lake City vicinity, MP100001755

Authority: 60.13 of 36 CFR part 60

Dated: September 12, 2017.

Julie H. Ernstein,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2017–21303 Filed 10–3–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR01115000, 17XR0680A1, RX.R0336900.0019100]

Public Meeting of the Yakima River Basin Conservation Advisory Group

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of Reclamation (Reclamation) is publishing this notice to announce that a Federal Advisory Committee meeting of the Yakima River Basin Conservation Advisory Group (CAG) will take place.

DATES: The meeting will be held on Thursday, October 19, 2017, from 1:00 p.m. to approximately 4:00 p.m.

ADDRESSES: The meeting will be held at the Bureau of Reclamation, Yakima Field Office, 1910 Marsh Road, Yakima, Washington 98901.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Christensen, Bureau of Reclamation, telephone (509) 575–5848 x203; email at *gchristensen@usbr.gov;* facsimile (509) 454–5611.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix 2, as amended.

Purpose of the Meeting: The CAG is a Federal advisory committee that provides technical advice and counsel to the Secretary of the Interior and Washington State on the structure, implementation, and oversight of the Yakima River Basin Water Conservation Program, consistent with Title XII Public Law 103–434, October 31, 1994; Yakima River Basin Water Enhancement Project (YRBWEP) as amended by Public Law 105–62, October 13, 1997, and Public Law 106–372, October 27,

2000. Additionally, under Title XII the CAG is tasked to provide recommendations on rules, regulations, and administration to facilitate the voluntary sale and lease of water. The CAG provides oversight to the Yakima River Basin Conservation Plan, and provides an annual review of the implementation of the Water Conservation Program, including the applicable water conservation guidelines of the Secretary used by participating entities in preparing their individual water conservation plan. The primary purpose of the meeting is to update CAG members of the status of ongoing and future projects being funded with YRBWEP funds.

Agenda: The CAG will meet to review completed water projects, consideration of projects proposed for the future, and projects currently under construction. The members will receive updates on: (1) Current basin hydrology and operations; (2) native fish issues; (3) Riverware modeling updates, and (4) Department of Ecology projects and funding.

Meeting Accessibility/Special Accommodations: The meeting is open to the public and seating is on a first-come basis. The meeting facility is physically accessible to people with disabilities. If you have special needs or require an accommodation to participate in this meeting, please direct your requests to Gwendolyn Christensen, (509) 575–5848 x203, or via email at *gchristensen@usbr.gov,* by October 11, 2017, so appropriate arrangements can be made.

Public Disclosure of Comments: Time will be allowed at the meeting for any individual or organization wishing to make oral comments. To allow for full consideration of information by the CAG members, written comments must be provided to Ms. Gwendolyn Christensen, Bureau of Reclamation, Columbia-Cascades Area Office, 1917 Marsh Road, Yakima, Washington 98901; email at *gchristensen@usbr.gov;* or facsimile (509) 454–5611, at least five (5) business days prior to the meeting. Any written comments received will be provided to the CAG members.

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.

Dated: September 26, 2017.

Boris Belchoff,

Acting as Area Manager, Columbia-Cascades Area Office.

[FR Doc. 2017–21370 Filed 10–3–17; 8:45 am]

BILLING CODE 4332–90–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 Insulated Beverage Containers, Components, Labels, and Packaging Materials Thereof, DN 3261;* 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 YETI Coolers, LLC on September 28, 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 insulated beverage containers, components, labels, and packaging materials thereof. The complaint names as respondents Alibaba (China) Technology Co., Ltd. of Hong Kong; Alibaba Group Holding Limited c/o Alibaba Group Services Limited of Hong Kong; Alibaba.com Hong Kong Limited of Hong Kong; Alibaba.com Singapore E-Commerce Private Limited of Hong Kong; Bonanza.com, Inc. of Seattle, WA; ContextLogic, Inc. d/b/a Wish of San Francisco, CA; Dunhuang Group of China; Hangzhou Alibaba Advertising Co., Ltd. of Hong Kong; Huizhou Dashu Trading Co., Ltd. of China; Huagong Trading Co., Ltd. of China; Tan Er Pa Technology Co., Ltd. of Hong Kong; Shenzhen Great Electronic Technology Co., Ltd of China; and SZ Flowerfairy Technology Ltd. of China. The complainant requests that the Commission issue a limited exclusion, 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. 3261'') 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 28, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–21272 Filed 10–3–17; 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 Wafer-Level Packaging Semiconductor Devices and Products Containing Same (Including Cellular Phones, Tablets, Laptops, and Notebooks) and Components Thereof, DN 3262;* 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 Tessera Advanced Technologies, Inc. on September 28, 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 wafer-level packaging semiconductor devices and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof. The complaint names as respondents Samsung Electronics Co., Ltd. of Korea; Samsung Electronics America, Inc. of Ridgefield Park, NJ; and Samsung Semiconductor, Inc. of San Jose, CA. The complainant requests that the Commission issue a limited exclusion 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. 3262'') 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 29, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–21354 Filed 10–3–17; 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–588 and 731–TA–1392–1393 (Preliminary)]

Polytetrafluoroethylene (''PTFE'') Resin From China and India; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–588 and 731–TA–1392–1393 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of Polytetrafluoroethylene (''PTFE'') Resin from China and India, provided for in statistical reporting numbers 3904.61.0010 and 3904.61.0090 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of India. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by November 13, 2017. The Commission's views must be transmitted to Commerce within five business days thereafter, or by November 20, 2017.

DATES: September 28, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202–205–3187), 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:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on September 28, 2017, by The Chemours Company FC LLC, Wilmington, Delaware.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service

list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on October 19, 2017, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before October 17, 2017. Parties in support of the imposition of antidumping and countervailing duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before October 24, 2017, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: September 29, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–21342 Filed 10–3–17; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearings of the Judicial Conference Advisory Committee on the Federal Rules of Evidence

AGENCY: Advisory Committee on the Federal Rules of Evidence, Judicial Conference of the United States.

ACTION: Notice of cancellation of public hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Evidence has been canceled: Evidence Rules Hearing on October 27, 2017, in Boston, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

SUPPLEMENTARY INFORMATION: Announcement for this hearing was previously published in 82 FR 37610.

Dated: September 29, 2017.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2017–21359 Filed 10–3–17; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0007]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Release and Receipt of Imported Firearms, Ammunition and Defense Articles; ATF F 6A (5330.3C)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register,** on August 4, 2017, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until November 3, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Desiree M. Dickinson, ATF Firearms and Explosives Imports Branch either by mail at 244 Needy Road, Martinsburg, WV 25405, or by email at *desiree.dickinson@atf.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention

Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *The Title of the Form/Collection:* Release and Receipt of Imported Firearms, Ammunition, and Defense Articles.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF F 6A (5330.3C).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: Business or other for-profit, and not-for-profit institutions.

Abstract: The data provided by this information collection request is used by ATF to determine if articles imported meet the statutory and regulatory criteria for importation, and if the articles shown on the permit application have been imported.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 28,000 respondents will utilize the form, and it will take each respondent approximately 35 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 16,333 hours which is equal to 28,000 (# of respondents) * .58332 (35 minutes).

(7) *An Explanation of the Change in Estimates:* The adjustments associated with this collection are an increase in respondents by 8,000 and an increase in the total burden hours by 4,666.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: September 29, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–21295 Filed 10–3–17; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

AGENCY: Federal Bureau of Investigation, DOJ.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce a meeting of the National Crime Prevention and Privacy Compact Council (Council) created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact). Thus far, the Federal Government and 31 states are parties to the Compact which governs the exchange of criminal history records for licensing, employment, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative federal-state system to exchange such records.

The United States Attorney General appointed 15 persons from state and federal agencies to serve on the Council. The Council will prescribe system rules and procedures for the effective and proper operation of the Interstate Identification Index system for noncriminal justice purposes.

DATES: The Council will meet in open session from 9 a.m. until 5 p.m., on November 1–2, 2017.

ADDRESSES: The meeting will take place at the Hyatt Regency Jacksonville Riverfront, 225 East Coastline Drive, Jacksonville, Florida, telephone (904) 588–1234.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Mrs. Chasity S. Anderson, FBI Compact Officer, Module D3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, telephone (304) 625–2803, facsimile (304) 625–2868.

SUPPLEMENTARY INFORMATION:

Matters for discussion are expected to include:

(1) Review of the National Fingerprint File Lessons Learned Draft Documents

(2) Review of the Purpose Code X Brochure

(3) Proposed Amendments to the Council's Bylaws

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement with the Council or wishing to address this session of the Council should notify the Federal Bureau of Investigation (FBI) Compact Officer, Mrs. Chasity S. Anderson at (304) 625–2803, at least 24 hours prior to the start of the session. The notification should contain the individual's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed and the time needed for the presentation. Individuals will ordinarily be allowed up to 15 minutes to present a topic.

Dated: September 21, 2017.

Chasity S. Anderson,

FBI Compact Officer, Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 2017–21184 Filed 10–3–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On September 22, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of New Mexico in the lawsuit titled *United Nuclear Corp., et al.,* v. *United States of America,* Civil Action No. 15–cv–411.

This case relates to contamination associated with past uranium mining operations conducted by United Nuclear

Corporation, El Paso Natural Gas Company LLC, and Homestake Mining Company of California (collectively, the ''mining companies'') at the San Mateo Uranium Mine Site in Cibola County, New Mexico (the ''Site''). The Site is largely located within the Cibola National Forest, which is land managed by the United States Forest Service (''USFS''), a sub-agency of the United States Department of Agriculture (''USDA''). Pursuant to its authority under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.,* the USFS issued a unilateral administrative order (''UAO'') to the mining companies requiring them to perform response actions to address the hazardous substances at the Site. In 2015, the mining companies filed a complaint against the United States under Section 107 of CERCLA, 42 U.S.C. 9607, seeking to recover the response costs incurred by the mining companies in implementing the UAO. The United States filed a counterclaim on behalf of the USFS, USDA, and the United States Environmental Protection Agency (''EPA'') against the mining companies under Sections 107 and 113 of CERCLA, 42 U.S.C. 9607 and 9613, for the United States' past and future response costs at the Site.

The proposed Consent Decree would resolve claims and counterclaims asserted by the mining companies and the United States. The United States will pay $1.595 million to the mining companies and the mining companies will pay $25,000 to the EPA Hazardous Substance Superfund (''Superfund''). The United States covenants to not sue the mining companies under Section 106 or 107 of CERCLA, 42 U.S.C. 9606 and 9607, for past and future work by the mining companies related to implementation of the UAO or the United States' response costs. The mining companies will be entitled to protection from contribution actions or claims under Section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2), for matters addressed in the proposed Consent Decree. Pursuant to the proposed Consent Decree, the mining companies covenant not to bring any claims against the United States for the work related to implementation of the UAO, other response actions, the United States' response costs, or the mining companies' response costs. The USFS, USDA, and the United States Department of Energy, as settling federal agencies, agree not to assert a claim for reimbursement from the Superfund with respect to work related to the implementation of the UAO, past response actions, United States response costs, or the mining companies' response costs.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United Nuclear Corp., et al.,* v. *United States of America,* D.J. Ref. No. 90–11–3–11380. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $24.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas P. Carroll,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–21353 Filed 10–3–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On September 27, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Nevada in the lawsuit entitled *United States and the State of Nevada* v. *The City of North Las Vegas,* Civil Action No. 2:17–cv–02508.

In this action, the United States and the State of Nevada filed a complaint alleging claims against the City of North Las Vegas (City) for the City's violations of Sections 307 and 308 of the Clean Water Act (CWA), 33 U.S.C. 1317–1318, the terms of the City's National Pollutant Discharge Elimination System permit (NPDES permit), federal pretreatment regulations found at 40 CFR 403, and State laws NRS 445A.500–530.

The proposed settlement requires the City to comply with its NPDES permit issued under the CWA, the federal pretreatment regulations (40 CFR 403) and State laws NRS 445A.500–530. The proposed settlement also requires the City to submit its recently developed pretreatment program to the United States Environmental Protection Agency for final approval and to pay a civil penalty amount of $385,000 to be divided equally between the United States and the State.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division and should refer to *United States and the State of Nevada* v. *The City of North Las Vegas,* Civil Action No. 2:17–cv–02508, D.J. Ref. No. 90–5–1–1–11443. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $7.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–21293 Filed 10–3–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Delinquent Filer Voluntary Compliance Program

ACTION: Notice.

SUMMARY: On September 29, 2017, the Department of Labor (DOL) will submit the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Delinquent Filer Voluntary Compliance Program,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before November 3, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201708-1210-001* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Delinquent Filer Voluntary Compliance Program (DFVC) information collection. The DFVC Program is intended to encourage, through the assessment of reduced civil penalties, delinquent plan administrators voluntarily to comply with their annual reporting obligations under Employee Retirement Income Security Act of 1974 (ERISA) Title I. The only information collection requirement included in the DFVC Program is to provide data necessary to identify the plan along with the penalty payment. ERISA section 502(c)(2) authorizes this information collection. *See* U.S.C. 1132(c)(2).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210–0089.

The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 22, 2017 (82 FR 23303).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210–0089. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–EBSA.

Title of Collection: Delinquent Filer Voluntary Compliance Program.

OMB Control Number: 1210–0089.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 11,554.

Total Estimated Number of Responses: 11,554.

Total Estimated Annual Time Burden: 578 hours.

Total Estimated Annual Other Costs Burden: $898,265.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: September 28, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–21321 Filed 10–3–17; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report

ACTION: Notice.

SUMMARY: On September 29, 2017, the Department of Labor (DOL) will submit the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before November 3, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely

respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201708-1219-005* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report information collection. The reporting and recordkeeping provisions in regulations 30 CFR part 50, Notification, Investigation, Reports and Records of Accidents, Injuries and Illnesses, Employment and Coal Production in Mines, are essential elements in the MSHA's Congressional mandate to reduce work-related injuries and illnesses among the nation's miners. Accident, injury, and illness data, when correlated with employment and production data, provide information that allows the MSHA to improve its safety and health enforcement programs, focus its education and training efforts, and establish priorities for its technical assistance activities in mine safety and health. Maintaining a current database allows the MSHA to identify and direct increased attention to those mines, industry segments, and geographical areas where hazardous trends are developing. This could not be done effectively using historical data. The information collected under part 50 is the most comprehensive and reliable occupational data available concerning the mining industry. The Federal Mine Safety and Health Act of 1977 sections 101(a) and 103(h) authorize this information collection. *See* 30 U.S.C. 813(h), 30 U.S.C. 811(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0007.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on September 30, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 16, 2017 (82 FR 27727).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0007. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report.

OMB Control Number: 1219–0007.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 24,958.

Total Estimated Number of Responses: 118,417.

Total Estimated Annual Time Burden: 162,326 hours.

Total Estimated Annual Other Costs Burden: $2,847.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: September 28, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–21320 Filed 10–3–17; 8:45 am]

BILLING CODE 4510–43–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 17–06]

Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in Fiscal Year 2018

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: This report to Congress is provided in accordance with Section 608(b) of the Millennium Challenge Act of 2003, as amended, (the ''Act'').

Dated: September 29, 2017.

Jeanne M. Hauch,

VP/General Counsel and Corporate Secretary, Millennium Challenge Corporation.

Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance for Fiscal Year 2018

Summary

In accordance with section 608(b)(2) of the Millennium Challenge Act of 2003 (the ''Act,'' 22 U.S.C. 7707(b)(l)), the Millennium Challenge Corporation (MCC) is submitting the enclosed report. This report identifies the criteria and methodology that MCC intends to use to determine which candidate countries may be eligible to be considered for

assistance under the Act for fiscal year 2018.

Under section 608 (c)(1) of the Act, MCC will, for a thirty-day period following publication, accept and consider public comment for purposes of determining eligible countries under section 607 of the Act (22 U.S.C. 7706).

Criteria and Methodology for FY 2018

This document explains how the Board of Directors (Board) of the Millennium Challenge Corporation (MCC) will identify, evaluate, and select eligible countries for fiscal year (FY) 2018. The statutory basis for this report is set forth in Appendix A. Specifically, this document discusses:

I. Which countries MCC will evaluate
II. How the Board evaluates these countries
  A. Overall
  B. For Selection for First Compact Eligibility
  C. For Selection for Second/Subsequent Compact Eligibility
  D. For Threshold Program Assistance
  E. A Note on Potential Regional Investments
  F. A Note on Potential Transition to Upper Middle Income Country (UMIC) Status After Initial Selection

I. Which countries are evaluated?

MCC evaluates all low-income countries (LICs) and lower-middle income countries (LMICs) as follows:

• For scorecard evaluation purposes for FY 2018, MCC defines LICs as those countries between $0 and $1,905 GNI per capita, and LMICs as those countries between $1,906 and $3,955 GNI per capita.[1]

• For funding purposes for FY 2018, MCC defines the poorest 75 countries as LICs, and the remaining countries up to the UMIC threshold of $3,955 as LMICs.[2]

In Appendix B, lists of all LICs, LMICs and statutorily prohibited countries for scorecard evaluation purposes are provided. The list using the ''funding'' definition was outlined in the August 2017 Report on Countries that are Candidates for Millennium Challenge Account Eligibility for Fiscal Year 2018 and Countries that Would be Candidates but for Legal Prohibitions (the ''Candidate Country Report''), and describes how funding categories work.

[1] This corresponds to LIC and LMIC definitions using the historic International Development Association (IDA) thresholds published by the World Bank.

[2] By law, no more than 25 percent of all compact funds for a given fiscal year may be provided to LMIC countries (using this ''funding'' definition).

II. How does the Board evaluate these countries?

A. Overall Evaluation

The Board looks at three legislatively-mandated factors in its evaluation of any candidate country for compact eligibility: (1) Policy performance; (2) the opportunity to reduce poverty and generate economic growth; and (3) the availability of MCC funds.

1. Policy Performance

Because of the importance of needing to evaluate a country's policy performance and needing to do so in a comparable, cross-country way, the Board relies to the maximum extent possible upon the best-available objective and quantifiable indicators of policy performance. These indicators act as proxies of the country's commitment to just and democratic governance, economic freedom, and investing in its people, as laid out in MCC's founding legislation. Comprised of 20 third-party indicators in the categories of ''encouraging economic freedom,'' ''investing in people,'' and ''ruling justly,'' MCC ''scorecards'' are created for all LICs and LMICs. To ''pass'' the indicators on the scorecard, the country must perform above the median among its income group (as defined above for scorecard evaluation purposes), except in the cases of inflation, political rights, civil liberties, and immunization rates (LMICs only), where threshold scores have been established. In particular, the Board considers whether the country:

• Passed at least 10 of the 20 indicators, with at least one in each category,

• Passed either the Political Rights or Civil Liberties indicator, and

• Passed the Control of Corruption indicator.

While satisfaction of all three aspects means a country is termed to have ''passed'' the scorecard, the Board also considers whether the country performed ''substantially worse'' in any one policy category than it does on the scorecard overall. Appendix C describes all 20 indicators, their definitions, what is required to ''pass,'' their source, and their relationship to the legislative criteria.

The mandatory passing of either the Political Rights or Civil Liberties indicators is called the Democratic Rights ''hard hurdle'' on the scorecard, while the mandatory passing of the Control of Corruption indicator is called the Control of Corruption ''hard hurdle.'' Not passing either ''hard hurdle'' results in not passing the scorecard overall, regardless of whether at least 10 of the 20 other indicators are passed.

• Democratic Rights ''hard hurdle:'' This hurdle sets a minimum bar for democratic rights below which the Board will not consider a country for eligibility. Requiring that a country pass either the Political Rights or Civil Liberties indicator creates a democratic incentive for countries, recognizes the importance democracy plays in driving poverty-reducing economic growth, and holds MCC accountable to working with the best governed, poorest countries. When a candidate country is only passing one of the two indicators comprising the hurdle (instead of both), the Board will also closely examine why it is not passing the other indicator to understand what the score implies for the broader democratic environment and trajectory of the country. This examination will include consultation with both local and international civil society experts, among others.

• Control of Corruption ''hard hurdle:'' Corruption in any country is an unacceptable tax on economic growth and an obstacle to the private sector investment needed to reduce poverty. Accordingly, MCC seeks out partner countries that are committed to combatting corruption. It is for this reason that MCC also has the Control of Corruption ''hard hurdle,'' which helps ensure that MCC is working with countries where there is relatively strong performance in controlling corruption. Requiring the passage of the indicator provides an incentive for countries to demonstrate a clear commitment to controlling corruption, and allows MCC to better understand the issue by seeing how the country performs relative to its peers and over time.

Together, the 20 policy performance indicators are the predominant basis for determining which eligible countries will be selected for MCC assistance, and the Board expects a country to be passing its scorecard at the point the Board decides to select the country for either a first or second/subsequent compact. However, the Board also recognizes that even the best-available data has inherent challenges. For example, data gaps, real-time events versus data lags, the absence of narratives and nuanced detail, and other similar weaknesses affect each of these indicators. In such instances, the Board uses its judgment to interpret policy performance as measured by the scorecards. The Board may also consult other sources of information to further enhance its understanding of a given country's policy performance beyond the issues on the scorecard, which is

especially useful given the unique perspective of each Board member (*e.g.,* specific policy issues related to trade, civil society, other U.S. aid programs, financial sector performance, and security/foreign policy issues). The Board uses its judgment on how best to weigh such information in assessing overall policy performance.

2. The Opportunity To Reduce Poverty and Generate Economic Growth

The Board also consults other sources of qualitative and quantitative information to have a more detailed view of the opportunity to reduce poverty and generate economic growth in a country.

While the Board considers a range of other information sources depending on the country, specific areas of attention typically include better understanding the issues on, trends in, and trajectory of:

- The state of democratic and human rights (especially of vulnerable groups [3]);
- The perspective of civil society on salient governance issues;
- The control of corruption and rule of law;
- The potential for the private sector (both local and foreign) to lead investment and growth;
- The levels of poverty within a country; and
- The country's institutional capacity.

Where applicable, the Board also considers MCC's own experience and ability to reduce poverty and generate economic growth in a given country—such as considering MCC's core skills versus the country's needs, capacity within MCC to work with a country, and the likelihood that MCC is seen by the country as a credible partner.

This information provides greater clarity on the likelihood that MCC investments will have an appreciable impact on reducing poverty and generating economic growth in a given country. The Board has used such information both to *not* select countries that are otherwise passing their scorecards, as well as to better understand when a country's performance on a particular indicator may not be up to date or is about to change. More details on this subject (sometimes referred to as ''supplemental information'') can be found on MCC's Web site.

3. The Availability of MCC Funds

The final factor that the Board must consider when evaluating countries is the funding available. The agency's allocation of its budget is constrained, and often specifically limited, by provisions in the authorizing legislation and appropriations acts. MCC has a continuous pipeline of countries in compact development, compact implementation, and compact closeout, as well as threshold programs. Consequently, the Board factors in the overall portfolio picture when making its selection decisions given the funding available for each of the agency's planned or existing programs.

* * * * *

The following subsections describe how each of these three legislatively-mandated factors are applied with regard to the selection situations the Board encounters each December: selection of countries for first compact eligibility, selection of countries for second/subsequent compact eligibility, and selection of countries for the threshold program. Thereafter, notes are included on consideration of countries for potential regional investments, and issues for consideration for countries that might graduate to upper middle income country status after initial selection.

B. Evaluation for Selection of Countries for First Compact Eligibility

When selecting eligible countries, the Board looks at all three legislatively-mandated aspects described in the previous section: (1) Policy performance, first and foremost as measured by the scorecards and bolstered through additional information (as described in the previous section); (2) the opportunity to reduce poverty and generate economic growth, examined through the use of other supporting information (as described in the previous section); and (3) the funding available.

At a minimum, the Board looks to see that the country passes its scorecard. It also examines supporting evidence that the country's commitment to just and democratic governance, economic freedom, and investing in its people is on a sound footing and performance is on a positive trajectory (especially on the 'hard hurdles' of Democratic Rights and Control of Corruption, as described in the previous section), and that MCC has funding to support a meaningful compact with that country. Where applicable, previous threshold program information is also considered. The Board then weighs the information described above across each of the three dimensions.

The approach described above is then applied in any additional years of selection of a country to continue to develop a first compact, with the added benefit of having cumulative scorecards, cumulative records of policy performance, and other accumulated supporting information to determine the overall pattern of performance over the emerging multi-year trajectory.

C. Evaluation for Selection of Countries for Second/Subsequent Compact Eligibility

Section 609(k) of the Millennium Challenge Act of 2003, as amended, specifically authorizes MCC to enter into ''one or more subsequent Compacts.'' MCC does not consider subsequent compact eligibility, however, before countries have completed their compact or are within 18 months of completion, (*e.g.,* a second compact if they have completed or are within 18 months of completing their first compact). Selection for subsequent compacts is not automatic and is intended only for countries that (1) exhibit successful performance on their previous compact; (2) exhibit improved scorecard policy performance during the partnership; and (3) exhibit a continued commitment to further their sector reform efforts in any subsequent partnership. As a result, the Board has an even higher standard when selecting countries for subsequent compacts.

1. Successful Implementation of the Previous Compact

To evaluate the degree of success of the previous compact, the Board looks to see if there is a clear evidence base of success within the budget and time limits of the compact, in particular by looking at three aspects:

- The degree to which there is evidence of strong political will and management capacity: Is the partnership characterized by the country ensuring that both policy reforms and the compact program itself are both being implemented to the best ability that the country can deliver;
- The degree to which the country has exhibited commitment and capacity to achieve program results: Are the financial and project results being achieved; to what degree is the country committing its own resources to ensure the compact is a success; to what extent is the private sector engaged (if relevant); and other compact-specific issues; and
- The degree to which the country has implemented the compact in accordance with MCC's core policies and standards: That is, is the country adhering to MCC's policies and procedures, including in critical areas such as remediating unresolved fraud and corruption and abuse or misuse of

[3] For example, women; children; lesbian, gay, bisexual, and transgender individuals; people with disabilities; and workers.

funds issues; procurement; and monitoring and evaluation.

Details on the specific types of information examined (and sources used) in each of the three areas are provided in Appendix D. Overall, the Board is looking for evidence that the previous compact will be completed or has been completed successfully, on time and on budget, and that there is a commitment to continued, robust reform going forward.

2. Improved Scorecard Policy Performance

Beyond successful implementation of the previous compact, the Board expects the country to have improved its overall scorecard policy performance during the partnership, and to pass the scorecard in the year of selection for the subsequent compact. The Board focuses on:

- The overall scorecard pass/fail rate over time, what this suggests about underlying policy performance, as well as an examination of the underlying reasons;
- The progress over time on policy areas measured by both hard-hurdle indicators—Democratic Rights and Control of Corruption—including an examination of the underlying reasons; and
- Other indicator trajectories as deemed relevant by the Board.

In all cases, while the Board expects the country to be passing its scorecard, other sources of information are examined to understand the nuance and reasons behind scorecard or indicator performance over time, including any real-time updates, methodological changes within the indicators themselves, shifts in the relevant candidate pool, or alternative policy performance perspectives (such as gleaned through consultations with civil society and related stakeholders). Other sources of information are also consulted to look at policy performance over time in areas not covered by the scorecard, but that are deemed important by the Board (such as trade, foreign policy concerns, etc.).

3. A Commitment To Further Sector Reform

The Board expects that subsequent compacts will endeavor to tackle deeper policy reforms necessary to unlock an identified constraint to growth. Consequently, the Board considers its own experience during the previous compact in considering how committed the country is to reducing poverty and increasing economic growth, and therefore tries to gauge the country's commitment for further sector reform should it be selected for a subsequent compact. This includes:

- Assessing the country's delivery of policy reform during the previous compact (as described above);
- Assessing expectations of the country's ability and willingness to continue embarking on sector policy reform in a subsequent compact;
- Examining both other sources of information that describe the nature of the opportunity to reduce poverty and generate growth (as outlined in A.2 above), and the relative success of the previous compact overall, as already discussed; and
- Finally, considering how well funding can be leveraged for impact, given the country's experience in the previous compact.

* * * * *

Through this overall approach to subsequent compact selection, the Board applies the three legislatively mandated evaluation criteria (policy performance, the opportunity to reduce poverty and generate economic growth, and the funding available) in a way that rests critically on deeply assessing the previous partnership: From a compact success standpoint, a commitment to improved scorecard policy performance standpoint, and a commitment to continued sector policy reform standpoint. The Board then weighs all of the information described above in making its decision.

The approach described above is then applied in any additional years of selection necessary as the country continues to develop the subsequent compact, with the added benefit of having further detail on previous compact implementation, cumulative scorecards, records of policy performance, and other accumulated supporting information to determine the overall pattern of performance over the resulting multi-year trajectory.

D. Evaluation for Threshold Program Assistance

The Board may also evaluate countries for participation in the Threshold Program. The Threshold Program provides assistance to candidate countries that exhibit a significant commitment to meeting the criteria described in the previous sub-sections, but fail to meet such requirements. Specifically, in examining the policy performance, the opportunity to reduce poverty and generate economic growth, and the funding available, the Board will consider whether a country that potentially qualifies for threshold program assistance appears to be on a trajectory to becoming viable for compact eligibility in the medium term.

E. A Note on Potential Regional Investments

FY 2018 marks the third year that the Board may consider selecting countries where potential regional investments (*i.e.,* complementary assistance by MCC to two or more countries in a region) may be developed.

With respect to regional investments, the fundamental criteria and process for selection will remain unchanged: Countries will continue to be evaluated and selected individually, as described in sections A, B, and C above. However, for countries where regional investments might be contemplated, the Board will also examine additional supplemental information looking at the policy environment from a regional dimension.

Specifically, the Board will examine additional data and information related to:

- The current state of the country's political and economic integration with its region and neighbors;
- Impediments to further integration with its region and neighbors; and
- The potential gains from investing at a regional level, including illustrative potential sector opportunities.

The Board will weigh this additional regional information in tandem with the other supplemental factors described earlier in sections A, B, and C. The Board will then decide whether or not it will direct MCC to explore some form of a regional investment with the country.

F. A Note on Potential Transition to Upper Middle Income Country (UMIC) Status After Initial Selection

Some candidate countries may have a high LMIC per capita income and/or a high growth rate that implies there is a chance they could transition to UMIC status during the life of an MCC partnership. In such cases, it is not possible to accurately predict when such a country may or may not transition to UMIC status.

Nonetheless, such countries may have more resources at their disposal for funding their own growth and poverty reduction strategies. As a result, in addition to using the regular selection criteria described in the previous sections, the Board will also use its discretion to assess both the need and the opportunity presented by partnering with such a country, in order to ensure that there is a higher bar for possible selection.

Specifically, if a candidate country with a high probability of transitioning

to UMIC status is under consideration for selection, the Board will examine additional data and information related to:

- Whether the country faces significant challenges accessing other sources of development financing (such as international capital, domestic resources, and other donor assistance) and, if so, examining if MCC grant financing would be an appropriate tool.
- Whether the nature of poverty in the country (for example, high inequality or poverty headcount ratios relative to peer countries) presents a clear and strategic opportunity for MCC to assist the country in reducing such poverty through investments that spur economic growth.
- Whether the country demonstrates particularly strong policy performance, including policies and actions that demonstrate a clear priority on poverty reduction.
- Whether MCC can reasonably expect that the country would contribute a significant amount of funding to the compact.

These additional criteria would then be applied in any additional years of selection as the country continues to develop its compact. Should the country eventually transition to UMIC status during compact development, the country would no longer be a candidate country for that fiscal year. Consequently, continuing the partnership beyond that point would then be at the Board's discretion, and would rely on funding from previous fiscal years from when the country was a candidate country.

Appendix A: Statutory Basis for This Report

This report to Congress is provided in accordance with section 608(b) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7707(b) (the Act).

Section 605 of the Act authorizes the provision of assistance to countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries for compact assistance for FY 2018 based on the countries' demonstrated commitment to just and democratic governance, economic freedom, and investing in their people, MCC's opportunity to reduce poverty and generate economic growth in the country, and the availability of funds. These steps include the submission of reports to the congressional committees specified in the Act and publication of information in the **Federal Register** that identify:

1. The countries that are ''candidate countries'' for assistance for FY 2018 based on per capita income levels and eligibility to receive assistance under U.S. law. (section 608(a) of the Act; 22 U.S.C. 7707(a));

2. The criteria and methodology that MCC's Board of Directors (Board) will use to measure and evaluate policy performance of the candidate countries consistent with the requirements of section 607 of the Act (22 U.S.C. 7706) in order to determine ''eligible countries'' from among the ''candidate countries'' (section 608(b) of the Act; 22 U.S.C. 7707(b)); and

3. The list of countries determined by the Board to be ''eligible countries'' for FY 2018, with justification for eligibility determination and selection for compact negotiation, including those eligible countries with which MCC will seek to enter into compacts (section 608(d) of the Act; 22 U.S.C. 7707(d)).

This report satisfies item 2 above.

Appendix B: Lists of all LICs, LMICs, and Statutorily Prohibited Countries for Evaluation Purposes

Income Classification for Scorecards

Since MCC was created, it has relied on the World Bank's gross national income (GNI) per capita income data (Atlas method) and the historical ceiling for eligibility as set by the World Bank's International Development Association (IDA) to divide countries into two income categories for purposes of creating scorecards: LICs and LMICs. These categories are used to account for the income bias that occurs when countries with more per capita resources perform better than countries with fewer. Using the historical IDA eligibility ceiling for the scorecards ensures that the poorest countries compete with their income level peers and are not compared against countries with more resources to mobilize.

MCC will continue to use the traditional income categories for eligibility to categorize countries in two groups for purposes of FY 2018 scorecard comparisons:

- LICs are countries with GNI per capita below IDA's historical ceiling for eligibility ($1,905 for FY 2018); and
- LMICs are countries with GNI per capita above IDA's historical ceiling for eligibility but below the World Bank's upper middle income country threshold ($1,906–$3,955 for FY 2018).

The list of countries categorized as LICs and LMICs for the purpose of FY 2018 scorecard assessments can be found below.[4]

Low Income Countries (FY 2018 Scorecard)

1. Afghanistan
2. Bangladesh
3. Benin
4. Burkina Faso
5. Burma
6. Burundi
7. Cambodia
8. Cameroon
9. Central African Republic
10. Chad
11. Comoros
12. Democratic Republic of Congo
13. Republic of Congo
14. Côte d'Ivoire
15. Djibouti
16. Eritrea
17. Ethiopia
18. Gambia
19. Ghana
20. Guinea
21. Guinea-Bissau
22. Haiti
23. India
24. Kenya
25. Kyrgyz Republic
26. Lesotho
27. Liberia
28. Madagascar
29. Malawi
30. Mali
31. Mauritania
32. Mozambique
33. Nepal
34. Niger
35. North Korea
36. Pakistan
37. Rwanda
38. São Tomé and Principe
39. Senegal
40. Sierra Leone
41. Solomon Islands
42. Somalia
43. South Sudan
44. Syria

[4] In December 2011, a statutory change requested by MCC altered the way MCC must group countries for the purposes of applying MCC's 25 percent LMIC funding cap. This change, designed to bring stability to the funding stream, affects how MCC funds countries selected for compacts and does not affect the way scorecards are created. For determining whether a country can be funded as an LMIC or LIC:

- The poorest 75 countries are now considered LICs for the purposes of MCC funding. They are not limited by the 25 percent funding cap on LMICs.
- Countries with a GNI per capita above the poorest 75 but below the World Bank's upper middle income country threshold ($3,955 for FY 2018) are considered LMICs for the purposes of MCC funding. By law, no more than 25 percent of all compact funds for a given fiscal year can be provided to these countries.

The FY 2018 Candidate Country Report lists LICs and LMICs based on this definition and outlines which countries are subject to the 25 percent funding cap.

45. Tajikistan
46. Tanzania
47. Timor-Leste
48. Togo
49. Uganda
50. Yemen
51. Zambia
52. Zimbabwe

Lower Middle Income Countries (FY 2018 Scorecard)

1. Angola
2. Armenia
3. Bhutan
4. Bolivia
5. Cabo Verde
6. Egypt
7. El Salvador
8. Georgia
9. Guatemala
10. Honduras
11. Indonesia
12. Jordan
13. Kiribati
14. Kosovo
15. Lao PDR
16. Micronesia
17. Moldova
18. Mongolia
19. Morocco
20. Nicaragua
21. Nigeria
22. Papua New Guinea
23. Philippines
24. Sri Lanka
25. Sudan
26. Swaziland
27. Tunisia
28. Ukraine
29. Uzbekistan
30. Vanuatu
31. Vietnam

Statutorily Prohibited Countries for FY18 [5]

1. Bolivia
2. Burma
3. Eritrea
4. North Korea
5. South Sudan
6. Sudan
7. Syria
8. Zimbabwe

Appendix C: Indicator Definitions

The following indicators will be used to measure candidate countries' demonstrated commitment to the criteria found in section 607(b) of the Act. The indicators are intended to assess the degree to which the political and economic conditions in a country serve to promote broad-based sustainable economic growth and reduction of poverty and thus provide a sound environment for the use of MCC funds. The indicators are not goals in themselves; rather, they are proxy measures of policies that are linked to broad-based sustainable economic growth. The indicators were selected based on (i) their relationship to economic growth and poverty reduction; (ii) the number of countries they cover; (iii) transparency and availability; and (iv) relative soundness and objectivity. Where possible, the indicators are developed by independent sources.[6] Listed below is a brief summary of the indicators (a detailed rationale for the adoption of these indicators can be found in the Public Guide to the Indicators on MCC's public website at *www.mcc.gov*).

Ruling Justly

1. Political Rights: Independent experts rate countries on the prevalence of free and fair electoral processes; political pluralism and participation of all stakeholders; government accountability and transparency; freedom from domination by the military, foreign powers, totalitarian parties, religious hierarchies and economic oligarchies; and the political rights of minority groups, among other things. Pass: Score must be above the minimum score of 17 out of 40. Source: Freedom House

2. Civil Liberties: Independent experts rate countries on freedom of expression and belief; association and organizational rights; rule of law and human rights; and personal autonomy and economic rights, among other things. Pass: Score must be above the minimum score of 25 out of 60. Source: Freedom House

3. Freedom of Information: Measures the legal and practical steps taken by a government to enable or allow information to move freely through society; this includes measures of press freedom, national freedom of information laws, and the extent to which a county is filtering internet content or tools. Pass: Score must be above the median score for the income group. Source: Freedom House/Centre for Law and Democracy.

4. Government Effectiveness: An index of surveys and expert assessments that rate countries on the quality of public service provision; civil servants' competency and independence from political pressures; and the government's ability to plan and implement sound policies, among other things. Pass: Score must be above the median score for the income group. Source: Worldwide Governance Indicators (World Bank/Brookings)

5. Rule of Law: An index of surveys and expert assessments that rate countries on the extent to which the public has confidence in and abides by the rules of society; the incidence and impact of violent and nonviolent crime; the effectiveness, independence, and predictability of the judiciary; the protection of property rights; and the enforceability of contracts, among other things. Pass: Score must be above the median score for the income group. Source: Worldwide Governance Indicators (World Bank/Brookings)

6. Control of Corruption: An index of surveys and expert assessments that rate countries on: ''grand corruption'' in the political arena; the frequency of petty corruption; the effects of corruption on the business environment; and the tendency of elites to engage in ''state capture,'' among other things. Pass: Score must be above the median score for the income group. Source: Worldwide Governance Indicators (World Bank/Brookings)

Encouraging Economic Freedom

1. Fiscal Policy: General government net lending/borrowing as a percent of gross domestic product (GDP), averaged over a three year period. Net lending/borrowing is calculated as revenue minus total expenditure. The data for this measure comes from the IMF's World Economic Outlook. Pass: Score must be above the median score for the income group. Source: The International Monetary Fund's World Economic Outlook Database

2. Inflation: The most recent average annual change in consumer prices. Pass: Score must be 15% or less. Source: The International Monetary Fund's World Economic Outlook Database

3. Regulatory Quality: An index of surveys and expert assessments that rate countries on the burden of regulations on business; price controls; the government's role in the economy; and

[5] This list is current as of August 1, 2017. Between such date and the December 2017 selection Board meeting, other countries may also be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY2018. Even though these countries are prohibited from received assistance, scorecards are still created for them to ensure all countries are included in an income group in order to determine the global medians/scores for that income group.

[6] Special note on Kosovo: Since UN agencies do not currently publish data for Kosovo due to non-recognition status, MCC is unable to source data directly from the UN for the six indicators that are constructed in all or in part from this data: Land Rights and Access, Health Expenditures, Primary Education Expenditures, Immunization Rates, Girls' Secondary Education Enrollment Rate, and Child Health. As result, MCC publishes data from UNKT (the UN Kosovo Team) in cases where UNKT uses comparable methodologies to their UN sister organizations. See *http://www.unkt.org/* for more information.

foreign investment regulation, among other areas. Pass: Score must be above the median score for the income group. Source: Worldwide Governance Indicators (World Bank/Brookings)

4. Trade Policy: A measure of a country's openness to international trade based on weighted average tariff rates and non-tariff barriers to trade. Pass: Score must be above the median score for the income group. Source: The Heritage Foundation

5. Gender in the Economy: An index that measures the extent to which laws provide men and women equal capacity to generate income or participate in the economy, including factors such as the capacity to access institutions, get a job, register a business, sign a contract, open a bank account, choose where to live, and to travel freely. Pass: Score must be above the median score for the income group. Source: International Finance Corporation

a. Due to an expansion in the number of areas examined by the indicator institution since this indicator's conception in FY 2012, from FY 2019 the Gender in the Economy indicator will be expanded, and incorporate new areas such as property rights protections, protections against domestic violence, and child marriage (among others). Expanded details regarding these changes are provided in the annual Guide to the Indicators and Selection Process, and annual Data Notes, available on MCC's website.

b. To phase in this new construction of the indicator, the original version of the indicator will be used on the FY 2018 scorecards. However, an appendix to the scorecards will be published that will show how countries would perform under the new construction of the indicator. From FY 2019, the new construction of the indicator will then fully replace the current version on the scorecard.

6. Land Rights and Access: An index that rates countries on the extent to which the institutional, legal, and market framework provide secure land tenure and equitable access to land in rural areas and the time and cost of property registration in urban and peri-urban areas. Pass: Score must be above the median score for the income group. Source: The International Fund for Agricultural Development and the International Finance Corporation

7. Access to Credit: An index that rates countries on rules and practices affecting the coverage, scope, and accessibility of credit information available through either a public credit registry or a private credit bureau; as well as legal rights in collateral laws and bankruptcy laws. Pass: Score must be above the median score for the income group. Source: International Finance Corporation

8. Business Start-Up: An index that rates countries on the time and cost of complying with all procedures officially required for an entrepreneur to start up and formally operate an industrial or commercial business. Pass: Score must be above the median score for the income group. Source: International Finance Corporation

Investing in People

1. Public Expenditure on Health: Total expenditures on health by government at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: The World Health Organization

2. Total Public Expenditure on Primary Education: Total expenditures on primary education by government at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: The United Nations Educational, Scientific and Cultural Organization and National Governments

3. Natural Resource Protection: Assesses whether countries are protecting up to 17 percent of all their biomes (e.g., deserts, tropical rainforests, grasslands, savannas and tundra). Pass: Score must be above the median score for the income group. Source: The Center for International Earth Science Information Network and the Yale Center for Environmental Law and Policy

4. Immunization Rates: The average of DPT3 and measles immunization coverage rates for the most recent year available. Pass: Score must be above the median score for LICs, and 90% or higher for LMICs. Source: The World Health Organization and the United Nations Children's Fund

5. Girls Education:

a. Girls' Primary Completion Rate: The number of female students enrolled in the last grade of primary education minus repeaters divided by the population in the relevant age cohort (gross intake ratio in the last grade of primary). LICs are assessed on this indicator. Pass: Score must be above the median score for the income group. Source: United Nations Educational, Scientific and Cultural Organization

b. Girls Secondary Enrollment Education: The number of female pupils enrolled in lower secondary school, regardless of age, expressed as a percentage of the population of females in the theoretical age group for lower secondary education. LMICs are assessed on this indicator instead of Girls Primary Completion Rates. Pass: Score must be above the median score for the income group. Source: United Nations Educational, Scientific and Cultural Organization

6. Child Health: An index made up of three indicators: (i) access to improved water, (ii) access to improved sanitation, and (iii) child (ages 1–4) mortality. Pass: Score must be above the median score for the income group. Source: The Center for International Earth Science Information Network and the Yale Center for Environmental Law and Policy

Relationship to Legislative Criteria

Within each policy category, the Act sets out a number of specific selection criteria. A set of objective and quantifiable policy indicators is used to inform eligibility decisions for assistance and to measure the relative performance by candidate countries against these criteria. The Board's approach to determining eligibility ensures that performance against each of these criteria is assessed by at least one of the objective indicators. Most are addressed by multiple indicators. The specific indicators appear in parentheses next to the corresponding criterion set out in the Act.

Section 607(b)(1): Just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism, equality and the rule of law (Political Rights, Civil Liberties, Rule of Law, and Gender in the Economy);

(B) respect human and civil rights, including the rights of people with disabilities (Political Rights, Civil Liberties, and Freedom of Information);

(C) protect private property rights (Civil Liberties, Regulatory Quality, Rule of Law, and Land Rights and Access);

(D) encourage transparency and accountability of government (Political Rights, Civil Liberties, Freedom of Information, Control of Corruption, Rule of Law, and Government Effectiveness); and

(E) combat corruption (Political Rights, Civil Liberties, Rule of Law, Freedom of Information, and Control of Corruption);

Section 607(b)(2): Economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets (Fiscal Policy, Inflation, Trade Policy, and Regulatory Quality);

(B) promote private sector growth (Inflation, Business Start-Up, Fiscal Policy, Land Rights and Access, Access

to Credit, Gender in the Economy, and Regulatory Quality);

(C) strengthen market forces in the economy (Fiscal Policy, Inflation, Trade Policy, Business Start-Up, Land Rights and Access, Access to Credit, and Regulatory Quality); and

(D) respect worker rights, including the right to form labor unions (Civil Liberties and Gender in the Economy); and

Section 607(b)(3): Investments in the people of such country, particularly women and children, including programs that—

(A) promote broad-based primary education (Girls' Primary Completion Rate, Girls' Secondary Education Enrollment Rate, and Total Public Expenditure on Primary Education);

(B) strengthen and build capacity to provide quality public health and reduce child mortality (Immunization Rates, Public Expenditure on Health, and Child Health); and

(C) promote the protection of biodiversity and the transparent and sustainable management and use of natural resources (Natural Resource Protection).

Appendix D: Subsequent Compact Considerations

MCC reporting and data in the following chart are used to assess compact performance of MCC partners nearing the end of compact implementation (i.e., within 18-months of compact end date). Some reporting used for assessment may contain sensitive information and adversely affect implementation or MCC-partner country relations. This information is for MCC's internal use and is not made public. However, key implementation information is summarized in compact status and results reports that are published quarterly on MCC's website under MCC country programs (*https://www.mcc.gov/where-we-work*) or monitoring and evaluation (*https://www.mcc.gov/our-impact/m-and-e*) webpages.

Topic	MCC reporting/ data source	Published documents
COUNTRY PARTNERSHIP		
Political Will: • Status of major conditions precedent. • Program oversight/implementation. ○ project restructures. ○ partner response to MCA capacity issues. • Political independence of MCA. Management Capacity: • Project management capacity. • Project performance. • Level of MCC intervention/oversight. • Relative level of resources required.	• Quarterly implementation reporting. • Quarterly results reporting. • Survey of MCC staff.	• Quarterly results published as "Table of Key Performance Indicators" (available by country): *https://www.mcc.gov/our-impact/m-and-e.* • Survey questions to be posted: *https://www.mcc.gov/resources/doc/summary-compact-survey-summary-fy18.*
PROGRAM RESULTS		
Financial Results: • Commitments—including contributions to compact funding. • Disbursements. Project Results: • Output, outcome, objective targets. • MCA commitment to 'focus on results'. • MCA cooperation on impact evaluation. • Percent complete for process/outputs. • Relevant outcome data. • Details behind target delays. Target Achievements.	• Indicator tracking tables. • Quarterly financial reporting. • Quarterly implementation reporting. • Quarterly results reporting. • Survey of MCC staff. • Impact evaluations.	• Monitoring and Evaluation Plans (available by country): *https://www.mcc.gov/our-impact/m-and-e.* • Quarterly Status Reports (available by country): *https://www.mcc.gov/our-impact/m-and-e.* • Quarterly results published as "Table of Key Performance Indicators" (available by country): *https://www.mcc.gov/our-impact/m-and-e.* • Survey questions to be posted: *https://www.mcc.gov/resources/doc/summary-compact-survey-summary-fy18.*
ADHERENCE TO STANDARDS		
• Procurement. • Environmental and social. • Fraud and corruption. • Program closure. • Monitoring and evaluation. • All other legal provisions.	• Audits (GAO and OIG). • Quarterly implementation reporting. • Survey of MCC staff.	• Published OIG and GAO audits. • Survey questions to be posted: *https://www.mcc.gov/resources/doc/summary-compact-survey-summary-fy18.*
COUNTRY SPECIFIC		
Sustainability: • Implementation entity. • MCC investments. Role of private sector or other donors: • Other relevant investors/investments. • Other donors/programming. • Status of related reforms. • Trajectory of private sector involvement going forward.	• Quarterly implementation reporting. • Quarterly results reporting. • Survey of MCC staff.	• Quarterly results published as "Table of Key Performance Indicators" (available by country): *https://www.mcc.gov/our-impact/m-and-e.* • Survey questions to be posted: *https://www.mcc.gov/resources/doc/summary-compact-survey-summary-fy18.*

[FR Doc. 2017–21448 Filed 10–2–17; 4:15 pm]
BILLING CODE 9211–03–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (17–072)]

NASA Advisory Council; Science Committee; Ad Hoc Task Force on Big Data; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Ad Hoc Big Data Task Force (BDTF). This task force reports to the NASA Advisory Council's Science Committee. The meeting will be held for the purpose of soliciting and discussing, from the scientific community and other persons, scientific and technical information relevant to big data.

DATES: Wednesday, November 1, 2017, 8:30 a.m.–5:00 p.m.; Thursday, November 2, 2017, 8:30 a.m.–5:00 p.m.; and Friday, November 3, 2017, 8:30 a.m.–5:00 p.m., Local Time.

ADDRESSES: Jet Propulsion Laboratory (JPL), Theodore von Kármán Auditorium, 4800 Oak Grove Drive, Pasadena, CA 91011.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, fax (202) 358–2779, or *khenderson@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The meeting will also be available telephonically and by WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may dial the USA toll free conference call number 888–324–9653, or toll number 1–312–470–7273, passcode 3883300, to participate in this meeting by telephone for all three days. The WebEx link is *https://nasa.webex.com/;* the meeting number is 991 009 965 and the password is BDTFmtg#6 for all three days. The agenda for the meeting includes the following topics:

—Update on JPL/Caltech Data Science Programs and Projects
—Review of BDTF Studies
—Discussion of Draft Findings and Recommendations.

Attendees will be requested to sign a register and to comply with JPL security requirements. It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2017–21255 Filed 10–3–17; 8:45 am]
BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Request for Comment Regarding National Credit Union Administration Draft 2018–2022 Strategic Plan

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The NCUA Board (Board) is requesting comment on its 2018–2022 Draft Strategic Plan. The NCUA 2018–2022 Draft Strategic Plan summarizes our analysis of the internal and external environment impacting NCUA; evaluates NCUA programs and risks; and provides goals and objectives for the next five years. While the Board welcomes all comments from the public and stakeholders, it specifically invites comments and input on the proposed goals and objectives of the strategic plan.

DATES: Comments must be received on or before December 4, 2017 to be assured of consideration.

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

- *NCUA Web site: https://www.ncua.gov/about/pages/board-comments.aspx.* Follow the instructions for submitting comments.
- *Email:* Address to *boardcomments@ncua.gov.* Include ''[Your name]—Comments on NCUA 2018–2022 Draft Strategic Plan'' in the email subject line.
- *Fax:* (703) 518–6319. Include your name and the following subject line: ''Comments on NCUA 2018–2022 Draft Strategic Plan.''
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public Inspection: You can view all public comments on NCUA's Web site at *https://www.ncua.gov/about/pages/board-comments.aspx* as submitted, except for those we cannot post for technical reasons. NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments at NCUA's headquarters at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9 a.m. and 3 p.m. To make an appointment, call (703) 518–6570 or send an email to *boardcomments@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Melissa Lowden, Management Analyst, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone: (703) 518–1182.

Authority: 5 U.S.C. 306.

SUPPLEMENTARY INFORMATION: The Government Performance and Results Act of 1993 (GPRA) requires agencies to prepare strategic plans, annual performance plans and annual performance reports with measurable performance indicators to address the policy, budgeting and oversight needs of both Congress and agency leaders, partners/stakeholders, and program managers. In 2010, Congress passed the GPRA Modernization Act of 2010, which further requires a leadership-driven governance model with emphasis on quarterly reviews and transparency. The GPRA Modernization Act requires agencies to set priority goals linked to longer-term Agency strategic goals. Part 6 of Office of Management and Budget (OMB) Circular A–11 provides additional guidance and requirements for federal agencies to implement these laws. The NCUA Draft Strategic Plan 2018–2022 is issued pursuant to the GPRA, the GPRA Modernization Act, and OMB Circular A–11.

The NCUA 2018–2022 Draft Strategic Plan outlines how the agency will continue to effectively supervise and insure a growing and evolving credit union system. As the financial services and the credit union sector evolve, NCUA must adjust to meet the challenges the changes provide. In response, we are adopting new technology and analytical tools to improve the agency's offsite monitoring capabilities. Additionally, we are recalibrating our examination approach to reflect a more stable economic environment. We also are revising the agency's operations, priorities and structure to ensure our objectives match those prescribed in the Federal Credit Union Act, while at the same time efficiently using the agency's resources.

In the years ahead, NCUA also plans to advance meaningful regulatory relief by fully reevaluating our rules and working to modify them as appropriate, improving the uniformity of

examinations, implementing an improved examination appeals process, and mitigating the largest risks to the Share Insurance Fund.

By publishing the proposed NCUA 2018–2022 Strategic Plan in the **Federal Register**, as well as posting it on our Web site at *www.ncua.gov,* NCUA continues its ongoing commitment to transparency about the agency's future plans and actions.

The NCUA 2018–2022 Draft Strategic Plan is available at the following Web address: *https://www.ncua.gov/About/Pages/budget-strategic-planning/annual-plan.aspx.*

By the National Credit Union Administration Board on September 28, 2017.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2017–21304 Filed 10–3–17; 8:45 am]

BILLING CODE P

NATIONAL CREDIT UNION ADMINISTRATION

Closing the Temporary Corporate Credit Union Stabilization Fund and Setting the Share Insurance Fund Normal Operating Level

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final notice.

SUMMARY: In July 2017, the NCUA Board (Board) sought comments on its plan to close the Temporary Corporate Credit Union Stabilization Fund (Stabilization Fund) in 2017, prior to its scheduled closing date in June 2021, and raise the normal operating level of the National Credit Union Share Insurance Fund (Insurance Fund) to 1.39 percent. This final notice provides a discussion of comments received and explains the Board's decision to close the Stabilization Fund in 2017. This notice also explains the Board's decision to set the normal operating level of the Insurance Fund to 1.39 percent.

FOR FURTHER INFORMATION CONTACT: Anthony Cappetta, Supervisory Financial Analyst, Amanda Parkhill, Loss/Risk Analysis Officer, or Kevin Tuininga, Senior Staff Attorney, at 1775 Duke Street, Alexandria, VA 22314, or telephone: (703) 518–1592.

SUPPLEMENTARY INFORMATION:

I. Background
II. Comments Received
III. The Board's Response to Comments
IV. Final Action

I. Background

On July 20, 2017, the Board approved a Notice and Request for Comment (July 2017 Notice) requesting comments on its plan to close the Stabilization Fund in 2017 and set the normal operating level at 1.39 percent. The notice appeared in the **Federal Register** on July 27, 2017.[1] Specific matters the Board sought comment on included whether the NCUA should:

- Close the Stabilization Fund in 2017, close it at some future date, or wait until it is currently scheduled to close in 2021.
- Set the normal operating level based on the Insurance Fund's ability to withstand a moderate recession without requiring assessments over a five-year period.
- Set the normal operating level based on the Insurance Fund's ability to withstand a severe recession without requiring assessments over a five-year period.
- Base the approach to setting the normal operating level on preventing the equity ratio from declining below 1.20 percent, or some other higher minimum level.

The Board requested comments by September 5, 2017, which would allow the Board sufficient time to permit closing before the end of 2017 and establish a distribution method to insured credit unions to the extent the closure caused the Insurance Fund's equity ratio to exceed its normal operating level, as of the end of 2017. In a separate but related proposal, also adopted on July 20, 2017, the Board requested comments on its regulation governing equity distributions from the Insurance Fund.[2]

A. Stabilization Fund Background

Public Law 111–22, the *Helping Families Save Their Homes Act of 2009* (Helping Families Act), signed into law by the President on May 20, 2009, created the Stabilization Fund. Congress provided the NCUA with this temporary fund to accrue the losses of the corporate credit union system and assess insured credit unions for such losses over time. This prevented insured credit unions from bearing a significant burden for losses associated with the insolvency of five corporate credit unions within a short period. Without creation of the Stabilization Fund, corporate credit union losses would have been borne by the Insurance Fund. The magnitude of losses would have exhausted the Insurance Fund's retained earnings and significantly impaired credit unions' one percent contributed capital deposit.[3] The deposit impairment, along with premiums[4] that would have been necessary to restore the Insurance Fund's equity ratio, would have resulted in a significant, immediate cost to credit unions at a time when their earnings and capital were already under stress due to the Great Recession.[5] In June 2009, the Board formally approved use of the Stabilization Fund for the costs of the Corporate System Resolution Program.[6] Since then, all of these costs have been accounted for in the financial statements of the Stabilization Fund.

The Act specifies that the Stabilization Fund will terminate 90 days after the seven-year anniversary of its first borrowing from the U.S. Treasury.[7] The first borrowing occurred on June 25, 2009, making the original closing date September 27, 2016. However, the Act provided the Board, with the concurrence of the Secretary of the U.S. Treasury, authority to extend the closing date of the Stabilization Fund. In June 2010, the Board voted to extend the life of the Stabilization Fund and, on September 24, 2010, the NCUA received concurrence from the Secretary of the U.S. Treasury to extend the closing date to June 30, 2021.

Unlike in 2009, the Insurance Fund's $13.2 billion now exceeds both the corporate credit union Legacy Asset balance and NGN balance (as of June 30, 2017). Due primarily to the nearly $4 billion in net legal recoveries, the Stabilization Fund has a positive net position of approximately $2.0 billion as of June 2017. Additionally, there are no outstanding U.S. Treasury borrowings. Closing the Stabilization Fund in 2017 will, barring the unexpected, result in an equity distribution to insured credit unions in 2018, putting funds to work in the credit union system prior to its current scheduled closure in 2021.

[1] Closing the Temporary Corporate Credit Union Stabilization Fund and Setting the Share Insurance Fund Normal Operating Level, 82 FR 34982 (July 27, 2017).

[2] Requirements for Insurance; National Credit Union Share Insurance Fund Equity Distributions, 82 FR 35705 (Aug. 1, 2017).

[3] Prior to reassignment of these costs to the Stabilization Fund, the equity ratio of the Insurance Fund would have been only about 0.11 percent at year-end 2009—resulting in a deposit impairment of 89 percent.

[4] Throughout this document, the terms ''premium'' and ''assessment'' are used interchangeably.

[5] Because the contributed capital deposit is reflected as an asset on the financial statements of insured credit unions, under applicable accounting rules any impairment results in an immediate expense to credit unions.

[6] For more details on the Corporate System Resolution Program, please see the NCUA Corporate System Resolution Costs Web page (*https://www.ncua.gov/regulation-supervision/Pages/corporate-system-resolution.aspx*).

[7] 12 U.S.C. 1790e(h).

B. Normal Operating Level Background

When contemplating closing the Stabilization Fund, the Board also had to consider whether a normal operating level of 1.30 percent would be sufficient to cover all of the Insurance Fund's resulting exposures. To determine this, the NCUA modeled the losses that would be expected under a moderate and a severe recession.[8] For the two recession scenarios, the agency modeled the:

- Impact on the equity ratio of the estimated decline in the value of the Insurance Fund's claims on the liquidated corporate credit unions' asset management estates—which would be driven by a reduction in the value of the Legacy Assets.
- Performance of the Insurance Fund based on the three primary factors that currently affect the Insurance Fund's equity ratio: Insured share growth, yield on investments, and insurance losses.

The Insurance Fund was modeled over a five-year period and the Legacy Assets were modeled over their remaining life.[9] The NCUA used the applicable variables describing economic developments for the Adverse and Severely Adverse economic scenarios from the Federal Reserve Board's 2017 annual stress test supervisory scenarios.[10]

Based on this modeling, to withstand a moderate recession without the equity ratio falling below the statutory minimum of 1.20 percent,[11] the Insurance Fund's equity ratio needs to be high enough to withstand the following:

- A 13-basis-point decline in the equity ratio due to the impact on the three primary drivers of the Insurance Fund's performance.
- A 4-basis-point decline in the value of the Insurance Fund's claim on the corporate credit union asset management estates.
- A 2-basis-point decline in the equity ratio expected to occur prior to when the remaining NGNs begin to mature in 2020 and remaining exposure to the Legacy Assets can begin to be reduced. This helps ensure the 4 basis points of additional equity to account for the potential decline in value of the claims on the asset management estates is maintained in the Insurance Fund until Legacy Assets can be sold.[12]

Therefore, the Board proposed setting the normal operating level at 1.39 percent.

II. Comments Received

The Board received 663 comment letters on its notice proposing to close the Stabilization Fund in 2017 and increase the Insurance Fund's normal operating level to 1.39 percent. Commenters included representatives of three national credit union trade associations; 15 credit union leagues or regional trade associations; 244 federal credit unions; 268 federally insured, state-chartered credit unions; and 133 individuals and organizations, including credit union service organizations. The majority of commenters expressly supported or did not oppose closing the Stabilization Fund in 2017 and expressly opposed increasing the Insurance Fund's normal operating level or advocated a ''full rebate'' of Stabilization Fund equity. A more detailed discussion of the comments follows.

A. Closing the Stabilization Fund

Approximately 170 commenters expressly supported the Board's proposal to close the Stabilization Fund in 2017. An additional two-thirds of all commenters omitted an express opinion on whether to close the Stabilization Fund in 2017 and instead voiced more definite opinions on the Insurance Fund's normal operating level. Many commenters that did not make a statement supporting closure in 2017 nevertheless urged a near-term distribution of funds, indicating or implying either that they (a) did not oppose closing the Stabilization Fund in 2017 or (b) believed the Board could make a distribution to credit unions directly from the Stabilization Fund.

Supportive commenters generally expressed that closing the Stabilization Fund before 2021 would provide an earlier opportunity to expand business and increase the financial security of credit unions, particularly smaller credit unions. Multiple commenters also noted that closure would reduce the NCUA's costs for maintaining multiple funds.

As noted above, some commenters supporting closure in 2017, along with a few others that opposed closure, also suggested that the NCUA could make distributions to the Insurance Fund or to credit unions directly from the Stabilization Fund without closing it. Under one commenter's analysis, the NCUA would receive deference in making such distributions under the Supreme Court case *Chevron U.S.A., Incorporated* v. *Natural Resources Defense Council, Incorporated*[13] because the Act is silent on the subject. This commenter believed the Insurance Fund is owed a refund from the Stabilization Fund, which would provide a sufficient nexus with Stabilization Fund authorities to support a distribution to the Insurance Fund. At the same time, this commenter stated mingling funds from the Stabilization Fund with the Insurance Fund would be unfair to credit unions. A few commenters suggested the NCUA could make distributions directly from the Stabilization Fund to former capital holders of the corporate credit unions.

A number of commenters supporting closing the Stabilization Fund in 2017 hedged their support if (a) closure was combined with an increase to the Insurance Fund's normal operating level or (b) Stabilization Fund money could not be accounted for separately after its closure. Many of these commenters believed Stabilization Fund equity should not be available to permanently increase the Insurance Fund's equity ratio (whether or not the normal operating level was increased) or for insurance losses related to natural person credit unions. These commenters stated it would be inappropriate to ''repurpose'' or ''divert'' Stabilization Fund equity for uses beyond losses related to the liquidated corporate credit unions. A common comment was that the Board should maintain separate operations for resolution of the corporate credit union estates after closing the Stabilization Fund and maintain income and equity attributable to the Stabilization Fund in a separate account payable to credit unions.

A number of commenters were concerned the Stabilization Fund's closure would affect the total distributions available to insured credit unions once the corporate credit union asset management estates were resolved. Many of these commenters were also concerned closure would affect the allocation of funds between credit unions that paid Stabilization Fund assessments and credit unions that hold certificates of claim against the asset

[8] In estimating the equity ratio under various economic stress scenarios, the NCUA must make estimates and assumptions that affect the model output. Actual results could differ from the NCUA's estimates; however, the agency evaluates the reasonableness of such estimates when analyzing the model output.

[9] A five-year horizon (beginning at year-end 2017) was used to cover the cycle of an economic downturn and the life of the NGN Program.

[10] *Supervisory Scenarios for Annual Stress Test Required under the Dodd-Frank Act Stress Testing Rules and the Capital Plan Rule,* Feb. 10, 2017. (*https://www.federalreserve.gov/newsevents/pressreleases/files/bcreg20170203a5.pdf*).

[11] 12 U.S.C. 1782(c)(2).

[12] The Board must consider retaining this equity now because, as the equity ratio declines, the Board would be unable to replenish the equity through premium assessments as long as the equity ratio remains above 1.30 percent, per the Act. 12 U.S.C. 1782(c)(2)(B).

[13] 467 U.S. 837 (1984).

management estates related to corporate credit union capital investments. A few commenters appeared to urge the NCUA to prioritize payments to former capital holders of the liquidated corporate credit unions over distributions to insured credit unions, while some others expressed concern that capital holders not receive priority over credit unions that paid assessments.

One commenter argued that the NCUA should treat the corporate asset management estates collectively for purposes of paying claims against the estates under 12 CFR 709.5(b), governing priority of claims. This commenter observed that a collective approach would maximize reimbursements to the Stabilization Fund before any payments to capital holders of the corporate credit unions could occur. This commenter believed the Board had treated the asset management estates collectively by pooling their assets in NGN trusts and then departed from collective treatment with respect to payment of claims under § 709.5(b). This commenter recommended a new regulation providing that the corporate credit union asset management estates would be treated as one pool of assets for purposes of distributions under § 709.5(b).

Slightly under 30 commenters firmly opposed closing the Stabilization Fund in 2017. Many of these commenters were concerned that closing the Stabilization Fund, which would result in consolidation, would cause less than full transparency regarding Insurance Fund distributions to credit unions and payments to former capital holders of the liquidated corporate credit unions. One commenter voiced concern about volatility in the Insurance Fund's equity ratio and complications related to multiple small distributions.

B. Normal Operating Level

Just under 60 commenters supported or indicated some level of acceptance of an increase to the Insurance Fund's normal operating level, provided the increase was temporary. About one dozen of these commenters supported or appeared to accept an increase to 1.39 percent. One commenter advocated a permanent increase to 1.50 percent. An additional three dozen commenters supported a temporary increase to 1.34 percent to cover exposure to Legacy Assets. Three more commenters suggested an increase to 1.35 percent, while another seven commenters indicated some level of support for a temporary increase without specifying their preferred threshold. These commenters nearly universally advocated that any increase from 1.30 percent be temporary. Many commenters urged the Board to set a defined schedule or express specific intent to move the normal operating level back to 1.30 percent as exposure to Legacy Assets decreases. One commenter who advocated the Board set the normal operating level at 1.50 percent urged the NCUA to approach Congress for further authorities that would permit the Insurance Fund's equity ratio to reach 2.0 percent, similar to the Deposit Insurance Fund for banks.

One commenter supported a temporary increase of the Insurance Fund's equity ratio to 1.30 percent but only for so long as exposure to Legacy Assets remained. This commenter stated that all equity related to the Stabilization Fund should be distributed once Legacy Asset exposure subsided, including funds needed to increase the Insurance Fund's equity ratio to 1.30 percent. Thus, this commenter implied the Board should decrease the normal operating level below 1.30 percent to meet the equity ratio at the time of the Stabilization Fund's closure to permit distribution of all equity received from the Stabilization Fund.

Around 55 percent of all commenters expressly opposed any increase to the normal operating level. However, around 90 additional commenters urged a ''full rebate'' of Stabilization Fund equity, implying they also opposed any increase to the normal operating level that would decrease a distribution in 2018 or beyond. Many of these commenters contended no increase could be justified because a normal operating level of 1.30 percent had been sufficient to withstand the financial crisis. A large number of these commenters (as well as some that supported an increase) were concerned the Board would never again decrease the normal operating level if it increased it in 2017. Many commenters that opposed any increase to the normal operating level urged that, if the Board did increase it, the increase should sunset after one year and the Board should then substantiate any extension of a normal operating level above 1.30 percent. Some of these commenters suggested increasing the normal operating level would erode the NCUA's motivations to control its operating expenses and that the NCUA's operating budget and the overhead transfer rate had consumed most Insurance Fund investment returns in recent years. A common thread in the comments was that failure to return all Stabilization Fund equity would be contrary to prior assurances and promises from the Board.

Commenters opposing an increase often supported their position by noting that funds would be more productive and earn higher returns in the hands of credit unions than in the Insurance Fund. Many of these commenters acknowledged that near-term Insurance Fund assessments could be required and that this was an acceptable outcome. One commenter stated that 1.39 percent seemed arbitrary because the Insurance Fund would not have withstood the financial crisis even if its equity ratio had been at that level before the crisis began.

Numerous commenters noted the Insurance Fund's audit reports from December 2016 determined that an equity ratio of 1.24 percent was sufficient to cover all contingencies. With respect to the Stabilization Fund, these commenters cited the December 2016 audit report that stated ''there were no probable losses for the guarantee of NGN's associated with the re-securitization transactions.'' These commenters argued the NCUA could therefore not, only nine months later, justify an increase to the normal operating level based on exposure to the Legacy Assets or for potential losses related to natural person credit unions.

Some commenters contended an increase to the normal operating level would be akin to credit unions over-reserving for loan losses, a practice NCUA examiners generally advise against. They noted the strength of the credit union industry, the recent strengthening of the NCUA's regulations related to capital, and more stringent supervisory tests as additional firewalls that reduced the need for an increase to the normal operating level. These commenters often pointed to loss estimates related to the Legacy Assets as a basis to doubt the NCUA's projections of the Insurance Fund's performance.

One commenter that characterized the Board's proposed closure of the Stabilization Fund as a ''cash grab'' alleged resulting distributions were an attempt to distract credit unions as the agency ''hoards money for itself.'' According to this commenter, the NCUA intended to ''raid'' Stabilization Fund assets as an end-run around FCU Act restrictions that preclude assessments increasing the Insurance Fund's equity ratio above 1.30 percent. A few commenters contended using Stabilization Fund equity to increase the Insurance Fund's normal operating level above 1.30 percent was illegal because it was the equivalent of an assessment that the Act would not otherwise permit. Some commenters also expressed the sentiment that it would be improper to improve the Insurance

Fund's equity position using dollars from credit unions that paid Stabilization Fund assessments.

Most commenters did not directly address whether they supported the NCUA lengthening the forecast horizon for Insurance Fund performance from two years to five years. Some that did address this opposed lengthening the forecast horizon because they believed a five-year horizon was significantly longer than the typical length of a recession. They also argued the NCUA had sufficient tools to manage the Insurance Fund, such as levying assessments, implementing a restoration plan, decreasing operating budgets, and altering investment strategies, without lengthening the forecast period.

C. Additional Comments

A number of commenters noted improved transparency in NCUA operations. But many commenters were also concerned closure of the Stabilization Fund and the distribution of its assets to the Insurance Fund would decrease transparency. A few commenters specifically requested more transparency on the Board's administration of the corporate credit union asset management estates.

A significant number of commenters attributed downward trends in the Insurance Fund's equity ratio to the cost of the NCUA's operations, recent increases in the NCUA's operating budget, and excessive Insurance Fund loss reserves. Many commenters also expressed a preference that the Board consider an increase to the Insurance Fund's normal operating level in a proposal completely separate from any related to closing the Stabilization Fund. Some of these commenters alleged an improper motive, or ''sleight of hand,'' in considering the proposals together.

Multiple commenters stated no-near term Insurance Fund premiums would be required even if the Stabilization Fund was not closed in 2017. These commenters stated that models showed no circumstances where the Insurance Fund's equity ratio would fall below 1.20 percent within the next two to four years. On the other hand, one commenter was concerned about the loss of contingency funding after closure of the Stabilization Fund. This commenter recommended that the NCUA review its Central Liquidity Facility authorities and regulations with an eye toward improving contingency funding sources.

A material number of commenters, generally through variations of a form letter, stated that the ''proposed method for closing the [Stabilization Fund] does nothing to address the excessive $1B charged since its creation to the [asset management estates] by the NCUA.'' Many commenters also submitted form letters stating that, if the NCUA did not distribute the maximum amount, it would be ''dooming us to fail and claiming the hard won reserves our members have saved.'' Multiple commenters also argued that an increase to the Insurance Fund's equity ratio through an adjustment to the normal operating level was not warranted for Legacy Asset exposure because the distribution of Stabilization Fund equity to the Insurance Fund would cover such exposure. A few commenters requested or suggested more time to review and respond to the Board's proposal or lamented that they did not have more time to review and respond. One commenter proposed putting off the proposal until 2018 to permit more time for review.

Many commenters had an inaccurate understanding of one or more of the following: (a) The law governing credit union liquidations; (b) the difference between distributions from the Insurance Fund to insured credit unions and distributions to claimants from asset management estates; (c) whether the timing of the Stabilization Fund's closure could affect overall distributions to either insured credit unions or former capital holders of the corporate credit unions; (d) the interaction of the Insurance Fund's equity ratio and its normal operating level; and (e) how the 1.30 percent equity ratio and normal operating level survived the financial crisis without immediate and heavy assessments. Almost fifty commenters advocated or mentioned a particular distribution method under the Board's separate proposal to amend 12 CFR 741.4.

III. The Board's Response to Comments

The Board considered all of the comments and provides responses below to the salient arguments and concerns commenters raised.

A. Closing the Stabilization Fund

In response to commenters that suggested the NCUA could make distributions to the Insurance Fund or to credit unions directly from the Stabilization Fund without closing it, the Board continues to see no legal basis for discretionary, non-closure distributions. This is true for either direct distributions to credit unions or non-closure distributions to the Insurance Fund. Commenters that urged non-closure distributions argued the NCUA would receive deference on its interpretation because the Act's silence on the subject creates ambiguity. However, these arguments are based on flawed legal, factual, and policy assumptions, which even substantial deference may not support.

First, the Stabilization Fund is not silent on distribution authority. The legislation expressly references distributions, but only in relation to two circumstances. One, the legislation expressly prohibits an otherwise required end-of-year distribution from the Insurance Fund to insured credit unions if the Stabilization Fund has an outstanding advance from the Treasury. And, two, the legislation requires a distribution of all funds and property in the Stabilization Fund when the Board closes the Fund. Nowhere does the legislation discuss optional, non-closure distributions to the Insurance Fund (or to credit unions directly) prior to the Stabilization Fund's closure. Instead, as the Board noted in the July 2017 Notice, the legislation makes direct and express reference to particular Insurance Fund authorities that also apply to the Stabilization Fund (insurance payments, special assistance payments, and administrative or other Title II expenses). These direct and express references exclude the authorities the Act provides with respect to equity distributions to insured credit unions from the Insurance Fund.

Second, the Act requires that, before the Board authorizes any non-closure payment from the Stabilization Fund, it must ''certify that, absent the existence of the Stabilization Fund, the Board would have made the identical payment out of the [Insurance Fund].'' The Board must report these certifications to specified congressional committees. Especially with respect to a non-closure distribution to the Insurance Fund (as at least one commenter now urges), it is unclear how the Board would certify that the Insurance Fund could have made such a payment to itself. These provisions make it unwise to assume a court (or Congress) would approve of an interpretation that the NCUA can distribute funds between the Stabilization Funs and Insurance Fund outside of the circumstances described in the Act.

Third, contrary to what one of the principal proponents of non-closure distributions from the Stabilization Fund contends, the Insurance Fund is not ''owed a refund from the Stabilization Fund as a result of conserved and liquidated corporate credit unions.'' Other than the $1 billion capital note issued to U.S. Central Federal Credit Union, no material expenses related to the conserved and liquidated corporate credit unions were

paid from the Insurance Fund. Immediately after Congress established the Stabilization Fund, the Board transferred the $1 billion capital note receivable to the Stabilization Fund, at which time the Insurance Fund received full payment on the capital note from the Stabilization Fund. These events are all reflected in public Board records and the audited 2009 financial statements for the Insurance Fund and Stabilization Fund, available on the NCUA's Web site. Until the Board votes to close the Stabilization Fund or it reaches its statutory expiration date, thus triggering the distribution of all Stabilization Fund assets and liabilities to the Insurance Fund, the Insurance Fund has no receivable from the Stabilization Fund to support a payment characterized as a refund.

Finally, the Board is skeptical Congress would approve of discretionary, non-closure distributions to credit unions or to the Insurance Fund because the Stabilization Fund has, at the Board's request, unhindered access to $6 billion in general tax revenues from the U.S. Treasury. Nothing in the Stabilization Fund legislation informs when or how non-closure general distributions would or could take place. Although the Insurance Fund shares the same U.S. Treasury borrowing authority, the Act imposes multiple timing, amount, and circumstance limitations with respect to its equity distributions. The Board believes a loose interpretation with respect to non-closure Stabilization Fund distributions poses a high risk that such distributions would be viewed unfavorably, with potential adverse consequences.

A few commenters also argued the NCUA could make distributions directly from the Stabilization Fund to former capital holders of the corporate credit union asset management estates. This is not the case, however, because former capital holders have claims against the asset management estates, not against the Stabilization Fund or the Insurance Fund.[14] With respect to each asset management estate, capital holders can only receive payment after the Stabilization Fund has been fully reimbursed for payments made from the Stabilization Fund on behalf of the estate. This is because claims of the Stabilization Fund are senior to those of capital holders under 12 CFR 709.5(b), governing priority of payments in liquidation. Funds in the Stabilization Fund belong to the Stabilization Fund. These funds are not available to capital holders or any other claimants against the asset management estates.

A common comment was that the Board should maintain income and equity attributable to the Stabilization Fund in a separate account payable to credit unions and maintain separate operations for resolution of the corporate credit union estates after closing the Stabilization Fund. The Board assures commenters that corporate credit union asset management estates will continue to be administered as distinct entities, as the Act requires. However, the Board sees no basis on which it can maintain separate accounts for equity distributed from what was the Stabilization Fund to the Insurance Fund once the Stabilization Fund is closed.

Under the Act, all capital within the Insurance Fund contributes equally to its equity ratio if it is not a ''direct liabilit[y] of the Fund or contingent liabilit[y] for which no provision for losses has been made.'' [15] Thus, distributions cannot become direct liabilities of the Insurance Fund to support some type of account-payable treatment until the Insurance Fund's equity ratio exceeds the normal operating level as of the end of a calendar year and the available assets ratio exceeds 1.0 percent.[16] Additionally, until an equity distribution occurs, all equity in the Insurance Fund is available for the purposes designated in the Act, including payments of insurance, special assistance, or administrative or other expenses incurred in carrying out the purposes of Title II of the Act.[17] There is no basis by which the Board can withhold equity transferred from the Stabilization Fund for a specific purpose. However, in its separate proposal on Insurance Fund distribution methods, the Board does attempt, to the extent possible, to treat distributions related to Stabilization Fund equity different from general equity distributions that might otherwise occur from the Insurance Fund.[18]

In response to commenters concerned that consolidation of the funds would cause less than full transparency regarding Insurance Fund distributions to credit unions and payments to former capital holders of the liquidated corporate credit unions, the Board reiterates that is not the case.

As the Board noted in the July 2017 Notice, closing the Stabilization Fund will not change the accounting or reporting of the corporate credit union asset management estates. Each asset management estate is, and will always be, a separate legal entity and no claims against those estates will be affected by the closing. Additionally, corporate credit union asset management estates will be reported separately from natural person credit union asset management estates. The post-closure financial statements and note disclosures for the Insurance Fund will continue to provide the same level of detail about the Insurance Fund's receivables from the corporate assets management estates and related fiduciary activities. Regularly updated information on the NCUA's Web site for the NGNs, Legacy Assets, and asset management estates will continue to be provided after closure of the Stabilization Fund.

As for the transparency related to Insurance Fund distributions, the Board has taken recent actions to increase transparency of the distribution process. Any resulting Insurance Fund distributions would be conducted in accordance with the Act and Part 741 of the NCUA's regulations. Interested stakeholders were provided an opportunity to comment on the proposed method for distributing equity from the Insurance Fund to insured credit unions in a Notice of Proposed Rulemaking approved by the Board in July 2017.[19]

Some commenters were concerned the Stabilization Fund's closure would affect the total distributions available to insured credit unions once the corporate credit union asset management estates were resolved, or the allocation of funds between credit unions that paid Stabilization Fund assessments and credit unions that hold certificates of claim against the asset management estates related to corporate credit union capital investments. However, these concerns are similarly unfounded.

Assuming all other potential equity ratio influences remain static, the Stabilization Fund's early closure will have no impact on the total distributions insured credit unions will receive once all corporate credit union legacy assets are resolved. This is because the amount of total receivables the Stabilization Fund holds against the asset management estates, which affects the amount that will eventually be distributed to credit unions depending on future performance of the Legacy

[14] *See* 12 CFR 709.5(b) (listing ''unsecured claims against the liquidation estate'').

[15] 12 U.S.C. 1782(h)(2).

[16] 12 U.S.C. 1782(c)(3).

[17] 12 U.S.C. 1783(a).

[18] Notice of Proposed Rulemaking ''Requirements for Insurance; National Credit Union Share Insurance Fund Equity Distributions'' 82 FR 35705 (Aug. 1, 2017).

[19] ''Requirements for Insurance; National Credit Union Share Insurance Fund Equity Distributions,'' 82 FR 35705 (Aug. 1, 2017).

Assets, will not change as a result of the closure. All receivables the Stabilization Fund holds as of October 1, 2017 will be distributed to the Insurance Fund and equity will build from those receivables in the Insurance Fund rather than building and remaining in the Stabilization Fund until its scheduled closure date in 2021. Equity that builds in the Insurance Fund will become available for future distributions to the extent the equity ratio exceeds the normal operating level at the end of a calendar year.

Instead of affecting total distribution amounts, early closure means credit unions will see a portion of total distributions sooner than they would if the Board continued to hold equity in the Stabilization Fund. If the Board continues to hold equity in the Stabilization Fund, credit unions are more likely to see fewer but individually larger distributions after the Stabilization Fund is closed at some future date, Aggregate distributions will not change, however, based on when the Stabilization Fund is closed. Also, if the Stabilization Fund is not closed in 2017, credit unions may be subject to an Insurance Fund premium in the near future to maintain the equity ratio at a prudent level.

Although closure has no isolated impact on total distributions credit unions will eventually receive, future distribution amounts could change based on other factors, including but not limited to (a) greater than or less than expected losses to the Insurance Fund; (b) worse-than or better-than-expected Legacy Asset performance (which, along with legal recoveries, are the principal source for reimbursing Stabilization Fund claims against the asset management estates); (c) worse-than or better-than-expected investment returns; (d) insured share growth that is lower or higher than expected; or (e) changes to the Insurance Fund's normal operating level. Each of these factors, however, is independent of the Stabilization Fund's closure.

Although one commenter argued the NCUA should treat the corporate asset management estates collectively for purposes of paying claims against the estates under 12 CFR 709.5(b), governing priority of claims, this approach would not be consistent with the applicable statutory and regulatory provisions. Under the Act, the Board as liquidating agent must ''pay all valid obligations of [a liquidated credit union] in accordance with the prescriptions and limitations of [the Act].'' [20] With respect to liquidation priorities, the Act requires the Board to ''retain for the account of the Board such portion of the amounts realized from any liquidation as the Board may be entitled to receive in connection with the subrogation of the claims of accountholders'' and to ''pay to accountholders and other creditors the net amounts available for distribution to them.'' [21] NCUA regulations further specify, consistent with principles that apply in general bankruptcies, that the administrative expenses associated with a liquidation receive priority over all other claims.[22] Finally, case law related to the unwinding of financial institutions imposes fiduciary like duties on the receiver for an insolvent financial institution (or in the NCUA's case, the liquidating agent).[23] Based on these applicable authorities and principles, the Board believes treating the asset management estates collectively for purposes of paying claims would cause material litigation risk. This litigation risk would arise because some estates would cover deficits in Stabilization Fund receivables related to other estates that suffered greater losses, potentially prejudicing subordinate creditors, including former capital holders.

Further, the commenter that raised this prospect is incorrect in stating that the Board already treated the five asset management estates as one entity for purposes of the NGN re-securitizations. On the contrary, consistent with the authority cited above, the Board initially accounted for and continues to account for each asset management estate on an individual basis throughout the NGN transactions. This includes tracking the ongoing performance of each security that each asset management estate contributed. It also includes, for any guaranty obligations that accrue, allocating the liability for reimbursement to particular estates based on the performance of the assets they contributed.

In line with this allocation practice, the legal documents related to each transaction, including owner trust certificates that represent a claim to residual assets, reflect the separate contributions of each asset management estate. Similarly, the Board, as liquidating agent, has allocated amounts from legal recoveries to individual asset management estates based on their ownership of securities to which the recovery relates. This process is described in more detail on the NCUA's Web site and reflects the Board's position that each asset management estate is, and should be, treated as a distinct legal entity.

B. Normal Operating Level

In response to the commenter that characterized the NCUA's proposed closure of the Stabilization Fund as a ''cash grab,'' the Board reaffirms its position that the agency should maintain a resilient Insurance Fund for the mutual benefit of the credit union community and taxpayers. It is also important for the NCUA to avoid or minimize Insurance Fund premiums, especially during times of economic stress, to keep money at work in the credit union community when it is needed most.

To that end, as outlined in the July 2017 Notice, the Board's main objectives in setting the normal operating level are as follows:

- Retain public confidence in federal share insurance;
- Prevent impairment of the one percent contributed capital deposit; and
- Ensure the Insurance Fund can withstand a moderate recession without the equity ratio declining below 1.20 percent over a five-year period.

Therefore, the Board has set the normal operating level at 1.39 percent to account for:

- A 13-basis-point decline in the equity ratio due to the impact of the three primary drivers of the Insurance Fund's performance;
- A 4-basis-point decline in the value of the Insurance Fund's claims on the corporate credit union asset management estates; and
- A 2-basis-point decline in the equity ratio expected to occur prior to when the remaining NGNs begin to mature in 2020 and remaining exposure to the Legacy Assets can begin to be reduced. This helps ensure the 4 basis points of additional equity to account for the potential decline in value of the claims on the asset management estates is maintained in the Insurance Fund until Legacy Assets can be sold.[24]

Multiple commenters alleged it would be illegal for the NCUA to increase the Insurance Fund's equity ratio above 1.30 percent as a result of equity now held in the Stabilization Fund. This argument leads to potentially two flawed conclusions: (1) The Board must choose between closing the Stabilization Fund and increasing the normal

[20] 12 U.S.C. 1787(b)(2)(F).

[21] 12 U.S.C. 1787(b)(11).

[22] 12 CFR 709.5(b).

[23] *See Golden Pac. Bancorp.* v. *F.D.I.C.,* 375 F.3d 196, 201 (2d Cir. 2004) (''It is undisputed that, as a receiver, the FDIC owes a fiduciary duty to the Bank's creditors and to Bancorp.'').

[24] The Board must consider retaining this equity now because, as the equity ratio declines, the Board would be unable to replenish the equity through premium assessments as long as the equity ratio remains above 1.30 percent, per the Act. 12 U.S.C. 1782(c)(2)(B).

operating level and it cannot do both; and (2) the Board can never close the Stabilization Fund if its closure would, for any period, result in an equity ratio that exceeds 1.30 percent. Once again, this argument rests on faulty legal and factual assumptions.

With respect to closing the Stabilization Fund, the Act requires the Board to contemporaneously distribute Stabilization Fund assets to the Insurance Fund. This distribution requirement does not vary based on the effect it will have on the Insurance Fund's equity ratio. The Board thinks it unlikely a court would find it illegal for the Board to do what the Act unambiguously requires. Further, the Stabilization Fund assessments were legal at the time they were assessed, and the Board sees no means by which they would become illegal in 2017 as a result of a mandatory distribution to the Insurance Fund at the Stabilization Fund's closure.

With respect to the normal operating level, under the Act, the Board can designate the ratio at a level it deems appropriate at any time, from a minimum of 1.20 percent to a maximum of 1.50 percent. The Board's discretion to designate the normal operating level within that range is not limited (a) based on the source of funds that could increase the equity ratio above 1.30 percent or (b) by the NCUA's assessment authority. While the Board cannot impose an Insurance Fund assessment once the equity ratio is at or above 1.30 percent, the Board sees no reasonable argument that the equity the Stabilization Fund would distribute to the Insurance Fund is from (or becomes) an Insurance Fund assessment at the Stabilization Fund's closure.

Finally, these commenters' argument rests on an incorrect factual assumption: That equity presently in the Stabilization Fund is solely attributable to Stabilization Fund assessments as opposed to cash collected from receivables from the asset management estates. In fact, increases in the value of the receivables from the asset management estates (from legal recoveries and improvements in the value of the Legacy Assets) have contributed significantly to the Stabilization Fund's net position. The NCUA was unable to fully repay Stabilization Fund borrowings from the assessments that had been paid by insured credit unions, which were last charged in 2013. Since that time, the Stabilization Fund has collected approximately $3 billion from the asset management estates, principally funded from legal recoveries and asset sales. These funds enabled the NCUA to fully repay the U.S. Treasury in October 2016, and account for the Stabilization Fund's current cash position. As such, there is a compelling argument that equity in the Stabilization Fund as of 2017 consists of asset management estate receivables, not assessments.

For the same reasons, no additional amounts the Insurance Fund will continue to collect before the end of 2017 and that could contribute to increasing the Insurance Fund's equity ratio above 1.30 percent after 2017 (and result in additional distributions) will be attributable to assessments. Although prior assessments make present-day receivables available as equity for distribution to the Insurance Fund when the Stabilization Fund closes, whether the Board should raise the normal operating level in connection with the Fund's closure is a policy determination. There are no legal provisions that preclude the proposed increase in the Insurance Fund's normal operating level.

The Board understands commenters' concern that it is improper to improve the Insurance Fund's equity position using dollars from credit unions that paid Stabilization Fund assessments in the abstract, but believes it is factually unpersuasive. Under the Act, the group of credit unions required to pay a premium to the Insurance Fund or to the Stabilization Fund is identical.[25] The basis for calculating the premiums is also the same for both the Insurance Fund and the Stabilization Fund.[26] Further, for the Board to use the Stabilization Fund, the Act requires that it must have had the authority to make the same payment from the Insurance Fund.[27] Thus, the Insurance Fund's purposes and authorities completely envelope those related to the Stabilization Fund.

Finally, as a practical matter, there were only 21 credit unions that were chartered or that converted to federal insurance since the Stabilization Fund was created in 2009. Of these 21 credit unions, 17 filed a call report in the second quarter of 2017. These credit unions represent only 0.13 percent of total insured shares in the second quarter of 2017. Further, since joining the Insurance Fund, these credit unions have been subject to potential premiums, despite not existing at the time of corporate credit union losses.

As such, there is no strong legal or equitable basis to view Stabilization Fund equity, regardless of whether one considers it due to assessments or asset management estate receivables, as different from Insurance Fund equity. In addition, the Insurance Fund distributed funds to the Stabilization Fund in 2011, 2012, and 2013, in amounts of $278.6 million, $88.1 million, and $95.3 million, respectively, because the Act precluded Insurance Fund distributions to credit unions given then-outstanding borrowings from the U.S. Treasury. Efforts to distinguish the equity of the two funds on this basis do not hold up.

In response to commenters that urge a ''full rebate'' and those that believe failure to return all Stabilization Fund equity would be contrary to prior promises from the Board, the Board believes its plan to close the Stabilization Fund in 2017 and provide distributions to credit unions out of the Insurance Fund is consistent with information historically provided to stakeholders. Until 2013, when the projected assessment range became negative, the Board did not estimate that funds would be available to return to credit unions. Primarily due to the impact of legal recoveries, the agency started projecting negative assessments in 2013.

Consistent with information routinely published on the NCUA's Web site and presentations given at Board meetings, the projected negative assessment range was disclosed as subject to change. At no time has the projected negative assessment range included estimates sufficient to repay all assessments or a specified amount of former capital holders' claims. As the NCUA has repeatedly stated, the Wescorp asset management estate is not projected to ever be able to repay the Stabilization Fund (or Insurance Fund after closure). Therefore, it is unlikely a ''full rebate'' of Stabilization Fund assessments will ever be possible, consistent with previous statements from the NCUA regarding the potential for *some* return of funds to credit unions.

Therefore, the Board assumes that commenters are using the term ''full rebate'' to refer to a rebate of the entire amount of equity currently in the Stabilization Fund, rather than a rebate of all assessments ever paid into the Stabilization Fund. As noted in the July 2017 Notice, the Board believes it is prudent to retain some of the current Stabilization Fund equity to account for the Insurance Fund's existing and future

[25] *See* 12 U.S.C. 1782(c)(2) (''Each insured credit union shall . . . pay'') *and* 12 U.S.C. 1790e(d) (special premiums are assessed to ''each insured credit union.'').

[26] *See* 12 U.S.C. 1782 (''in an amount stated as a percentage of insured shares (which shall be the same for all insured credit unions))'' *and* 12 U.S.C. 1790e (''percentage of insured shares, as represented on the previous call report for each insured credit union. The percentage shall be identical for each insured credit union.'')).

[27] 12 U.S.C. 1790e(b).

risk exposures, which will ultimately benefit credit unions by eliminating or materially reducing the need for premiums during a moderate recession.

Additionally, the information on the NCUA's Web site and presented at open meetings of the Board is consistent with the statutory requirement that any distribution of Stabilization Fund equity to credit unions would occur after the Stabilization Fund is closed and to the extent the Insurance Fund's equity ratio exceeded the normal operating level.[28]

Many of the commenters that opposed any increase in the normal operating level contended no increase could be justified because a normal operating level of 1.30 percent had been sufficient to withstand the financial crisis. As outlined in the July 2017 Notice, the Stabilization Fund was created to accrue losses from corporate credit union failures and assess credit unions for such losses over time. This prevented insured credit unions from bearing a significant burden associated with the failure of five corporate credit unions within a short period. It did not shelter credit unions from being assessed for the losses, nor did it eliminate the need for Insurance Fund premiums to cover declines in the equity ratio from natural person credit union failures and insured share growth.

At year-end 2008, the normal operating level was 1.30 percent. In January 2009, prior to creation of the Stabilization Fund, credit unions were instructed to impair the one percent capital deposit by 69 basis points and record a premium expense of 30 basis points to restore the Insurance Fund's equity ratio to above the 1.20 percent statutory minimum.[29] However, because Congress took extraordinary and unprecedented action that allowed the NCUA to account for the corporate credit union losses in the Stabilization Fund, the NCUA passed back credit unions' 69 basis point deposit impairment.[30]

During the Great Recession, the Insurance Fund's equity ratio fell below 1.20 percent even without the corporate credit union losses—that is, only for natural person credit union losses—resulting in two Share Insurance Fund premiums totaling 22.7 basis points. Actual premium charges were 10.3 basis points in 2009 and 12.4 basis points in 2010 and totaled nearly $1.7 billion. As some commenters noted, these premiums had to be charged during the trough of the business cycle, when many credit unions were already facing financial difficulties. Therefore, while the NCUA was able to maintain the Insurance Fund's equity ratio above 1.20 percent during the Great Recession, it was only because of an act of Congress (creation of the Stabilization Fund) and premiums paid by credit unions at a time when they could least afford the expense. In another significant recession, stakeholders should not assume the NCUA could or should prevail upon Congress to establish a fund similar to the Stabilization Fund to again accrue significant near-term losses over time and avoid immediate assessments on insured credit unions.

For those commenters that cite the Insurance Fund and Stabilization Fund annual audits as support that there is no justification for raising the normal operating level, the Board would like to correct some misconceptions.

Similar to how credit union officials must make risk management decisions about the appropriate amount of capital to hold, the Board must make management decisions regarding the level of equity the Insurance Fund should maintain. A stronger capital position better enables the Insurance Fund to manage future uncertainties such as increased losses, high insured-share growth, and adverse economic cycles. While the amount of equity recorded and the calculation of the equity ratio are audited by an independent third party, the purpose of the audit is to ensure the Insurance Fund's financial statements are presented fairly, in all material respects, in accordance with the standards promulgated by the Federal Accounting Standards Advisory Board (FASAB). FASAB is designated by the American Institute of Certified Public Accountants as the source of generally accepted accounting principles for federal reporting entities.

The independent auditor's report of the Insurance Fund as of and for the years ended December 31, 2016 and 2015 discusses the equity ratio as a ''significant financial performance measure in assessing the ongoing operations of the NCUSIF.'' The audit does not opine on whether the amount of equity retained meets the Board's objectives for managing risk to the Insurance Fund.

With respect to the Stabilization Fund, the Board notes that the latest audit report states, ''there were no probable losses for the guarantee of NGNs associated with re-securitization transactions.'' However, the Board believes commenters failed to consider two factors.

First, the Legacy Assets underlying the NGNs *are expected to experience losses,* resulting in approximately $3.2 billion of estimated guarantee payments made by the NCUA. As stated in the audit report and excerpted below, the NCUA expects those payments related to Legacy Asset losses to be offset by reimbursements and residuals after the fact.

> As of December 31, 2016 and 2015, there were no probable losses for the guarantee of NGNs associated with the re-securitization transactions. Although the gross estimated guarantee payments were approximately $3.2 billion and $3.3 billion, respectively, these payments are estimated to be offset by:
>
> (i) Related reimbursements and interest from the Legacy Assets of the NGN Trusts received directly from contractual reimbursement rights pursuant to the governing documents of approximately $3.1 billion and $3.1 billion as of December 31, 2016 and 2015, respectively; and
>
> (ii) indirectly by collections pursuant to NCUA's right as liquidating agent from portions of the AMEs' economic residual interests in NGN Trusts of up to approximately $2.4 billion and $3.4 billion as of December 31, 2016 and 2015, respectively, that are estimated to remain after all obligations of the NGN Trusts are satisfied.

However, as noted, the guarantee payments are *estimated* to be offset by the reimbursements. The actual amount of future reimbursements is not certain, but based on projections that may vary (and have varied) over time, especially in the case of an economic downturn.

Second, the guarantee payment discussion does not include potential fluctuations in values related to Legacy Assets that are no longer securitizing the NGNs. The un-securitized Legacy Asset values are also based on projections that may vary over time, especially in the case of an economic downturn.

The audited financial statements reflect the accounting and valuation of assets and liabilities as of a certain date. The statements do not account for potential future economic downturns that would negatively impact the values. Therefore, the financial statements in no way undermine the Board's view that, as the insurer, it is prudent to ensure the Insurance Fund's equity is sufficient to withstand a moderate recession with minimal or no premium assessments.

The Board also believes some commenters are confusing the equity ratio and normal operating level with the Insurance Fund's Insurance and Guarantee Program Liability by stating that raising the normal operating level is

[28] *See* NCUA's Q4 2016 Costs and Assessments Q&A (response to question 8), December 2016 Board Briefing *NGN Legacy Asset Disposition Strategy* (slides 24–29), NCUA's Assessment Range Update Video (approximately 8–9 minute mark), and the September 2014 open meeting of the Board.

[29] *See* Letter to Credit Unions 09–CU–06 *Corporate Stabilization Program—Conservatorship of U.S. Central FCU and Western Corporate FCU* and NCUA Accounting Bulletin No. 09–2.

[30] *See* Letter to Credit Unions 09–CU–14 *Corporate Stabilization Fund Implementation.*

akin to a credit union over-reserving for loan losses. The Insurance Fund's equity ratio is a measure of equity (retained earnings and contributed capital) the Fund holds in relation to the amount of insured shares in federally insured credit unions. It is a similar concept to a credit union's net worth ratio, or a bank's capital ratio.

The Insurance Fund's Insurance and Guarantee Program Liability is a separate account. The Insurance and Guarantee Program Liability account is reported in accordance with Statement of Federal Financial Accounting Standard No. 5. The Insurance Fund records a contingent liability for probable losses relating to insured credit unions based on current economic and credit union-level data. The amount of this liability is adjusted based on changes in economic and credit union-level data. When economic conditions and credit union financial trends deteriorate, this liability will increase to reflect the increase in potential failures. However, if the NCUA is able to resolve problem credit unions without assistance from the Insurance Fund, the liability is no longer needed. Because the NCUA is unable to predict or quantify which credit unions may be resolved without assistance, the Insurance Fund must establish a contingent liability for all potential failures based on current data.

This account is similar to a credit union's reserve for loan losses and is audited annually by an independent third party. Thus, maintenance of the contingency liability must comply with accounting standards. This is different from maintenance of capital levels, which is a management decision. In addition, the Board's role as insurer is fundamentally different from that of a financial institution.

Further, to those commenters that cite the strength of the credit union system and recent regulatory changes as reason to retain 1.30 percent as the normal operating level, the Board agrees that the financial position of the credit union industry is strong. Additionally, the Board recognizes that supervisory requirements for large credit unions and restrictions for corporate credit unions help to reduce risk within the industry. However, the Board believes the risk profile of the credit union system continues to evolve with existing or known risks being replaced by new and emerging risks. From a risk management perspective, the Board believes it is prudent to consider both current and future risks and hold equity sufficient to mitigate the negative impact on credit unions—such as having to pay premiums when their financial position is not as strong.

In response to commenters that question the accuracy of loss estimates related to the Legacy Assets, the Board notes that the range of estimated aggregate resolution costs is lower than original estimates due to a number of factors, including the following:

- Better than expected recovery in the housing market;
- A sustained low interest rate environment; and
- Legal recoveries.

Resolution costs have declined significantly due to legal recoveries, which were not and could not be included in projections because they are inherently inestimable. The potential for legal recoveries increased materially when the NCUA initiated the Corporate System Resolution Program, which gave the asset management estates the benefit of the Act's extender statute. The extender statute preserved and strengthened a substantial portion of legal claims that otherwise may have expired. In addition, the NCUA's coordinated recovery efforts across the five failed corporates and its ability to coordinate with other government-related plaintiffs substantially increased recovery potential.

The impact legal recoveries had on the estimated resolution costs is significant. If legal recoveries are excluded, over the seven years since the NGNs were issued, the top of the projected range of costs has improved about 14 percent. The bottom of the projected range of costs has worsened by close to 3.8 percent. In light of their complexity and after adjustment for exogenous factors like legal recoveries, the cost projections have proven relatively accurate over a seven-year period. The legal recoveries allowed for full repayment of the U.S. Treasury borrowing. Without the legal recoveries, the NCUA would not have been able to fully repay the U.S. Treasury until 2021. Also, based on current estimates, without the legal recoveries there would be no surplus to fund a distribution.

The Board agrees with the commenter that pointed out that even a normal operating level of 1.39 percent would not have been sufficient to weather the Great Recession and absorb the losses from the failed corporate credit unions without assessing premiums. This fact only supports an increase. Determining the appropriate amount of capital to hold in the Insurance Fund is a risk management decision where the Board balances the need to maintain sufficient equity with the desire to keep money at work in the credit union community. While a normal operating level of 1.39 percent may not be sufficient for the Insurance Fund to withstand a *severe* recession without assessing premiums to credit unions or developing a restoration plan, it does align with the Board's objective of not having to assess premiums or develop a restoration plan during a *moderate* recession.

Additionally, if the Insurance Fund's equity ratio going into the Great Recession had been 1.39 percent instead of 1.30 percent, it may not have eliminated the need for premiums, but could have resulted in credit unions paying nearly $1 billion less in premiums during the middle of the financial crisis. The Board believes managing the Insurance Fund to be counter-cyclical by building up equity during prosperous times and allowing the equity to draw down during adverse economic conditions will enable credit unions to use funds at that time to serve members when they are needed the most.

The Board also agrees with those commenters that stated the assets transferred from the Stabilization Fund currently offset the liabilities transferred. For all intents and purposes, the net position of the Stabilization Fund is the difference between the book value of the assets and the book value of the liabilities—which is currently near $2.0 billion. Even if the Stabilization Fund is not closed, the value of the assets would decline in a moderate recession, while the value of the liabilities would remain the same or increase, resulting in a decrease to the net position under even a moderate recession.

Thus, once the Stabilization Fund is closed, the Insurance Fund's net position would decrease if the value of the transferred assets decreased. Therefore, the Board believes it is prudent to reserve $400 million (or approximately 4 basis points) of the existing $2.0 billion of the Stabilization Fund's equity to cover a potential decrease in the Insurance Fund's net position under a moderate recession.

A significant number of commenters attributed downward trends in the Insurance Fund's equity ratio to the cost of the NCUA's operations, recent increases in the NCUA's operating budget, and excessive Insurance Fund loss reserves. Operating expenses are not one of the three primary factors affecting the Insurance Fund's equity ratio—insured share growth, interest income on the fund's investment portfolio, and insurance losses. Operating expenses charged to the Insurance Fund have a significantly lower potential for altering the trend in the equity ratio. Without sacrificing the

agency's mission, the NCUA has limited ability to make operating expense reductions that would have a material impact on the equity ratio.

Given the Insurance Fund's current size, a $100 million change in the numerator of the ratio (made up of retained earnings and contributed capital) will change the equity ratio by approximately one basis point. This means that if the NCUA's operating expenses charged to the fund decreased by $100 million, the equity ratio would increase by one basis point. For context, the NCUA's entire 2017 budget is $298.2 million, of which approximately $200 million is projected to be charged to the Insurance Fund. The Board would need to cut operating expenses charged to the Insurance Fund by 50 percent to offset a one basis point annual reduction in the equity ratio, all other things being equal. While the Board strives to minimize all costs related to agency operations, indiscriminately reducing the operating budget for the purpose of preserving Insurance Fund equity would be ill-advised and counterproductive. The bulk of NCUA's budget, in fact, goes to supporting one of the most important aspects of the agency's mission: Reducing the likelihood of catastrophic Insurance Fund losses.

Increasing the normal operating level is an action separate and distinct from approving the agency's operating budget and overhead transfer rate. The Board carefully balances the need to manage the agency's expenses with the need to ensure a safe-and-sound credit union system. During the last NCUA budget briefing on October 27, 2016, staff outlined various initiatives to increase efficiency and operational improvements. The most significant is the adoption of the recommendations of the NCUA's Examination Flexibility Initiative working group as part of the agency's 2017 and 2018 budgets. Among other things, this initiative will extend the examination cycle for eligible credit unions—those that have less than $1 billion in assets and are considered well-run and well-capitalized—resulting in a reduction of 47 full-time equivalent positions by the end of 2018.

Additionally, at the Board's July 20, 2017 closed meeting, it approved a long-range agency restructuring plan to enhance efficiency, responsiveness, and cost-effectiveness. Under the plan, the NCUA will consolidate the agency's five regional offices into three, eliminate four of the agency's five leased spaces, eliminate offices, and reduce the workforce through attrition. The Board has recently announced the process for another public budget briefing to be held in October 2017 and looks forward to receiving stakeholder input.

The Board disagrees with commenters that state the Insurance Fund's performance horizon should be two years instead of five. As outlined in the July 2017 Notice and discussed at the July 2017 Board meeting, a five-year horizon for modeling the Insurance Fund was selected for a number of reasons. One compelling reason is that the National Bureau of Economic Research—the not-for-profit research organization that establishes the beginning and end of U.S. business cycles—has calculated that the United States has averaged 69 months from the peak of one business cycle to the next. The Board elected to use a five-year horizon because it covers most of the business cycle, aligns with the remaining life of the NGN Program, and is consistent with the agency's strategic plan time horizon.

Though a recession may end, the economy may remain very weak during the recovery period. A struggling economy also poses risks to credit unions, and a thorough analysis of the Insurance Fund's equity position needs to account for the period of continued economic weakness, which more realistically reflects a recession's effects on the credit union industry.

The Board agrees with commenters that noted the agency has various options available to manage the Insurance Fund. The Board continues to believe the most desirable option is to maintain a counter-cyclical posture for the Insurance Fund, which reduces the likelihood of burdening insured credit unions with premium expenses during an economic downturn. Requiring credit unions to pay premiums in the midst of a financial crisis is generally undesirable because many credit unions are facing earnings and other operational issues, and extraordinary premium expenses could increase failure rates. It is during the bottom of an economic cycle that it is most important to keep funds at work in the credit union system so they can continue to serve their members.

As outlined in the July 2017 Notice, the Board believes its authority to establish a Fund restoration plan in lieu of mandatory premiums should only be used for severe, unexpected circumstances. While the Board can develop a restoration plan to restore the Insurance Fund's equity ratio to 1.20 percent within eight years (or longer in extraordinary circumstances), this could necessitate one or more relatively large premiums. It could also extend over multiple business cycles, resulting in a further extended effort to rebuild Insurance Fund equity. These circumstances could significantly erode public confidence in federal share insurance.

Some commenters supported a temporary increase to 1.34 percent to cover exposure to Legacy Assets, while others suggested an increase to 1.35 percent. The Board notes that both of these suggestions ignore that exposures to the Insurance Fund must be considered in total.

Because a moderate recession would affect both the traditional primary drivers of the Insurance Fund (yield on investments, insurance losses, and insured share growth) and the value of the Legacy Assets, the Board must account for both of these exposures. Therefore, it would be inconsistent to only account for the potential decline in value of the Legacy Assets under a moderate recession, and not the traditional exposures to the Insurance Fund, by setting the normal operating level at 1.34 percent. Conversely, setting the normal operating level at 1.35 percent would only account for the traditional exposures of the Insurance Fund. However, if the Stabilization Fund were closed, the Insurance Fund would be exposed to additional risk from the potential decline in the value of the Legacy Assets.[31]

Many commenters urged the Board to set a defined schedule or express specific intent to move the normal operating level back to 1.30 percent as exposure to Legacy Assets decreases. As outlined in the July 2017 Notice, the Board acknowledges that additional risk exposure from the Legacy Assets will only be present until the end of the NGN Program, assuming expedient Legacy Asset sales thereafter. Therefore, once the Insurance Fund's exposure to this risk expires, additional equity for the Legacy Assets will no longer be necessary.[32] As outlined in the July 2017 Notice, the Board believes the NCUA should periodically review the equity needs of the Insurance Fund and provide this analysis to stakeholders. Thus, the Board intends for the normal operating level to be re-assessed periodically.

However, the Board believes it would be imprudent to arbitrarily set a future normal operating level based on current data. Instead, it is reasonable for a future

[31] During a recession, the value of the Legacy Assets is expected to decline, while the liabilities associated with these assets would remain the same or potentially increase. This would reduce the net position of the Insurance Fund and the equity ratio.

[32] If the Stabilization Fund is not closed, and the Board adopted this methodology for setting the normal operating level, staff would recommend the Board set the normal operating level at 1.33 percent.

Board to set the normal operating level to meet the objectives outlined in the Board's policy for setting the normal operating level based on contemporary data. Further, while the normal operating level has historically been 1.30 percent, it would be arbitrary to retain that number as the current or future normal operating level just because that is the number it has always been. Instead, the Board has elected to set the normal operating level by considering recent history and using a documented, consistent methodology to enhance transparency of the process.

One commenter supported a temporary increase of the Insurance Fund's equity ratio to 1.30 percent but only for so long as Legacy Asset exposure remained. This commenter stated that all equity related to the Stabilization Fund should be distributed once Legacy Asset exposure subsided, including funds needed to increase the Insurance Fund's equity ratio to 1.30 percent. Thus, this commenter implied the Board should decrease the normal operating level below 1.30 percent to meet the equity ratio at the time of the Stabilization Fund's closure to permit distribution of all equity received from the Stabilization Fund.

In the Board's understanding, following the position of this commenter would require the Board to commit to reducing the normal operating level in 2021 to equal the Insurance Fund's sub-1.30 percent equity ratio as of October 1, 2017, the date of the Stabilization Fund's closing. This would, at the end of 2021, trigger a distribution of whatever amounts, if any, remained in the Insurance Fund above the newly lowered normal operating level. While the Board has the legal authority to make such a commitment, it could not bind future Boards to follow it. Further, this approach would only result in a distribution of equity to the extent insurance losses or other impacts on the Insurance Fund had not lowered the equity ratio below what it was at the Stabilization Fund's closure.

While the Board could reduce the normal operating level to as low as 1.20 percent to orchestrate a distribution, it could not, due to statutory constraints, lower the normal operating level below 1.20 percent to accommodate a certain distribution amount that might relate back to Stabilization Fund equity.[33] Thus, this commenter's suggestion provides no guarantee that a certain amount of equity can be returned in 2021. Finally, even if circumstances in 2021 are such that a distribution could be triggered, the Board thinks a reduction in the normal operating level at that time for the sole purpose of triggering a defined distribution amount would be an unwise policy choice. The Board believes the prudent approach at that time would be to consider where the normal operating level should be designated based on all relevant and contemporary data.

C. Additional Comments

In response to those commenters that requested additional time to review and respond to the July 2017 Notice, the Board acknowledges the comment period was less than the customary 60 days (the actual comment period was 48 days). The comment period was accelerated to provide the Board enough time to consider comments and make a final determination of closing the Stabilization Fund by year-end 2017, to make it possible for a distribution to insured credit unions in 2018.[34] The Board made substantial efforts to ensure stakeholders were provided with sufficient support and data regarding the NCUA's proposal to close the Stabilization Fund and set the normal operating level at 1.39 percent. Further, some credit unions and trade organizations have been requesting the NCUA consider closing the Stabilization Fund for at least a year. The Board noted on multiple occasions since the beginning of 2017 that NCUA staff were researching the process and timing for prudently closing the Stabilization Fund. Thus, the proposal was not unexpected.

If the Board puts off the proposal further, equity will continue to build in the Stabilization Fund. Thus, the Board agrees with most commenters that see no reason to delay the proposal until a future date. As long as the NCUA maintains sufficient equity in the Insurance Fund to cover the remaining obligations from the Corporate System Resolution Program on top of its ongoing obligations, closing the Stabilization Fund now makes sense.

The Board acknowledges the commenters' emphasis on transparency and agrees that the agency has a responsibility to provide stakeholders with as much information as possible without disclosing confidential supervisory information. This applies not only to the Stabilization Fund's operations, but also to how the corporate credit union asset management estates are administered. Because of the complexity and extent of information regarding the Legacy Assets, NGNs, and asset management estates, the NCUA has developed Web pages on its public Web site dedicated to the corporate resolution and NGNs. The agency transparently described the equity ratio calculations, normal operating level, and Corporate System Resolution Program status in staff's presentations to the NCUA Board at its November 2016, December 2016, and July 2017 open meetings, in the request for comment published in the **Federal Register** in July 2017, during a webinar the NCUA hosted on this subject in August 2017, and in all the related materials that are posted on the NCUA's Web site.[35]

Subsequent to the July 2017 Notice, the NCUA enhanced its reporting to show the transactions and projections related to each corporate credit union asset management estate. The information on legal recoveries also receives regular updates, including information on how legal recoveries are allocated to each asset management estate.

The Board continually seeks ways to ensure the information presented is clear, comprehensive, and useful. If stakeholders have questions or suggestions regarding the information available, the Board invites them to contact the NCUA at *ngnquestions@ncua.gov.*

Some commenters expressed a preference that the Board consider an increase to the Insurance Fund's normal operating level in a proposal completely separate from any related to closing the Stabilization Fund. Because closing the Stabilization Fund increases the risk to the Insurance Fund, evaluating the normal operating level is a necessary component of the decision to close the Stabilization Fund. Proposing both actions together in a fully transparent manner gave credit unions the opportunity to review and comment on the entire scope of the NCUA's plan related to closing the Stabilization Fund.

Contrary to what some comments seem to imply, the Board is not aware of any credit unions that would fail based simply on not receiving an Insurance Fund distribution next year.

[33] Additionally, projections show the equity ratio will decline based on current trends. If the Board set the normal operating level at 1.20 percent and the equity ratio fell to 1.20 percent because of a distribution, the equity ratio would immediately be projected to fall below 1.20 percent, triggering a premium or restoration plan in accordance with the Act. 12 U.S.C. 1782(c)(2).

[34] In accordance with the Act, the Insurance Fund shall effect a pro rata distribution to insured credit unions after each calendar year if, as of the end of that calendar year, the equity ratio exceeds the normal operating level. 12 U.S.C. 1782(c)(3).

[35] *See https://www.ncua.gov/regulation-supervision/Pages/stabilization-fund-closure.aspx.*

When Stabilization Fund assessments were collected, they were accounted for as expenses to credit unions and income to the Stabilization Fund. As the performance of the Legacy Assets improved and the NCUA collected legal recoveries, the *projected* assessment range became negative for the first time in 2013, indicating *projected* assessment rebates and recoveries of depleted corporate capital. At no time did the NCUA guarantee that assessment rebates would be made.[36]

Rather, the Board noted that the assessment rebates were projections and subject to change. Therefore, credit unions should not have been relying on a possible refund for managing their financial condition.[37]

A few commenters stated the ''proposed method for closing the [Stabilization Fund] does nothing to address the excessive $1B charged since its creation to the [Asset Management Estates] by the NCUA.'' It is unclear what expenses these commenters are referring to. The losses related to the corporate credit unions are described on the NCUA's Web site. They include, among others, losses on investment securities (Legacy Assets), as well as costs of funding other pre-liquidation obligations the corporate credit unions had incurred. Every effort was made to keep the costs of resolving the failed corporate credit unions as low as possible.[38] However, the resolution of the corporate credit unions was necessary and allowed the NCUA and credit union community to contain the financial and operational impact of the crisis. In addition, without being conserved and liquidated, the corporate credit unions (1) would have been unable to extend operations for the time required to realize uncertain legal recoveries; and (2) would have been unable to recover the material amounts the Board was able to recover without the benefit of the Act's extender statute. Funds now available for distribution to credit unions are due principally to legal recoveries that enabled the asset management estates to repay some of the losses the Stabilization Fund incurred.

The Board appreciates commenters that considered how closing the Stabilization Fund might affect the NCUA's contingency funding. The Board reminds stakeholders that Public Law 111–22, *Helping Families Save Their Homes Act of 2009,* increased the NCUA's borrowing authority with the U.S. Treasury to $6 billion. This borrowing authority is shared by both the Stabilization Fund and the Insurance Fund. With closure of the Stabilization Fund, the Insurance Fund will retain the $6 billion borrowing authority. The Central Liquidity Facility's contingency funding ability is not altered by closure of the Stabilization Fund.

The Board will address comments on its separate proposal to amend the Insurance Fund distribution method in 12 CFR 741.4 in a separate action.

IV. Final Action

After considering the comments received, the Board approves the following:

1. Closing the Stabilization Fund in 2017 and distributing its funds, property, and other assets and liabilities to the Insurance Fund on October 1, 2017.[39]
2. Setting the normal operating level of the Insurance Fund to 1.39 percent, effective September 28, 2017.[40]
3. Adopting the policy for setting the normal operating level, as outlined below.

Policy for Setting the Normal Operating Level

Periodically, the NCUA will review the equity needs of the Insurance Fund and provide this analysis to stakeholders. Board action is only necessary when this review suggests that a change in the normal operating level is warranted. Any change to the normal operating level of more than 1 basis point shall be made only after a public announcement of the proposed adjustment and opportunity for comment. In soliciting comment, the NCUA will issue a public report, including data supporting the proposal.

When setting the normal operating level, the Board will seek to satisfy the following objectives:

- Retain public confidence in federal share insurance;
- Prevent impairment of the one percent contributed capital deposit; and
- Ensure the Insurance Fund can withstand a moderate recession without the equity ratio declining below 1.20 percent over a five-year period.

By the National Credit Union Administration Board on September 28, 2017.

Gerard S. Poliquin,

Secretary of the Board.

[FR Doc. 2017–21305 Filed 10–3–17; 8:45 am]

BILLING CODE 7535–01–P

[36] The agency is under no legal obligation to distribute any funds to insured credit unions other than amounts above where the NCUA Board sets the normal operating level. In accordance with the Act, the Board can only set the normal operating level as high as 1.50 percent. 12 U.S.C. 1782(h)(4).

[37] Credit unions must be able to operate under a business model that provides for positive earnings and the accumulation of net worth irrespective of potential one-time increases in income. By their nature, one-time payouts such as a distribution from the Insurance Fund, are unpredictable and non-recurring. Therefore, credit unions must be able to operate in a safe and sound manner through normal, routine operations.

[38] NCUA has provided details of the liquidation expenses and costs associated with each asset management estate on its Web site. *See* NCUA's Q4 2016 Costs and Assessments Q&A (response to question 15) and the Stabilization Fund's financial statements for additional information.

[39] As noted in the July 2017 Notice, the Stabilization Fund will be audited as of September 30, 2017. The financial statements of the Insurance Fund will continue to be presented under standards promulgated by the Federal Accounting Standards Advisory Board and audited each calendar year. The post-closure financial statements and note disclosures for the Insurance Fund will continue to provide the same level of detail about the receivables from the corporate asset management estates and related fiduciary activities.

[40] As explained in the July 2017 Notice, an equity ratio of 1.39 percent will allow the Insurance Fund to withstand a moderate recession without the equity ratio falling below 1.20 percent over a five-year period.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Notification of a Public Meeting of the President's Commission on Combating Drug Addiction and the Opioid Crisis (Commission)

AGENCY: Office of National Drug Control Policy (ONDCP).

ACTION: Notice of meeting.

SUMMARY: ONDCP announces the fourth meeting of the President's Commission on Combating Drug Addiction and the Opioid Crisis to advance the Commission's work on drug issues and the opioid crisis per Executive Order 13784. The meeting will consist of discussion regarding insurance issues related to the opioid epidemic.

DATES: The Commission meeting will be held on Friday October 20, 2017 from 11:00 a.m. until approximately 1:00 p.m. (Eastern time).

ADDRESSES: The meeting will be held at the Eisenhower Executive Office Building, Room 350, in the Executive Office of the President in Washington, DC. It will be open to the public through livestreaming on *https://www.whitehouse.gov/live.*

FOR FURTHER INFORMATION CONTACT: General information concerning the Commission and its meetings can be found on ONDCP's Web site at *https://www.whitehouse.gov/ondcp/presidents-commission.* Any member of the public who wishes to obtain information about the Commission or its meetings that is not already on ONDCP's Web site or

who wishes to submit written comments for the Commission's consideration may contact Michael Passante, Designated Federal Officer (DFO) via email at *commission@ondcp.eop.gov* or telephone at (202) 395–6709. Please note that ONDCP may post such written comments publicly on our Web site, including names and contact information that are submitted. There will not be oral comments from the public at the meeting. Requests to accommodate disabilities with respect to livestreaming or otherwise should also be sent to that email address, preferably at least 10 days prior to the meeting to allow time for processing.

SUPPLEMENTARY INFORMATION: The Commission was established in accordance with E.O. 13784 of March 29, 2017, the Commission's charter, and the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2, to obtain advice and recommendations for the President regarding drug issues. The Executive Order, charter, and information on the Members of the Commission are available on ONDCP's Web site. The Commission will function solely as an advisory body and will make recommendations regarding policies and practices for combating drug addiction with particular focus on the current opioid crisis in the United States. The date of the Commission's final report has been extended until November 1, 2017. Per E.O. 13784, the Commission shall:

a. Identify and describe the existing Federal funding used to combat drug addiction and the opioid crisis;

b. assess the availability and accessibility of drug addiction treatment services and overdose reversal throughout the country and identify areas that are underserved;

c. identify and report on best practices for addiction prevention, including healthcare provider education and evaluation of prescription practices, collaboration between State and Federal officials, and the use and effectiveness of State prescription drug monitoring programs;

d. review the literature evaluating the effectiveness of educational messages for youth and adults with respect to prescription and illicit opioids;

e. identify and evaluate existing Federal programs to prevent and treat drug addiction for their scope and effectiveness, and make recommendations for improving these programs; and;

f. make recommendations to the President for improving the Federal response to drug addiction and the opioid crisis.

Dated: September 29, 2017.

Michael Passante,

Deputy General Counsel, Designated Federal Officer.

[FR Doc. 2017–21360 Filed 10–3–17; 8:45 am]

BILLING CODE 3280–F5–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0199]

Availability of Revised NRC Form 3, "Notice to Employees"

AGENCY: Nuclear Regulatory Commission.

ACTION: Generic communications; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is announcing the availability of the latest version of NRC Form 3, ''Notice to Employees.'' The NRC Form 3 describes certain responsibilities and rights of employers and employees who engage in NRC-regulated activities. Licensees are required by law to post the form at prominent locations at the workplace to permit workers to view it easily. Additionally, the NRC is announcing that future revisions of Form 3 will be publicized through an alternative electronic means in addition to the **Federal Register**.

DATES: The revised form is available as of October 4, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0199 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–2017–0199. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *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 email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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: Lisamarie L. Jarriel, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9006, email: *Lisamarie.Jarriel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The purpose of this notice is to inform all licensees that NRC Form 3, ''Notice to Employees,'' has been revised. The NRC Form 3 describes certain responsibilities and rights of employers and employees who engage in NRC-regulated activities, including how employees can report violations or other safety concerns directly to the NRC. Section 19.11(e)(1) of title 10 of the *Code of Federal Regulations* (10 CFR), states that licensees shall prominently post the most recent version of NRC Form 3, ''Notice to Employees'' within 30 days of receiving the revised NRC Form 3 from the Commission.

In a 1997 rulemaking, 10 CFR 19.11 was amended to incorporate a reference to the latest version of NRC Form 3. This eliminated the need to revise the CFR whenever NRC Form 3 is changed, which had been the previous practice. The final rule published on September 15, 1997 (62 FR 48165) indicated that the NRC would inform licensee of future changes to NRC Form 3 by an administrative letter and, in addition, the availability of any new versions would be noticed in the **Federal Register**. Administrative letters were a type of generic communication issued to inform addressees of specific regulatory or administrative information but were discontinued in September 1999. As such, in lieu of an administrative letter, this revision and future revisions will be publicized through an alternative electronic means (*i.e.* Web site notice, social networking service, etc.) to alert all licensees of the new revisions, as well as in the **Federal Register**.

A new version of NRC Form 3 was issued in August 2017, to make a correction to the map of the NRC Regions and clarify operation of the Headquarters Operations Center. To view the current version of NRC Form 3 (8/2017), please go to *https://www.nrc.gov/reading-rm/doc-*

collections/forms/nrc3.pdf. A Spanish language version of the form (NRC Form 3A) can also be found at *https://www.nrc.gov/reading-rm/doc-collections/forms/nrc3a.pdf* . Additional copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office, or via email to *FORMS.Resource@nrc.gov.* A list of current NRC Headquarters and Regional offices is available on NRC's public Web site, *http://www.nrc.gov/about-nrc/locations.html.*

Dated at Rockville, Maryland, this 28th day of September 2017.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Director, Office of Enforcement.

[FR Doc. 2017–21349 Filed 10–3–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–498 & 50–499; NRC–2010–0375]

STP Nuclear Operating Company; South Texas Project, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal and record of decision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued renewed Facility Operating License Nos. NPF–76 and NPF–80 to STP Nuclear Operating Company (licensee), the operator of the South Texas Project (STP), Units 1 and 2. Renewed Facility Operating License Nos. NPF–76 and NPF–80 authorize operation of STP by the licensee at reactor core power levels not in excess of 3,853 megawatts thermal for each unit, in accordance with the provisions of the STP renewed licenses and technical specifications. In addition, the NRC has prepared a record of decision (ROD) that supports the NRC's decision to renew Facility Operating License Nos. NPF–76 and NPF–80.

DATES: The renewal of Facility Operating License Nos. NPF–76 and NPF–80 was issued on September 28, 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; email: *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 email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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: Lois M. James, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–3306; email: *Lois.James@nrc.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the NRC has issued renewed Facility Operating License Nos. NPF–76 and NPF–80 to STP Nuclear Operating Company (licensee), the operator of STP, Units 1 and 2. Renewed Facility Operating License Nos. NPF–76 and NPF–80 authorize operation of STP by the licensee at reactor core power levels not in excess of 3,853 megawatts thermal for each unit, in accordance with the provisions of the STP renewed license and technical specifications. The NRC's ROD that supports the NRC's decision to renew Facility Operating License Nos. NPF–76 and NPF–80 is available in ADAMS under Accession No. ML17138A276 and was published in the **Federal Register** (FR) on September 25, 2017 (82 FR 44666). As discussed in the ROD and the final supplemental environmental impact statement (FSEIS) for STP, Supplement 48 to NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding South Texas Project, Units 1 and 2, Final Report'' dated November 2013 (ADAMS Accession No. ML13322A890), the NRC has considered a range of reasonable alternatives that included natural gas combined-cycle (NGCC); supercritical pulverized coal; combination of wind, solar, and NGCC; and the no action alternative. The FSEIS documents the environmental review, 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 decisionmakers would be unreasonable.

South Texas Project, Units 1 and 2, are pressurized water reactors located in Bay City, TX (90 miles SW of Houston, TX). The application for the renewed licenses, ''License Renewal Application, South Texas Project, Unit 1 and Unit 2, Facility Operating License Nos. NPF–76 and NPF–80,'' dated October 25, 2010 (ADAMS Package Accession No. ML103010256), as supplemented by letters dated through May 2, 2017, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. As required by the Act and the NRC's regulations in Chapter 1 of title10 of the *Code of Federal Regulations* (10 CFR), the NRC has made appropriate findings, which are set forth in the license. A public notice of the proposed issuance of the renewed license and an opportunity for a hearing was published in the **Federal Register** on January 13, 2011 (76 FR 2426). No adjudicatory matters are pending before the Commission or the Atomic Safety and Licensing Board Panel regarding the STP license renewal application.

For further details with respect to this action, see: (1) STP Nuclear Operating Company license renewal application for STP dated October 25, 2010 (ADAMS Package Accession No. ML103010256), as supplemented by letters through May 2, 2017; (2) the NRC's safety evaluation report published on June 8, 2017 (ADAMS Package Accession No. ML17142A263); (3) the NRC's final environmental impact statement (NUREG–1437, Supplement 48) for STP published on November 30, 2013 (ADAMS Accession No. ML13322A890); and (4) the NRC's ROD (ADAMS Accession No. ML17138A276).

Dated at Rockville, Maryland, this 28th 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. 2017–21253 Filed 10–3–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Procedures for Meetings

Background

This notice describes procedures to be followed with respect to meetings conducted by the U.S. Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards (ACRS) pursuant to the Federal Advisory Committee Act (FACA). These procedures are set forth so that they may be incorporated by reference in future notices for individual meetings.

The ACRS is a statutory advisory Committee established by Congress to review and report on nuclear safety matters and applications for the licensing of nuclear facilities. The Committee's reports become a part of the public record.

The ACRS meetings are conducted in accordance with FACA; they are normally open to the public and provide opportunities for oral or written statements from members of the public to be considered as part of the Committee's information gathering process. ACRS reviews do not normally encompass matters pertaining to environmental impacts other than those related to radiological safety.

The ACRS meetings are not adjudicatory hearings such as those conducted by the NRC's Atomic Safety and Licensing Board Panel as part of the Commission's licensing process.

General Rules Regarding ACRS Full Committee Meetings

An agenda will be published in the **Federal Register** for each full Committee meeting. There may be a need to make changes to the agenda to facilitate the conduct of the meeting. The Chairman of the Committee is empowered to conduct the meeting in a manner that, in his/her judgment will facilitate the orderly conduct of business, including making provisions to continue the discussion of matters not completed on the scheduled day on another day of the same meeting. Persons planning to attend the meeting may contact the Designated Federal Officer (DFO) specified in the **Federal Register** notice prior to the meeting to be advised of any changes to the agenda that may have occurred.

The following requirements shall apply to public participation in ACRS Full Committee meetings:

(a) Persons who plan to submit written comments at the meeting should provide 35 copies to the DFO at the beginning of the meeting. Persons who cannot attend the meeting, but wish to submit written comments regarding the agenda items may do so by sending a readily reproducible copy addressed to the DFO specified in the **Federal Register** notice, care of the Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Comments should be limited to items being considered by the Committee. Comments should be in the possession of the DFO 5 days prior to the meeting to allow time for reproduction and distribution.

(b) Persons desiring to make oral statements at the meeting should make a request to do so to the DFO; if possible, the request should be made 5 days before the meeting, identifying the topic(s) on which oral statements will be made and the amount of time needed for presentation so that orderly arrangements can be made. The Committee will hear oral statements on topics being reviewed at an appropriate time during the meeting as scheduled by the Chairman.

(c) Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the DFO.

(d) The use of still, motion picture, and television cameras will be permitted at the discretion of the Chairman and subject to the condition that the use of such equipment will not interfere with the conduct of the meeting. The DFO will have to be notified prior to the meeting and will authorize the use of such equipment after consultation with the Chairman. The use of such equipment will be restricted as is necessary to protect proprietary or privileged information that may be in documents, folders, etc., in the meeting room. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

(e) A transcript will be kept for certain open portions of the meeting and will be available in the NRC Public Document Room (PDR), One White Flint North, Room O–1F21, 11555 Rockville Pike, Rockville, Maryland 20852–2738. A copy of the certified minutes of the meeting will be available at the same location three months following the meeting. Copies may be obtained upon payment of appropriate reproduction charges. ACRS meeting agendas, transcripts, and letter reports are available at *pdr@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from Agencywide Documents Access and Management System (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/agenda/.*

(f) Video teleconferencing service may be available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Specialist, telephone: 301–415–8066, between 7:30 a.m. and 3:45 p.m. Eastern Time at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

ACRS Subcommittee Meetings

In accordance with the revised FACA, the agency is no longer required to apply the FACA requirements to meetings conducted by the Subcommittees of the NRC Advisory Committees, if the Subcommittee's recommendations would be independently reviewed by its parent Committee.

The ACRS, however, chose to conduct its Subcommittee meetings in accordance with the procedures noted above for ACRS Full Committee meetings, as appropriate, to facilitate public participation, and to provide a forum for stakeholders to express their views on regulatory matters being considered by the ACRS. When Subcommittee meetings are held at locations other than at NRC facilities, reproduction facilities may not be available at a reasonable cost. Accordingly, 50 copies of the materials to be used during the meeting should be provided for distribution at such meetings.

Special Provisions When Proprietary Sessions Are To Be Held

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of the ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and related to the material being discussed.

The DFO should be informed of such an agreement at least five working days prior to the meeting so that it can be confirmed, and a determination can be

made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the DFO prior to the beginning of the meeting for admittance to the closed session.

Dated at Rockville, Maryland, this 27th day of September 2017.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Advisory Committee Management Officer.

[FR Doc. 2017–21326 Filed 10–3–17; 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):* October 4, 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 29, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 365 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–213, CP2017–321.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–21335 Filed 10–3–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* October 4, 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 29, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 58 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–214, CP2017–322.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–21336 Filed 10–3–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81756; File No. SR–GEMX–2017–40]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees To Make It Clear That the Nasdaq GEMX Trades Feed Is a Free Offering of the Exchange

September 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on September 15, 2017, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Schedule of Fees to make it clear that the Nasdaq GEMX Trades Feed is a free offering of the Exchange provided to subscribers of at least one of the fee liable real-time market data products offered on the Exchange.

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Schedule of Fees to make it clear that the Nasdaq GEMX Trades Feed (''Trades Feed'') is a free offering of the Exchange provided to subscribers of at least one of the fee liable real-time market data products offered on the Exchange. On April 27, 2017 the Exchange filed a proposed rule change to establish ports that members use to connect to the Exchange with the migration of the Exchange's trading system to the Nasdaq INET architecture.[3] In that proposed rule change, the Exchange also established the Trades Feed, which is a market data offering that displays last trade information along with opening price, cumulative volume, high and low prices for the day. The data provided for each instrument includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and trading status. The Trades Feed is a free market data product provided to subscribers of at

[3] *See* Securities Exchange Act Release No. 80649 (May 10, 2017), 82 FR 22595 (May 16, 2017) (SR–GEMX–2017–07).

least one of the fee liable real-time market data products offered on the Exchange—*i.e.,* the Nasdaq GEMX Real-time Depth of Market Raw Data Feed (''Depth Feed''), the Nasdaq GEMX Order Feed (''Order Feed''), and the Nasdaq GEMX Top Quote Feed (''Top Quote Feed''). To make it clear that the Trades Feed is a free offering of the Exchange, the Exchange now proposes to add the Trades Feed to the Schedule of Fees at a price of $0 per month for subscribers of the Depth Feed, Order Feed, or Top Quote Feed.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general, and Section 6(b)(4) of the Act,[5] in particular, in that they are designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. In particular, the Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to add the Trades Feed to the Schedule of Fees at a cost of $0 per month for subscribers of the Depth Feed, Order Feed, or Top Quote Feed to alert members to the availability of this free market data product. The Exchange notes that the Trades Feed is a current market data offering that the Exchange is adding to its Schedule of Fees at this time to increase transparency to members. While the Exchange previously noted this free product in the proposed rule change that established the Trades Feed, the Exchange believes that adding it to the Schedule of Fees will ensure that all members are adequately apprised of its availability free of cost for subscribers of the Depth Feed, Order Feed, or Top Quote Feed. The Exchange does not believe that it is unfairly discriminatory to offer the Trades Feed only to subscribers of one of the fee liable market data products described above because those subscribers already have the appropriate connections to receive real-time market data, and the fees paid for those other products can offset costs associated with offering the Trades Feed. Furthermore, the Exchange notes that the Trades Feed is available to any interest [sic] market participant by paying the fees associated with one of the fee liable real-time market data products.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[6] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As explained above, the Exchange is adding the Trades Feed to the Schedule of Fees at a cost of $0 per month for subscribers of the Depth Feed, Order Feed, or Top Quote Feed to alert members to the availability of this free market data product. The Exchange does not believe that adding this free market data product to the Schedule of Fees will have any significant competitive impact. All market participants can gain access to the information contained in the Trades Feed by subscribing to any of the fee liable real-time market data products described above.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[7] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2017–40 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–GEMX–2017–40. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–GEMX–2017–40, and should be submitted on or before October 25, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21281 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78f(b)(8).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81746; File No. SR–NYSEArca–2017–69]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of ProShares QuadPro Funds Under Commentary .02 to NYSE Arca Equities Rule 8.200

September 28, 2017.

On July 31, 2017, NYSE Arca, Inc. filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the ProShares QuadPro U.S. Large Cap Futures Long Fund, ProShares QuadPro U.S. Large Cap Futures Short Fund, ProShares QuadPro U.S. Small Cap Futures Long Fund, and ProShares QuadPro U.S. Small Cap Futures Short Fund under Commentary .02 to NYSE Arca Equities Rule 8.200. The proposed rule change was published for comment in the **Federal Register** on August 18, 2017.[3] The Commission received no comments on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is October 2, 2017. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates November 16, 2017, as the date by which the Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NYSEArca–2017–69).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21274 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81388 (August 14, 2017), 82 FR 39477.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81753; File No. SR–MIAX–2017–41]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Options Rule 529, Order Routing to Other Exchanges

September 28, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 20, 2017, Miami International Securities Exchange, LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 529, Order Routing to Other Exchanges.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 529, Order Routing to Other Exchanges, to provide additional information in the Route Notification broadcast as described in subsection (b)(2)(i). Specifically, the Exchange proposes to include the expected price to which the interest will be routed in the Route Notification message distributed via the Exchange's data feed. Additionally, the Exchange proposes to amend the rule text to improve its clarity and precision. The Exchange also proposes to adopt new Interpretations and Policies .02 to clarify that, for purposes of Rule 529, the expected price to which the interest will be routed is the ABBO [3] at the start of the Route Timer.

Under Exchange Rule 529 the Exchange may automatically route orders to other exchanges under certain circumstances. The Exchange will employ one of two Route Mechanisms, Immediate Routing or the Route Timer,[4] when a Public Customer [5] order is received and/or reevaluated that is both routable and marketable against the opposite side ABBO upon receipt and the Exchange's disseminated market is not equal to the opposite side ABBO, or is equal to the opposite side ABBO and of insufficient size to satisfy the order.[6]

Under the Exchange's proposal, all existing functionality of the Route Timer will remain intact. Currently, Public Customer orders that are not eligible for Immediate Routing are subject to a Route Timer. The Route Timer, which will never exceed one second, allows Market Makers [7] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''ABBO'' or ''Away Best Bid or Offer'' means the best bid(s) or offer(s) disseminated by other Eligible Exchanges and calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

[4] A Route Timer is a brief timer that operates as a pause before marketable interest is routed to an away exchange. *See* Exchange Rule 529(b)(2)(i).

[5] The term ''Public Customer'' means a person that is not a broker or dealer in securities. *See* Exchange Rule 100.

[6] *See* Exchange Rule 529(b).

[7] The term ''Market Makers'' refers to ''Lead Market Makers'', ''Primary Lead Market Makers''

Continued

other market participants an opportunity to interact with the initiating order before it is routed to another options exchange.[8] Contemporaneously with the start of the Route Timer, the Exchange's System[9] broadcasts a Route Notification message to subscribers of the Exchange's Administrative Information Subscriber (''AIS'') data feed. The Route Notification message includes the option contract size and side of the market of the initiating Public Customer order.[10] The Exchange now proposes to also include the expected price to which the interest will be routed in the Route Notification message. Additionally, the Exchange proposes to adopt new Interpretations and Policies .02 to state that, for purposes of this Rule, the expected price to which the interest will be routed is the ABBO at the start of the Route Timer.[11]

The System will display and book the initiating order at its limit price, or if the limit price locks or crosses the current opposite side NBBO,[12] display the initiating order one Minimum Price Variation (''MPV'')[13] away from the current opposite side NBBO and book the initiating order at a price that will internally lock the current opposite side NBBO. The initiating order will remain available for execution up to its original bid or down to its original offer.[14]

If, during the Route Timer, the Exchange receives a new order or quote on the opposite side of the market from the initiating order that can be executed, the System will immediately execute the remaining contracts from the initiating order to the extent possible, provided that the execution price does not violate the current NBBO.[15] Conversely, if during the Route Timer the Exchange receives orders or quotes on the same side of the market as the initiating order, such new orders or quotes will join the initiating order in the Route Timer.[16]

If at any point during the Route Timer the initiating order and all joining interest on the same side of the market is either traded in full or cancelled in full, the Route Timer will be terminated and normal trading will resume.[17] In addition, if at any point during the Route Timer a change in the ABBO would allow all or part of the initiating order and any joining interest on the same side of the market to trade on the Exchange at the revised NBBO, the Route Timer will be terminated and normal trading will resume.[18]

At the end of the Route Timer, the System will route Intermarket Sweep Orders[19] representing the initiating order's remaining contracts to away markets disseminating the ABBO. The System will price the routed order at the opposite side ABBO with a size equal to the exchange's disseminated ABBO size as needed. If there are still additional contracts to be executed from the initiating order after the Intermarket Sweep Orders have been routed to the away markets disseminating the ABBO for the away markets' full size, the System will handle remaining interest from the initiating order in accordance with the provisions of Exchange Rule 515, Execution of Orders and Quotes.[20]

The Exchange also proposes to amend Rule 529(b)(2)(i) to correct the sentence which reads, ''[c]ontemporaneously with the start of the Timer, the System will broadcast a Route Notification to subscribers of the Exchange's data feeds. . . .'' The Exchange broadcasts the Route Notification on a single data feed, the AIS feed. Therefore, the Exchange proposes to amend the rule text to specifically identify the data feed by its name, the Administrative Information Subscriber (''AIS'') data feed.

The Exchange also notes that other option exchanges offer similar functionality in their respective routing mechanisms. Those routing mechanisms (i) expose eligible initiating interest at the best price, (ii) contain an exposure period, the duration of which does not exceed one second, and (iii) route remaining interest to away markets at the conclusion of the exposure period.[21] In particular, those routing mechanisms also expose their expected route price, which the Exchange is now proposing to expose as well pursuant to this proposed rule change. For example, BATS EDGX Exchange, Inc. (''BATS EDGX'') Rule 21.18 provides for a Step Up Mechanism (''SUM'') which electronically exposes eligible orders at the NBBO price immediately upon receipt. As well, the BATS EDGX rule prescribes that the exposure period shall be for a period of time determined by the Exchange on a class-by-class basis, which period of time shall not exceed one second.[22] Following the exposure period, BATS EDGX routes the remaining portion of the exposed order to other exchanges.[23] Accordingly, pursuant to the proposed rule change, the Exchange is merely proposing to make available the same type of information about the order to be routed as is currently made available by other options exchanges.[24]

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act[25] in general, and furthers the objectives of Section 6(b)(5) of the Act[26] in particular, 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes the proposed changes promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system because they seek to improve the accuracy of the Exchange's rules. In particular, the Exchange believes that the proposed rule changes will provide greater clarity to Members and the public regarding the Exchange's Rules, and it is in the public interest for rules to be accurate and concise so as to eliminate the potential for confusion.

The Exchange believes that including the expected price to which the interest will be routed in the Route Notification message promotes just and equitable principles of trade and removes impediments to a free and open market by providing greater transparency concerning the operation of Exchange functionality. The Exchange also believes the proposal will contribute to

and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[8] *See* Exchange Rule 529(b)(2)(i).

[9] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[10] *See* Exchange Rule 529(b)(2)(i).

[11] The Exchange notes that the expected price to which the interest will be routed may differ from the actual price to which the interest is routed due to changes in the market that occur during the duration of the Route Timer.

[12] The term ''NBBO'' means the national best bid or offer as calculated by the Exchange based on market information received from OPRA. *See* Exchange Rule 100.

[13] *See* Exchange Rule 510.

[14] *See* Exchange Rule 529(b)(2)(i).

[15] *Id.*

[16] *See* Exchange Rule 529(b)(2)(iii).

[17] *Id.*

[18] *Id.*

[19] *See* Exchange Rule 516(f).

[20] *See* Exchange Rule 529(b)(2)(iv).

[21] *See* BATS EDGX Rule 21.18, Nasdaq PHLX Rule 1080(m)(iv)(B) and (C), and NYSE American Rule 994NY.

[22] *See* BATS EDGX 21.18(b)(1).

[23] *See* BATS EDGX 21.18(b)(4).

[24] *See supra* note 21.

[25] 15 U.S.C. 78f(b).

[26] 15 U.S.C. 78f(b)(5).

the protection of investors and the public interest by clarifying the Exchange's rules. The Exchange believes that additional clarity and transparency in the Exchange's rules will strengthen investor confidence in the market and facilitate fair competition among market participants. The Exchange notes that other option exchanges that offer similar functionality have similar rules in place.[27]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes the proposed rule change will not impose any burden on competition as the Exchange is merely providing supplemental information that may be derived by market participants independently. The Exchange's proposal does not substantively modify any Exchange functionality and is not designed to address any competitive issues, but rather to provide additional information in the Route Notification message and add further clarity to the Exchange's rules. Since the Exchange does not propose to substantively modify the operation of exchange functionality, the proposed rule change will not impose any burden on inter-market competition. Additionally, the Exchange does not believe the proposed rule change will impose any burden on intra-market competition as the Rules apply equally to all Exchange Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[28] and Rule 19b–4(f)(6)[29] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR-MIAX–2017–41 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2017–41. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2017–41 and should be submitted on or before October 25, 2017. For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21278 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

[27] *See supra* note 21.

[28] 15 U.S.C. 78s(b)(3)(A).

[29] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81748; File No. SR–BatsEDGA–2017–25]

Self-Regulatory Organizations; Bats EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.7, Opening Process, and Rule 13.4, Usage of Data Feeds, To Reflect the Name Change of NYSE MKT to NYSE American

September 28, 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 25, 2017, Bats EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend paragraph (c)(1) of Rule 11.7,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

Opening Process, and paragraph (a) of Rule 13.4, Usage of Data Feeds, to reflect the name change of NYSE MKT to NYSE American.

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

On March 21, 2017, NYSE MKT LLC filed a proposed rule change to change its name to NYSE American LLC.[5] The Exchange now proposes to replace references to NYSE MKT within its rules with NYSE American. In particular, the Exchange proposes to replace references to NYSE MKT with NYSE American in Rule 11.7(c)(1), Opening Process; and Rule 13.4(a), Usage of Data Feeds. The Exchange does not proposed [sic] to amend the operation of these rules in any other respect.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[6] in general, and furthers the objectives of Section 6(b)(5) of the Act[7] in particular, in that it is designed 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 non-substantive amendments to Rules 11.7(c)(1) and 13.4(a) are intended solely to reflect the name change from NYSE MKT to NYSE American. The proposed rule change, therefore, removes impediments to and perfects the mechanism of a free and open market and a national market system because it updates the rule to reflect the name change and does not alter the way in which orders in NYSE American listed securities are handled and routed.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will have any impact on competition as it is not designed to alter the way in which orders in NYSE American listed securities are handled and routed. It is simply intended to reflect the name change from NYSE MKT to NYSE American.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate it has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and paragraph (f)(6) of Rule 19b–4 thereunder,[9] the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BatsEDGA–2017–25 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsEDGA–2017–25. 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–BatsEDGA–2017–25 and should be submitted on or before October 25, 2017.

[5] *See* Securities Exchange Act Release No. 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–2017–14).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21276 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81754; File No. SR–Phlx–2017–74]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing of Proposed Rule Change To Introduce the Intellicator Analytic Tool

September 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 20, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to introduce the Intellicator Analytic Tool.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to introduce the Intellicator Analytic Tool, a new, optional market data product available for a corresponding fee[3] that is designed to analyze options market transactions and synthesize that analysis to assist investors in assessing the equities underlying those transactions.[4]

Options market transactions can be complex; the purpose of the Intellicator Analytic Tool is to distill options data into a form that will help investors understand options market movements and provide them with actionable insight in changing market conditions. The Intellicator Analytic Tool will offer three increasingly sophisticated levels of analysis. The first level, the Single-Factor Analytic Bundle, calculates fundamental measures, or ''factors,'' of options market activity—Put/Call Ratio, Moneyness Ratio, Volume-Weighted Average Delta, and Weighted Average Strike Price—and applies those factors to certain segments of activity on the Exchange. The second level, the Single-Factor Intellicator, uses machine learning—an analytical technique that employs algorithms that iteratively ''learn'' from data to find hidden insights without explicit programming—to summarize in a single numeral the information contained within a Single-Factor Analytic Bundle. The third level, the Multi-Factor Intellicator, uses machine learning to summarize in a single numeral all of the information contained within all of the five [sic] Single-Factor Analytic Bundles offered with this product.

The Exchange will propose, in a forthcoming fee filing, separate fees for the Single-Factor Analytic Bundle, the Single-Factor Intellicator, and the Multi-Factor Intellicator, as well as special rates for the purchase of any combination of these, to allow investors to choose the tool that best fits their needs. The Single-Factor Analytic Bundles are designed to be used by sophisticated investors to supplement, test and inform their own analytic models. The Single- and Multi-Factor Intellicators are designed for the use of investors who seek to understand market sentiment without undertaking complex calculations. Although tailored for different audiences, the Analytic Bundles and Single- and Multi-Factor Intellicators are all designed to increase visibility into options transactions and democratize information to provide the benefits of sophisticated analytical techniques to firms without the technology, staff or wherewithal to conduct a comparable analysis on their own.

The Analytic Bundles and Single- and Multi-Factor Intellicators are described in further detail below.

Single-Factor Analytic Bundle

A Single-Factor Analytic Bundle is a set of calculations of ''factors,'' or standard measures of options market activity, often used as indicia of market sentiment. The Intellicator Analytic Tool will calculate four factors—Put/Call Ratio, Moneyness Ratio, Volume-Weighted Average Delta, and Weighted Average Stock Price—defined as follows:[5]

(i) *Put/Call Ratio:* The total number of put contracts traded divided by the total number of put and call contracts traded within the prior 60 seconds for each underlying symbol.

(ii) *Moneyness Ratio:* The natural log of the ratio of the price of the underlying equity to the strike price of the options contract traded within the prior 60 seconds.[6]

(iii) *Volume-Weighted Average Delta:* A calculation of the projected change to an option price given a $1 change in the equity price, weighted by the number of contracts traded within the prior 60 seconds.

(iv) *Weighted Average Strike Price:* A calculation of the strike price of the options contracts traded within the prior 60 seconds, weighted by the number of days to expiration.[7]

Each of these Single-Factor Analytic Bundles will provide separate calculations of a specific factor for between five and fifty different segments, or subsets, of the options market.[8] Segments may be simple or complex. A simple segment may be all transactions with a certain range of expiration dates. Examples of complex

[3] A separate filing will address the pricing for the Intellicator Analytic Tool, which will also be implemented on October 27, 2017, if approved by the Commission.

[4] The Exchange initially filed the proposed changes on August 2, 2017 (SR–Phlx 2017–62). On August 11, 2017, the Exchange withdrew that filing.

[5] The Exchange may introduce new factors that are found to have value in assessing market sentiment, but will submit a new filing for approval if other factors are added.

[6] The ratios for calls are multiplied by 1, while ratios for puts are multiplied by −1.

[7] A higher weighting is given to contracts near expiration.

[8] Factor calculations for specific segments of the market will not be sold by the Exchange separately from the Analytic Bundles.

segments include: ''Customers [9] who buy to open a new position,'' ''Non-Customers [10] who sell to close an existing position,'' or ''Market Makers [11] engaging in complex orders.'' Segments will be segregated using the following nine fields of information, either alone or in combination: (i) Put vs. call; (ii) expiration date; (iii) customer type; (iv) ''moneyness''; (v) open vs. close; (vi) buy vs. sell; (vii) order type; (viii) add vs. remove liquidity; and (ix) electronic vs. manual transaction.[12] These fields are defined as follows:

(i) *Put vs. Call:* whether the instrument is a put (an option to sell assets at an agreed upon price on or before a particular date) or a call (an option to buy assets at an agreed-upon price on or before a particular date).

(ii) *Expiration date:* the number of days to contract expiration. Transactions are assigned to one of five ranges: One week (less than or equal to 7 days prior to expiration); one month (greater than 7 days but less than or equal to 30 days); three months (greater than 30 days but less than or equal to 90 days to expiration); six months (greater than 90 days but less than or equal to 180 days to expiration date; and over six months (greater than 180 days to expiration date).

(iii) *Customer type:* Customer, Professional Customer,[13] Firm,[14] Broker-Dealer,[15] Market Maker, Joint Back Office (''JBO''),[16] off-floor broker-dealer), or Non-Customer.

(iv) ''Moneyness'': In-the-money,[17] out-the-money [18] or at-the-money.[19]

(v) Open vs. Close: Whether the transaction is opening a new position or closing an existing position.

(vi) Buy vs. Sell.

(vii) Execution type: Simple order,[20] complex order,[21] price improvement (''PIXL'') Order,[22] qualified contingent cross (''QCC''),[23] Sweep,[24] responder to an auction, or quote from a Market Maker).

(viii) Add vs. remove liquidity: Whether the transaction adds or removes liquidity, or has no effect on liquidity.

(ix) *Electronic vs. manual:* Whether the transaction takes place on the floor of the Exchange or through the electronic order system.

Seven of these nine data fields—put vs. call; expiration date; customer type; ''moneyness''; open vs. close; buy vs. sell; and order type—are currently available in real time for purchasers of the PHLX Orders data feed, although that feed does not include order information on Immediate or Cancel Orders (''IOCs'') or orders that are fully executable upon receipt. IOCs and orders that are fully executable upon receipt will, however, be used to segregate data for factor calculations in Single-Factor Analytic Bundles. The last two data fields listed above—add vs. remove liquidity and electronic vs. manual transactions—are not available on any of the Exchange's data feeds, but, like data from IOCs and fully executable orders upon receipt, will be used to segregate data into segments for Single-Factor Analytic Bundles.

A purchaser of Single-Factor Analytic Bundles may, under certain circumstances, be able to reverse-engineer factor calculations to obtain transaction-specific information not otherwise available on the Exchange's data feeds.[25] For example, an investor observing a thinly-traded stock may be able to use the Single-Factor Analytic Bundle calculations to determine the type of customer (Customer, Professional Customer, Firm, Broker-Dealer, etc.) adding or removing liquidity—information not otherwise available on the Exchange's data feeds, as noted above.[26] Such information may be useful in identifying the investment strategies of particular customer categories.

While this type of reverse-engineering is not the primary purpose of the Intellicator Analytic Tool—and of limited usefulness given that implementation would only be practical for thinly-traded stocks—it is consistent with the purpose of the Intellicator Analytic Tool to make data about market sentiment available to investors. Identifying the investment strategies of particular customer categories can provide an investor with useful insight into market activity, which this Tool may render more broadly available to investors. Such dissemination of market information promotes transparency and increases market efficiency, and, as stated in the Statutory Basis discussion below, protects protect investors and the public interest.

The data fields identified above will be used to segregate the market into segments by calculating factors only for transactions that meet specific criteria. Each segment will be defined by between one and five fields; data from other fields will not be used. By way of illustration, the three complex segments set forth above—''Customers who buy to open a new position,'' ''Non-Customers who sell to close an existing position,'' and ''Market Makers engaging in complex orders''—will be constructed using only three segments, as shown in the following chart:

[9] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Rule 1000(b)(14)).

[10] A ''Non-Customer'' is any market participant other than a Customer or a Market Maker, such as Professional Customer, Firm, Broker-Dealer, or Joint Back Office (*see* notes 11–15 [sic]).

[11] ''Market Makers'' includes Specialists (*see* Exchange Rule 1020(a)), Registered Option Traders (*see* Exchange Rule 1014(b)), Streaming Quote Traders (*see* Exchange Rule 1014(b)(ii)(A)), and Remote Streaming Quote Traders (*see* Exchange Rule in 1014(b)(ii)(B)).

[12] The Exchange may introduce new fields at a later date, but will submit a new filing for approval if additional fields are added.

[13] The term ''Professional Customer'' applies to transactions for the accounts of Professionals, as defined in Exchange Rule 1000(b)(14).

[14] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at the OCC.

[15] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[16] The term ''Joint Back Office'' or ''JBO'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC and is identified with an origin code as a JBO. A JBO participant is a member, member organization or non-member organization that maintains a JBO arrangement with a clearing broker-dealer (''JBO Broker'') subject to the requirements of Regulation T, Section 220.7 of the Federal Reserve System as discussed at Exchange Rule 703.

[17] An options contract is in-the-money when the strike price is below 2.5% of the price of the underlying security for a call contract, or above 2.5% of the underlying security for a put contract.

[18] An options contract is out-the-money when the strike price is above 2.5% of the price of the underlying security for a call contract, or below 2.5% of the underlying security for a put contract.

[19] An options contract is at-the-money when the strike price is within 2.5% of the price of the underlying security, either above or below, for either a call or a put contract.

[20] A single-leg option order.

[21] A multi-legged option order.

[22] A two-sided order that is entered into a price improvement auction.

[23] A stock-tied option order consisting of a minimum of 1,000 options contracts bundled together for the purpose of crossing the order.

[24] An order type used to accumulate a position quickly by simultaneously sending the order to multiple exchanges.

[25] Similar reverse-engineering would be impossible for customers who purchase Intellicators alone, because such segment-specific information will not be provided to customers who only purchase Intellicators.

[26] There may be other examples in which Single-Feed Analytic Bundles may be used to adduce transaction-specific information not provided in data feeds. For instance, it may also be possible to determine whether a thinly-traded stock were traded through an electronic or manual trade.

	Customers who buy to open a position	Non-customers who sell to close an existing position	Market makers engaging in complex orders
Put vs. Call[27]	N/A	N/A	N/A
Expiration Date	N/A	N/A	N/A
Customer type	Customer	Non-Customer	Market Maker
Moneyness	N/A	N/A	N/A
Open vs. Close	Open	Close	N/A
Buy vs. Sell	Buy	Sell	N/A
Execution type	N/A	N/A	Complex order
Add vs. remove liquidity[28]	N/A	N/A	N/A
Electronic vs. manual	N/A	N/A	N/A

Purchasersof this product will be provided the results of factor calculations for segments of the market to be identified by the Exchange as indicative of market sentiment. All of the output of the Intellicator Analytic Tool consists solely of calculations, not raw data. The Tool is intended to provide insight into market sentiment through aggregated calculations, not to provide real-time transaction- and order-related information similar to a data feed.

The Exchange expects that segments will change over time. The first iteration of the Intellicator Analytic Tool will utilize a set of segments determined to be indicative of market sentiment based on experience and economic theory, but then will use machine learning—algorithms that test theory against market experience—to improve calculations by identifying additional segments with a strong relationship with the underlying equity and adding them to the Analytic Bundles to create the most robust set of calculations possible. Identifying relevant segments is a feature of this product, and the intellectual property of the Exchange.

Segments will be selected for their ability to provide a robust view of market sentiment. While any single segment may be of limited usefulness on its own, making the same calculations repeatedly for an array of different segments will provide a more reliable and consistent indicia of market sentiment. Providing customers with calculations of the same factor for multiple segments allows them to evaluate market sentiment by comparing calculations across segments. For example, market sentiment related to simple orders may be compared to that of complex orders; calculations for options contracts with less than 7 days to expiration may be compared to those with less than 30 days to expiration; or calculations for options contracts that are in-the-money may be compared to those that are out-the-money or at-the-money. The goal of all of these comparisons is to glean information from differences in market activity that may provide useful information about market sentiment regarding the associated underlying equity.

Calculations will be based on ''rolling aggregates'' of trading data, updated every 60 seconds over the course of the day.

Single-Factor Intellicators

A Single-Factor Intellicator uses machine learning to summarize in a single numeral the information contained within a Single-Factor Analytic Bundle. The number will be within a set range—possibly between one and one hundred, although the precise range may change over time—and will be designed to value market sentiment: Specifically, the upward or downward pressure on the price of an equity instrument as reflected in options trading activity. The numeral will be a sort of ''barometer'' of trading activity that, in conjunction with other market information, will help investors make informed decisions.

The Single-Factor Intellicator will serve a different purpose than the Analytic Bundles. Whereas the Analytic Bundles are designed to provide raw calculations, the Intellicators are designed to provide an analytical overlay to those calculations to help investors interpret market sentiment. As was the case with the Analytic Bundles, nothing in the Single-Factor Intellicator can be used to glean transaction-specific information.

The calculation for the Single-Factor Intellicator will change over time, as machine learning algorithms use data to learn about the relationship between options and equities, and modify the calculation accordingly. Specifically, the Exchange will use calculated values from the Analytic Bundle to improve mathematical models of the relationship between certain options trades and the equities underlying those trades. Over time, the algorithm will optimize these equations for both the types of data used to analyze equities and the weight of such data. The result will be a better mathematical model.

Calculations for Single-Factor Intellicators, like calculations for each factor, will be updated every 60 seconds over the course of the day.

Multi-Factor Intellicator

The Multi-Factor Intellicator uses machine learning to summarize in a single numeral all of the calculations contained in all of the five [sic] Single-Factor Analytic Bundles. As was the case with Single-Factor Intellicators, the Multi-Factor Intellicator is designed to act as a ''barometer'' of options trading activity, which the customer will be able to incorporate into its market analysis. The Multi-Factor Intellicator will improve over time through machine learning.

The Multi-Factor Intellicator will also be updated every 60 seconds over the course of the day.

Proposed Pricing Structure

As previously noted, the fee schedule for the Intellicator Analytic Tool will be included in a future filing. Because the Single-Factor Analytic Bundles, Single-Factor Intellicators, and Multi-Factor Intellicators may prove useful for different audiences, these components of the Intellicator Analytic Tool will be priced separately.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[29] in general, and furthers the objectives of Section 6(b)(5)[30] of the Act in particular. The proposal is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest by

[27] As noted above, the first seven fields listed in this chart (from ''Put vs. Call'' through ''Execution type'') are available in real time for purchasers of the PHLX Orders data feed, but that data feed does not include data from IOCs or orders that are fully executable upon receipt.

[28] As noted above, the ''add vs. remove liquidity'' and ''electronic vs. manual'' fields are not available on any of the Exchange's proprietary data feeds.

[29] 15 U.S.C. 78f(b).

[30] 15 U.S.C. 78f(b)(5).

prompting transparency and increasing visibility into options transactions and democratizing information to provide the benefits of sophisticated analytical techniques to firms without the technology, staff or wherewithal to conduct a comparable analysis on their own. Specifically, the Single- and Multi-Factor Intellicators will provide all investors with insight into market sentiment otherwise available only to those investors with the technology, staff and wherewithal to conduct such an analysis. To the extent that the Intellicator Analytic Tool uses information not otherwise available on the Exchange's market data feeds, the effect of using such information as an input for the Tool is to make information more widely available to investors. To the degree that investors use Single-Factor Analytic Bundles to reverse-engineer certain factor calculations to obtain transaction-specific information not otherwise provided on the Exchange's data feeds, the availability of such information promotes transparency and increases market efficiency, thereby protecting investors and the public interest. The net effect is to make information on market sentiment more readily available to more investors, thereby removing impediments to a free and open market and promoting just and equitable principles of trade.

In adopting Regulation NMS,[31] the Commission granted SROs and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Intellicator Analytic Tool—a new market data product designed to analyze options market transactions and synthesize that analysis to help investors assess the equities underlying those transactions—is the type of market data product that the Commission envisioned when it adopted regulation NMS. The Commission concluded that Regulation NMS—deregulating the market in proprietary data—would further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[32]

By removing unnecessary regulatory restrictions on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history.

In *NetCoalition* v. *Securities and Exchange Commission*[33] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[34] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.''[35] ''No one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''[36]

Data products such as the Intellicator Analytic Tool are a means by which exchanges compete to attract order flow. To the extent that exchanges are successful in such competition, they earn trading revenues and also enhance the value of their data products by increasing the amount of data they provide. The need to compete for order flow places substantial pressure upon exchanges to keep their fees for both executions and data reasonable.[37]

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. Indeed, the Exchange believes that the Intellicator Analytic Tool enhances competition by increasing transparency into options transactions and democratizing information to provide the benefits of sophisticated analytical techniques to firms without the technology, staff or wherewithal to conduct a comparable analysis on their own. Many firms produce internal analytic models to assess market sentiment similar to the Intellicator Analytic Tool; the introduction of this Tool will increase competition by making such models available to more investors.

The market for data products is extremely competitive and firms may freely choose alternative venues and data vendors based on the aggregate fees assessed, the data offered, and the value provided. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs. The decision whether and on which platform to post an order will depend on the attributes of the platform where the order can be posted, including the execution fees, data quality and price. Without trade executions, exchange data products cannot exist. Moreover, data products, including the Intellicator Analytic Tool, are valuable to many end users only insofar as they provide information that end users expect will assist them or their customers in making trading decisions.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, the operation of the exchange is characterized by high fixed costs and low marginal costs. This cost structure is common in content distribution industries such as software, where developing new software typically requires a large initial investment (and continuing large investments to upgrade

[31] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (''Regulation NMS Adopting Release'').

[32] *Id.*

[33] *See NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[34] *Id.* at 534–535.

[35] *Id.* at 537.

[36] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[37] *See* Sec. Indus. Fin. Mkts. Ass'n (SIFMA), Initial Decision Release No. 1015, 2016 SEC LEXIS 2278 (ALJ June 1, 2016) (finding the existence of vigorous competition with respect to non-core market data).

the software), but once the software is developed, the incremental cost of providing that software to an additional user is typically small, or even zero (*e.g.,* if the software can be downloaded over the internet after being purchased).[38] It is costly to build and maintain a trading platform, but the incremental cost of trading each additional share on an existing platform, or of distributing an additional instance of data, is very low. Market information and executions are each produced jointly (in the sense that the activities of trading and placing orders are the source of the information that is distributed) and are each subject to significant scale economies.

Competition among trading platforms can be expected to constrain the aggregate return each platform earns from the sale of its joint products. The level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including SRO markets, as well as internalizing BDs and various forms of alternative trading systems (''ATSs''), including dark pools and electronic communication networks (''ECNs''). Each SRO market competes to produce transaction reports via trade executions, and two FINRA-regulated TRFs compete to attract internalized transaction reports. It is common for BDs to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market. Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products. The large number of SROs, TRFs, BDs, and ATSs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, TRF, ATS, and BD is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including Nasdaq, NYSE, NYSE MKT, NYSE Arca, and the BATS exchanges.

In this case, the proposed rule change enhances competition by introducing a new product that increases transparency into options transactions and democratizes information by providing the benefits of sophisticated analytical techniques to firms without the technology, staff or wherewithal to conduct a comparable analysis on their own. If the price were to become unattractive, those firms would opt not to purchase the product. The net effect of introducing this product into the market is to make market sentiment information more widely available to a broader array of investors, and lower the cost of accessing such information, thereby increasing market efficiency. For all of these reasons, the Exchange does not believe that the proposed changes will impair competition in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) by order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2017–74 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2017–74. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2017–74 and should be submitted on or before October 25, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21279 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

[38] *See* William J. Baumol and Daniel G. Swanson, ''The New Economy and Ubiquitous Competitive Price Discrimination: Identifying Defensible Criteria of Market Power,'' *Antitrust Law Journal,* Vol. 70, No. 3 (2003).

[39] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81749; File No. SR–BatsBYX–2017–23]

Self-Regulatory Organizations; Bats BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.23, Opening Process, and Rule 11.26, Usage of Data Feeds, To Reflect the Name Change of NYSE MKT to NYSE American

September 28, 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 25, 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 and II below, which Items have been prepared by the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend paragraph (c)(1) of Rule 11.23, Opening Process, and paragraph (a) of Rule 11.26, Usage of Data Feeds, to reflect the name change of NYSE MKT to NYSE American.

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the princiopal [sic] 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

On March 21, 2017, NYSE MKT LLC filed a proposed rule change to change its name to NYSE American LLC.[5] The Exchange now proposes to replace references to NYSE MKT within its rules with NYSE American. In particular, the Exchange proposes to replace references to NYSE MKT with NYSE American in Rule 11.23(c)(1), Opening Process; and Rule 11.26(a), Usage of Data Feeds. The Exchange does not proposes [sic] to amend the operation of these rules in any other respect.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [6] in general, and furthers the objectives of Section 6(b)(5) of the Act [7] in particular, in that it is designed 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 non-substantive amendments to Rules 11.23(c)(1) and 11.26(a) are intended solely to reflect the name change from NYSE MKT to NYSE American. The proposed rule change, therefore, removes impediments to and perfects the mechanism of a free and open market and a national market system because it updates the rule to reflect the name change and does not alter the way in which orders in NYSE American listed securities are handled and routed.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will have any impact on competition as it affect competition [sic] as it is not designed to alter the way in which orders in NYSE American listed securities are handled and routed. It is simply intended to reflect the name change from NYSE MKT to NYSE American.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate it has become effective pursuant to Section 19(b)(3)(A) of the Act [8] and paragraph (f)(6) of Rule 19b–4 thereunder,[9] the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BatsBYX–2017–23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsBYX–2017–23. 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

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Securities Exchange Act Release No. 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–2017–14).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4.

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–2017–23 and should be submitted on or before October 25, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21277 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81755; File No. SR–NYSEAMER–2017–19]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend NYSE American Rule 5.2E (j)(6)

September 28, 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 18, 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE American Rule 5.2E(j)(6) to exclude Investment Company Units, securities defined in Section 2 of NYSE American Rule 8E and Index-Linked Securities when applying the quantitative generic listing criteria applicable to Equity Index-Linked Securities. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE American Rule 5.2E(j)(6) to exclude Investment Company Units (''Units'') and securities defined in Section 2 of NYSE American Rule 8E (collectively, together with Units, ''Derivative Securities Products''),[4] as well as Index-Linked Securities,[5] when applying the quantitative generic listing criteria applicable to Equity Index-Linked Securities.[6]

Equity Index-Linked Securities are securities that provide for the payment at maturity (or earlier redemption) based on the performance of an underlying index or indexes of equity securities, securities of closed end management investment companies registered under the Investment Company Act of 1940[7] and/or Units.[8] In addition to certain other generic listing criteria, Equity Index-Linked Securities must satisfy the generic quantitative initial and continued listing criteria under NYSE American Rule 5.2E(j)(6)(B)(I) in order to become, and continue to be, listed and traded on the Exchange. Certain of the applicable quantitative criteria specify minimum or maximum thresholds that must be satisfied with respect to, for example, market value, trading volume, and dollar weight of the index represented by a single component or groups of components.

The applicable initial quantitative listing criteria include (i) that each underlying index is required to have at least ten component securities;[9] (ii) that each component security has a minimum market value of at least $75 million, except that for each of the lowest dollar weighted component securities in the index that in the aggregate account for no more than 10% of the dollar weight of the index, the market value can be at least $50 million; (iii) that component stocks that in the aggregate account for at least 90% of the weight of the index each have a minimum global monthly trading volume of 1,000,000 shares, or minimum global notional volume traded per month of $25,000,000, averaged over the last six months; (iv) that no underlying component security represents more than 25% of the dollar weight of the index, and the five highest dollar weighted component securities in the index do not in the aggregate account for more than 50% of the dollar weight of the index (60% for an index consisting of fewer than 25 component securities); and (v) that 90% of the index's numerical value and at least 80% of the total number of component securities meet the then current criteria for standardized option trading set forth in Rule 915; except that an index will not be subject to this last requirement if (a) no underlying component security represents more than 10% of the dollar weight of the index and (b) the index

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Units are securities that represent an interest in a registered investment company that could be organized as a unit investment trust, an open-end management investment company, or a similar entity, that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities or securities in another registered investment company that holds such securities. *See* NYSE American Rule 5.2E(j)(3). The following securities currently are included in Section 2 of NYSE American Rule 8E: Portfolio Depositary Receipts (Rule 8.100E); Trust Issued Receipts (Rule 8.200E); Commodity-Based Trust Shares (Rule 8.201E); Currency Trust Shares (Rule 8.202E); Commodity Index Trust Shares (Rule 8.203E); Commodity Futures Trust Shares (Rule 8.204E); Partnership Units (Rule 8.300E); Paired Trust Shares (Rule 8.400E); Trust Units (Rule 8.500E); Managed Fund Shares (Rule 8.600E); and Managed Trust Securities (Rule 8.700E).

[5] Index-Linked Securities are securities that qualify for Exchange listing and trading under NYSE American Rule 5.2E(j)(6). The securities described in Rule 5.2E(j)(3), Rule 5.2E(j)(6) and Section 2 of Rule 8E, as referenced above, would include securities listed on another national securities exchange pursuant to substantially equivalent listing rules.

[6] The Commission has approved amendments to NYSE Arca Rule 5.2E(j)(6) that are substantially identical to those proposed herein. *See* Securities Exchange Act Release No. 81442 (August 18, 2017), 82 FR 40178 (August 24, 2017) (SR–NYSEArca–2017–54) (order approving a proposed rule change to amend the generic listing criteria applicable to Equity Index-Linked Securities).

[7] 15 U.S.C. 80–1.

[8] *See* Rule 5.2E(j)(6)(B)(I)(1).

[9] *See* Rule 5.2E(j)(6)(B)(I)(1)(a).

has a minimum of 20 components.[10] The applicable continued quantitative listing criteria require that component stocks that in the aggregate account for at least 90% of the weight of the index each have a minimum global monthly trading volume of 500,000 shares, or minimum global notional volume traded per month of $12,500,000, averaged over the last six months.[11]

The Exchange proposes to amend NYSE American Rule 5.2E(j)(6)(B)(I)(1)(a), which provides that each underlying index is required to have at least ten component securities, to provide that there will be no minimum number of component securities if one or more issues of Derivative Securities Products or Index-Linked Securities constitute, at least in part, component securities underlying an issue of Equity Index-Linked Securities. The proposed amendment to NYSE American Rule 5.2E(j)(6)(B)(I)(1)(a) also would provide that the securities described in Rule 5.2E(j)(3)) and Section 2 of Rule 8E (that is, Derivative Securities Products), and Rule 5.2E(j)(6) (that is, Index-Linked Securities), as referenced in proposed amended Rule 5.2E(j)(6)(B)(I)(1)(b)(2) and Rule 5.2E(j)(6)(B)(I)(2)(a) would include securities listed on another national securities exchange pursuant to substantially equivalent listing rules.[12]

The Exchange also proposes to exclude Derivative Securities Products and Index-Linked Securities from consideration when determining whether the applicable quantitative generic thresholds have been satisfied under the initial listing standards specified in NYSE American Rule 5.2E(j)(6)(B)(I)(1)(b)(i)–(iv) and the continued listing standards specified in NYSE American Rules 5.2E(j)(6)(B)(I)(2)(a)(i) and (ii).[13] Thus, for example, when determining compliance with NYSE American Rule 5.2E(j)(6)(B)(I)(1)(b)(ii), component stocks, excluding Derivative Securities Products or Index-Linked Securities, that in the aggregate account for at least 90% of the remaining index weight would be required to have a minimum global monthly trading volume of 1 million shares, or minimum global notional volume traded per month of 25 million, averaged over the last six months.

The Exchange proposes further to provide that the weighting limitation for the five highest weighted component securities in an index in NYSE American Rules 5.2E(j)(6)(B)(I)(1)(b)(iii) and 5.2E(j)(6)(B)(I)(2)(a)(i) would apply ''to the extent applicable.'' [14] When considered in conjunction with the proposed amendment to NYSE American Rule 5.2E(j)(6)(B)(I)(1)(a) referenced above, this language would make clear that an index that includes Derivative Securities Products or Index-Linked Securities may include fewer than five component securities.

The Exchange believes that it is appropriate to exclude Derivative Securities Products and Index-Linked Securities from the generic listing and continued listing criteria specified above for Equity Index-Linked Securities because Derivative Securities Products and Index-Linked Securities that may be included in an index or portfolio underlying a series of Equity Index-Linked Securities are themselves subject to specific initial and continued listing requirements of the exchange on which they are listed. For example, Units listed and traded on the Exchange are subject to the listing standards specified under NYSE American Rule 5.2E(j)(3). Also, Derivative Securities Products and Index-Linked Securities would have been listed and traded on an exchange pursuant to a filing submitted under Sections 19(b)(2) or 19(b)(3)(A) of the Act,[15] or would have been listed by an exchange pursuant to the requirements of Rule 19b–4(e) under the Act.[16] Derivative Securities Products and Index-Linked Securities are derivatively priced, and, therefore, the Exchange does not believe that it is necessary to apply the generic quantitative criteria (*e.g.,* market capitalization, trading volume, or component weighting) applicable to securities that are not Derivative Securities Products or Index-Linked Securities (*e.g.,* common stocks) to such products. Finally, by way of comparison, Derivative Securities Products are excluded from consideration when determining whether the components of Units satisfy the applicable listing criteria in Rule 5.2E(j)(3),[17] and both Derivative Securities Products and Index-Linked Securities are excluded from the applicable listing criteria for Managed Fund Shares holding equity securities in Commentary .01 to Rule 8.600E.[18]

The Exchange also proposes (1) to replace ''investment company units'' with ''Investment Company Units'' in two places in NYSE American Rule 5.2E(j)(6)(B)(I)(1) in order to conform to other usages of this term in Exchange rules; and (2) to replace the word ''Index'' with ''index'' in two places in Rule 5.2E(j)(6)(B)(I)(2)(a)(i) to conform to other usages of this word in Rule 5.2E(j)(6)(B)(I)(2).

The Exchange notes that the proposed change is not otherwise intended to address any other issues and that the Exchange is not aware of any problems that ETP Holders or issuers would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(5) of the Act,[20] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed change would facilitate the listing and trading of additional types of Equity Index-Linked Securities, which would enhance competition among market participants, to the benefit of

[10] *See* Rule 5.2E(j)(6)(B)(I)(1)(b)(i)–(iv).

[11] *See* Rule 5.2E(j)(6)(B)(I)(2)(a)(ii).

[12] This provision is similar to that in Commentary .01(a) to NYSE American Rule 8.600E relating to generic listing criteria applicable to issues of Managed Fund Shares.

[13] NYSE American Rules 5.2E(j)(6)(B)(I)(2)(a)(i) and (ii) provide that the Exchange will maintain surveillance procedures for securities listed under Rule 5.2E(j)(6) and may halt trading in such securities and will initiate delisting proceedings pursuant to Rule 5.5E(m) (unless the Commission has approved the continued trading of the subject Index-Linked Security), if any of the standards set forth in Rules 5.2E(j)(6)(B)(I)(1)(a) and 5.2E(j)(6)(B)(I)(1)(b)(2) are not continuously maintained, except that: (i) The criteria that no single component represent more than 25% of the dollar weight of the index and the five highest dollar weighted components in the index cannot represent more than 50% (or 60% for indexes with less than 25 components) of the dollar weight of the index, need only be satisfied at the time the index is rebalanced (Rule 5.2E(j)(6)(B)(I)(2)(a)(i)), and (ii) component stocks that in the aggregate account for at least 90% of the weight of the index each will have a minimum global monthly trading volume of 500,000 shares, or minimum global notional volume traded per month of $12,500,000, averaged over the last six months (Rule 5.2E(j)(6)(B)(I)(2)(a)(ii)).

[14] The phrase ''to the extent applicable'' also is included in Commentary .01(a)(A)(3) to NYSE American Rule 5.2E(j)(3) for Investment Company Units and Commentary .01(a)(1)(C) to NYSE American Rule 8.600E for Managed Fund Shares.

[15] 15 U.S.C. 78s(b)(2); 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(e).

[17] *See* Commentary .01 to NYSE American Rule 5.2E(j)(3). *See also,* Securities Exchange Act Release No. 57751 (May 1, 2008), 73 FR 25818 (May 7, 2008) (SR–NYSEArca–2008–29) (order approving amendments to the eligibility criteria for components of an index underlying Investment Company Units).

[18] *See* Commentary .01 to NYSE American Rule 8.600E. *See also,* Securities Exchange Act Release No. 78397 (July 22, 2016), 81 FR 49320 (July 27, 2016) (SR–NYSEArca–2015–110) (order approving amendments to NYSE Arca Equities Rule 8.600 to adopt generic listing standards for Managed Fund Shares).

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

investors and the marketplace. The proposed change would also result in greater efficiencies in the listing process with respect to Equity Index-Linked Securities by eliminating an unnecessary consideration regarding underlying components, which would therefore remove impediments to, and perfect the mechanism of, a free and open market. In addition, the proposed amendment to the Equity Index-Linked Securities listing criteria is intended to protect investors and the public interest in that it is consistent with the manner in which Derivative Securities Products are also excluded from consideration when determining whether the components of an index or portfolio underlying an issue of Units satisfy the applicable listing criteria,[21] and both Derivative Securities Products and Index-Linked Securities are excluded from the applicable listing criteria for Managed Fund Shares holding equity securities in Commentary .01 to Rule 8.600E.[22] Additionally, Equity Index-Linked Securities would remain subject to all existing listing standards, thereby maintaining existing levels of investor protection. The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices because the Equity Index-Linked Securities would continue to be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Rule 5.2E(j)(6). Further, the proposed change would not impact the existing listing process for Derivative Securities Products and Index-Linked Securities, whereby the exchanges on which such securities are listed must, for example, submit proposed rule changes with the Commission prior to listing and trading.

The Exchange believes that it is appropriate to exclude Derivative Securities Products and Index-Linked Securities from the generic criteria specified above for Equity Index-Linked Securities because Derivative Securities Products and Index-Linked Securities that may be included in an index or portfolio underlying a series of Equity Index-Linked Securities are themselves subject to specific initial and continued listing requirements of the exchange on which they are listed. For example, Units listed and traded on the Exchange are subject to the listing standards specified under NYSE American Rule 5.2E(j)(3). Also, such Derivative Securities Products and Index-Linked Securities would have been listed and traded on an exchange pursuant to a filing submitted under Sections 19(b)(2) or 19(b)(3)(A) of the Act,[23] or would have been listed by an exchange pursuant to the requirements of Rule 19b–4(e) under the Act.[24] The Exchange believes that quantitative factors—such as market value, global monthly trading volume, or weighting—when applied to index components (such as common stocks) underlying a series of Equity Index-Linked Securities, are relevant criteria in establishing that such series is sufficiently broad-based to minimize potential manipulation.[25] Derivative Securities Products and Index-Linked Securities, however, are derivatively priced, and, therefore, the Exchange does not believe that it is necessary to apply the generic quantitative criteria applicable to securities that are not Derivative Securities Products and Index-Linked Securities (*e.g.,* common stocks) to such products. As noted above, Derivative Securities Products are excluded from consideration on NYSE American when determining whether the components of Units satisfy the applicable listing criteria,[26] and both Derivative Securities Products and Index-Linked Securities are excluded from the applicable listing criteria for Managed Fund Shares holding equity securities in Commentary .01 to Rule 8.600E. Moreover, for shares of Derivative Securities Products that are not listed on an exchange pursuant to an exchange's generic listing rules, the Commission must first approve an exchange's proposed rule change under Section 19(b) of the Act regarding a particular Derivative Securities Product or Index-Linked Securities, which is subject to the representations and restrictions included in such proposed rule change.

The Exchange also believes it is appropriate to exclude Derivative Securities Products and Index-Linked Securities from the requirement under NYSE American Rule 5.2E(j)(6)(B)(I)(1)(b)(iv) that 90% of the applicable index's numerical value and at least 80% of the total number of component securities will meet the criteria for standardized option trading set forth in Rule 915. Rule 915 includes criteria for securities underlying option contracts approved for listing and trading on the Exchange. Among such criteria are those applicable to ''Exchange-Traded Fund Shares'' (as referenced in Rule 915, Commentary .06(a)), Trust Issued Receipts (as referenced in Rule 915, Commentary .07(a)), and Index-Linked Securities (as referenced in Rule 915, Commentary .11) that underlie Exchange-traded option contracts. The Exchange does not believe that criteria in Rule 915 should be applied to Derivative Securities Products and Index-Linked Securities because such securities are subject to separate numerical and other criteria included in the applicable exchange listing rules, including both generic listing rules permitting listing pursuant to Rule 19b–4(e) and non-generic listing rules. Derivative Securities Products and Index-Linked Securities that are the subject of a Commission approval order under Section 19(b) of the Act also are subject to specific representations made in the applicable Rule 19b–4 filing. These include representations regarding the existence of comprehensive surveillance agreements between the applicable exchange and the principal markets for certain financial instruments underlying Derivative Securities Products, or percentage limitations on assets (*e.g.,* non-U.S. stocks, futures and options) whose principal market is not a member of the Intermarket Surveillance Group (''ISG'').[27]

[21] *See supra,* note 17.

[22] *See supra,* note 18.

[23] 15 U.S.C. 78s(b)(2); 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(e).

[25] *See, e.g.,* Securities Exchange Act Release No. 54739 (November 9, 2006), 71 FR 66693 (SR–Amex–2006–78) (order approving generic listing standards for Portfolio Depositary Receipts and Index Fund Shares based on international or global indexes), in which the Commission stated that ''these standards are reasonably designed to ensure that stocks with substantial market capitalization and trading volume account for a substantial portion of any underlying index or portfolio, and that when applied in conjunction with the other applicable listing requirements, will permit the listing only of ETFs that are sufficiently broad-based in scope to minimize potential manipulation.''

[26] *See* Commentary .01 to NYSE American Rule 5.2E(j)(3). *See also* Securities Exchange Act Release No. 57751 (May 1, 2008), 73 FR 25818 (May 7, 2008) (SR–NYSEArca–2008–29) (order approving amendments to eligibility criteria for components of an index underlying Investment Company Units), in which the Commission noted that ''based on the trading characteristics of Derivative Securities Products, it may be difficult for component Derivative Securities Products to satisfy certain quantitative index criteria, such as the minimum market value and trading volume limitations. However, because Derivative Securities Products are themselves subject to specific initial and continued listing requirements, the Commission believes that it would be reasonable to exclude Derivative Securities Products, as components, from certain index component eligibility criteria for [Investment Company] Units.''

[27] *See, e.g.,* Securities Exchange Act Release No. 76719 (December 21, 2015), 80 FR 80859 (December 28, 2015) (order approving Exchange listing and trading of shares of the Guggenheim Total Return Bond ETF (''Fund'') under NYSE Arca Equities Rule 8.600), which filing stated: ''Not more than 10% of the net assets of the Fund in the aggregate invested in equity securities (other than non exchange-traded investment company securities) will consist of equity securities whose principal market is not a member of the ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. In addition, not

Continued

The Exchange believes it is appropriate to provide that the weighting limitation for the five highest weighted component securities in an index in NYSE American Rules 5.2E(j)(6)(B)(I)(1)(b)(iii) and 5.2E(j)(6)(B)(I)(2)(a)(i) would apply ''to the extent applicable.'' When considered in conjunction with the proposed amendment to NYSE American Rule 5.2E(j)(6)(B)(I)(1)(a) referenced above, this language would make clear that an index that includes Derivative Securities Products or Index-Linked Securities may include fewer than five component securities. In addition, the phrase ''to the extent applicable'' is included in Commentary .01(a)(A)(3) to NYSE American Rule 5.2E(j)(3) for Investment Company Units and Commentary .01(a)(1)(C) to NYSE American Rule 8.600E for Managed Fund Shares.

The proposed replacement of ''investment company units'' with ''Investment Company Units'' in two places in NYSE American Rule 5.2E(j)(6)(B)(I)(1) is appropriate as such changes conform to other usages of this term in Exchange rules. The proposed replacement of the word ''Index'' with ''index'' in two places in Rule 5.2E(j)(6)(B)(I)(2)(a)(i) is appropriate as such changes would conform to other usages of this word in Rule 5.2E(j)(6)(B)(I)(2).

The Exchange has in place surveillance procedures that are adequate to properly monitor trading in Index-Linked Securities in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. All Index-Linked Securities listed and traded pursuant to NYSE American Rule 5.2E(j)(6) are included within the definition of ''security'' or ''securities'' as such terms are used in the Exchange rules and, as such, are subject to Exchange rules and procedures that currently govern the trading of securities on the Exchange. Trading in the securities will be halted under the conditions specified in NYSE American Rule 5.2E(j)(6)(E).

For these reasons, the Exchange believes that the proposal is consistent with the Act.

more than 10% of the net assets of the Fund in the aggregate invested in futures contracts or exchange-traded options contracts will consist of futures contracts or exchange-traded options contracts whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.''

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[28] 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. Instead, the Exchange believes that the proposed change will encourage competition by enabling additional types of Equity Index-Linked Securities to be traded on the Exchange and, by eliminating an unnecessary consideration regarding underlying components, create a more efficient process surrounding the trading of Equity Index-Linked Securities.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[29] and subparagraph (f)(6) of Rule 19b–4 thereunder.[30]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[31] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[32] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. According to the Exchange, the proposed rule change is substantively identical to rule changes previously approved for the NYSE Arca exchange and that trading on the Exchange pursuant to unlisted trading privileges of issues of Index-Linked Securities that conform to the requirements of amended NYSE American Rule 5.2E(j)(6) would further competition among exchange markets. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because permitting the Exchange without delay to trade issues of Index-Linked Securities that conform to the proposed requirements of NYSE American Rule 5.2E(j)(6)—which are substantively identical to previously approved rules of another exchange—would further competition among exchanges trading these securities. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[33]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2017–19 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2017–19. This file number should be included on the

[28] 15 U.S.C. 78f(b)(8).

[29] 15 U.S.C. 78s(b)(3)(A)(iii).

[30] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[31] 17 CFR 240.19b–4(f)(6).

[32] 17 CFR 240.19b–4(f)(6)(iii).

[33] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–2017–19, and should be submitted on or before October 25, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21280 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32839; File No. 812–14818]

National Securities Clearing Corporation

September 28, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice. Notice of application for an order under section 3(b)(2) of the Investment Company Act of 1940 (''Act'').

APPLICANT: National Securities Clearing Corporation (''NSCC'').

SUMMARY OF APPLICATION: Applicant seeks an order under Section 3(b)(2) of the Act declaring it to be primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities. Applicant is primarily in the business of providing clearing, settlement, risk management, central counterparty (''CCP'') and ancillary services to the registered broker-dealers, banks and other market participants that are its ''Members'', as such term is defined in the rules and procedures of Applicant (''NSCC Rules'').

FILING DATE: The application was filed on September 8, 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 applicant 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 23, 2017, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, 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: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicant, c/o David F. Freeman, Jr., Arnold & Porter LLP, 601 Massachusetts Avenue NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Jennifer O. Palmer, Senior Counsel, at (202) 551–5786, or Nadya B. Roytblat, Assistant Chief Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

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 applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicant's Representations

1. Formed in 1976, Applicant is organized under the Business Corporation Law of the State of New York and is registered as a clearing agency under the Securities and Exchange Act of 1934, as amended (''Exchange Act''), and the rules and regulations thereunder (''Exchange Act Rules''). Applicant is also designated as a systemically important financial market utility (''SIFMU'') by the Financial Stability Oversight Council (''FSOC'') under Title VIII of The Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''). As a registered clearing agency, Applicant is regulated by the Commission. As a SIFMU, Applicant is subject to enhanced supervision by the Commission in consultation with the Board of Governors of the Federal Reserve System (''FRB'').[1]

2. Applicant is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation (''DTCC''). Applicant has one authorized class of stock, which is common stock. All issued and outstanding shares of Applicant's common stock are held by DTCC and there are no plans to alter this wholly-owned subsidiary structure. There is no trading market in Applicant's shares.

3. Applicant provides clearing, settlement, risk management and CCP services to its Members for broker-to-broker trades in the United States involving equities, corporate and municipal debt, American depositary receipts, exchange traded funds and unit investment trusts. In addition to these core services, Applicant also offers ancillary, non-guaranteed services, including wealth management services (''WMS'') and insurance and retirement services (''I&RS''), which automate manual processes in the mutual funds, insurance and alternative investment products areas. Applicant's operations are national.

4. Applicant operates a continuous net settlement (''CNS'') system, through which the trades in CNS-eligible securities are processed. Applicant acts as a CCP in respect of such CNS trades, becoming the buyer to every seller and the seller to every buyer, thereby guaranteeing the completion of such trades and eliminating counterparty risk among its Members. As a result, Applicant has obligations to and claims against its Members on opposite sides of guaranteed netted transactions. Applicant also provides a trade guarantee with respect to balance order transactions.

5. Due to the nature of Applicant's operations and the large volume and dollar value of trades that it guarantees, Applicant maintains a large clearing fund (''Clearing Fund'') and a large amount of other cash on hand. The Clearing Fund consists of deposits (*i.e.,* margin and other contributions) posted by Members in the form of cash and

[1] *See* Securities Exchange Act Release No. 34–78961 (Sep. 28, 2016), 81 FR 70786, 70788 (Oct. 13, 2016).

eligible securities. Pursuant to the NSCC Rules, Members are required to maintain deposits in the Clearing Fund. The amount of each Member's required deposit is calculated by Applicant using a risk-based margin methodology.

6. Applicant uses the Clearing Fund, among other resources, to manage its risks related to its trade guarantee. Specifically, deposits in the Clearing Fund, among other resources, are available to Applicant to facilitate settlement in the event of a Member default and to cover potential losses due to such an event. Additionally, Applicant uses its liquid assets to meet the requirements imposed on it as a registered clearing agency and SIFMU and to generate revenue to the extent such assets are not otherwise being put to productive use.

7. To more efficiently utilize Clearing Fund cash and other cash on hand, Applicant seeks to prudently invest part of the Clearing Fund cash and other cash on hand in bank certificates of deposit (''CDs'') and other investment securities. The managed investment of cash on hand also provides a measure of protection against inflationary factors and bolsters and protects NSCC's financial position over time.

8. Applicant is permitted under the NSCC Rules to invest Clearing Fund cash in accordance with an investment policy approved by Applicant's board of directors (''Board of Directors''). Applicant is also permitted to invest other cash on hand in accordance with such investment policy (''Clearing Agency Investment Policy'').

9. The Clearing Agency Investment Policy is designed to comply with the laws, rules and regulations applicable to Applicant as a registered clearing agency and SIFMU, including, without limitation, Exchange Act Section 17A and Exchange Act Rule 17Ad–22.[2] The Clearing Agency Investment Policy was approved by the Commission pursuant to delegated authority.[3] Any material changes to the Clearing Agency Investment Policy must be approved by the Board of Directors. Any changes to the Clearing Agency Investment Policy, regardless of materiality, will be submitted to the Commission pursuant to Exchange Act Rule 19b–4, with confidential treatment requested.

Applicant's Legal Analysis

1. Section 3(a)(l)(A) of the Act defines the term ''investment company'' to include an issuer that is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting or trading in securities. Section 3(a)(l)(C) of the Act further defines an investment company as an issuer that is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value in excess of 40 percent of the value of the issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Applicant states that it does not hold itself out as being engaged primarily in the business of investing, reinvesting or trading in securities within the meaning of Section 3(a)(l)(A) of the Act. Applicant states that it does not currently hold, but has previously held[4] and may again wish to hold, more than 40 percent of its total assets, exclusive of Government securities and cash items, in bank CDs and other investment securities. Upon such change in composition of its assets, Applicant might fall within the definition of investment company under Section 3(a)(l)(C) of the Act.

2. Rule 3a–1 under the Act provides an exemption from the definition of investment company if no more than 45 percent of a company's total assets consist of, and not more than 45 percent of its net income over the last four quarters is derived from, securities other than Government securities and securities of majority-owned subsidiaries and companies primarily controlled by it. Applicant states that it cannot rely on Rule 3a–1 because it may again wish to hold more than 45 percent of its total assets in bank CDs and other investment securities and, upon such change in composition of its assets, it will not meet the requirements of Rule 3a–1.

3. Section 3(b)(2) of the Act provides that, notwithstanding Section 3(a)(l)(C) of the Act, the Commission may issue an order declaring an issuer to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities directly, through majority-owned subsidiaries, or controlled companies conducting similar types of businesses. Applicant requests an order under Section 3(b)(2) of the Act declaring that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities, and therefore is not an investment company as defined in the Act. In determining whether an issuer is ''primarily engaged'' in a non-investment company business under Section 3(b)(2) of the Act, the Commission considers the following factors: (a) The company's historical development, (b) its public representations of policy, (c) the activities of its officers and directors, (d) the nature of its present assets, and (e) the sources of its present income.[5]

4. Applicant submits that it satisfies the criteria for issuance of an order under Section 3(b)(2) of the Act because the facts show that Applicant is primarily engaged in the business of providing clearing, settlement, risk management, CCP and ancillary services to its Members, and not in the business of investing, reinvesting, owning, holding or trading in securities.

a. *Historical Development.* Applicant states that its origins date back to the back-office crisis of the late 1960s and early 1970s and the enactment of the Securities Acts Amendments of 1975, which enabled the development of a national securities market system and a national clearance and settlement system and their regulation.[6] Applicant was formed in 1976 and now operates as a wholly-owned subsidiary of DTCC.

Applicant states that it (a) is a clearing agency registered under the Exchange Act and, as such, is subject to comprehensive regulation by the Commission and (b) has been designated by FSOC as a SIFMU under Title VIII of the Dodd-Frank Act and, as such, is subject to enhanced supervision by the Commission in consultation with the FRB. Applicant states that both the

[2] Exchange Act Rule 17 Ad–22 requires, among other things, that Applicant hold assets in a way that minimizes risk of loss or delay in access to them and to invest assets in instruments with minimal credit, market, and liquidity risks.

[3] *See* Securities Exchange Act Release No. 34–75730 (August 19, 2015), 80 FR 51638 (August 25, 2015) (SR–NSCC–2015–802) (Notice of Filing of Amendment No. 1 and No Objection to Advance Notice Filing, as Modified by Amendment No. 1, to Establish a Prefunded Liquidity Program As Part of NSCC's Liquidity Risk Management).

[4] Applicant has previously held greater than 40% of the value of its total assets, exclusive of Government securities and cash items, in bank CDs and other investment securities. Applicant has relied on Rule 3a–3 under the Act, which provides an exemption from the definition of investment company for wholly-owned subsidiaries of a company that is not itself an investment company. However, that exemption does not apply if the wholly-owned subsidiary has issued paper (other than short-term paper) to other holders. On September 10, 2015, Applicant launched a commercial paper and extendible note program (''CP Program'') under which Applicant could issue paper other than short-term paper. Out of an abundance of caution, (a) prior to the launch of the CP Program, Applicant reduced its holdings of investment securities to less than 40% of the value of Applicant's total assets, exclusive of Government securities and cash items, and (b) pending the application, Applicant has maintained its holdings of investment securities below the 40% threshold.

[5] *Tonopah Mining Company of Nevada,* 26 SEC 426, 427 (1947).

[6] *See* Securities Acts Amendments of 1975, Public Law 94–29, 89 Stat. 97 (1975).

Commission and the FRB, among other federal agencies, have previously indicated that they believe FMUs such as securities clearing agencies generally engage in activities other than those of an investment company.[7]

Applicant represents that substantially all of its activities since its formation have been devoted to providing clearing, settlement, risk management, CCP and ancillary services to its Members, and Applicant intends to continue to be primarily engaged in providing such services.

Applicant further represents that all of its issued and outstanding shares are held by DTCC. Applicant states that its shares have not been, and will not be, held out as a financial investment for profit to the public.

b. *Public Representations of Policy.* Applicant states that it has never made any public representations that would indicate that it is in any business other than providing clearing, settlement, risk management, CCP and ancillary services. Applicant represents that it has never held itself out as an investment company within the meaning of the Act. Applicant provides that all annual reports, web postings, press releases and written communications issued by Applicant have related to its business of providing clearing, settlement, risk management, CCP and ancillary services. Applicant states that no press release or advertising or promotional piece has been issued by Applicant concerning its holdings of investment securities or its capital investment policies, or concerning any potential for profit or appreciation in value relating to its own shares.

c. *Activities of Officers and Directors.* Applicant represents that all of its directors and officers devote substantially all of their time spent on Applicant's matters to its business of providing clearing, settlement, risk management, CCP and ancillary services. Applicant states that its directors and officers receive no extra or separate compensation for any services that may directly or indirectly involve Applicant's investment securities. Applicant states that the composition of its Board of Directors is designed to comply with the fair representation requirement for clearing agencies set forth in Exchange Act Section 17A and the governance standards for registered clearing agencies set forth in Exchange Act Rule 17Ad–22.

d. *Nature of Assets.* Applicant states that, as a service organization and a wholly-owned subsidiary of DTCC, Applicant owns very few fixed assets and the vast majority of its assets consist of cash and securities. Applicant states that, as of March 31, 2017, it had about $7.85 billion in total assets, of which cash and cash equivalents accounted for about $2.89 billion (36.84%), Members' segregated cash accounted for about $29.59 million (0.38%), receivables accounted for about $32.82 million (0.42%), other current assets accounted for about $5.19 million (0.07%) and Clearing Fund accounted for about $4.84 billion (61.65%). Applicant states that, as of March 31, 2017, it owned Government securities valued at $201.60 million (2.57% of total assets) but did not own investment securities (as defined in Section 3(a)(2) of the Act).

Applicant states that it has previously held greater than 40% of the value of its total assets, exclusive of Government securities and cash items, in bank CDs and other investment securities (as defined in Section 3(a)(2) of the Act), and Applicant may wish to do so again. Applicant believes that the fact that it has held, and may again wish to hold, investment securities in excess of the 40% threshold should not preclude a finding that it is engaged primarily in a business other than that of investing, reinvesting, owning, holding or trading in securities, provided that it uses its investment securities for bona fide purposes relating to its clearing, settlement, risk management, CCP and ancillary services, and that it does not invest or trade in securities for speculative purposes.

Applicant states that it provides CCP services and certain trade guarantees to its Members and requires Members that utilize such services to make required deposits to the Clearing Fund. Applicant notes that it is a clearing agency registered under the Exchange Act and, as such, is subject to comprehensive regulation by the Commission. Applicant further notes that it is a SIFMU designated by FSOC under Title VIII of the Dodd-Frank Act and, as such, is subject to enhanced supervision by the Commission in consultation with the FRB. Applicant represents that its allocation, management and use of investment securities is consistent with its business of providing CCP and trade guaranty services to its Members. Applicant represents that all of its investments are and will be managed in accordance with the Clearing Agency Investment Policy. Applicant states that it bears the entire counterparty risk for the obligations of Members to each other with respect to all trades guaranteed by Applicant. Applicant explains that it manages this risk by, among other things, requiring Members to maintain deposits in the Clearing Fund; however, that does not transfer the risk from Applicant. Accordingly, Applicant submits that its primary business for purposes of Section 3(b)(2) of the Act may be determined without regard to the nature of its assets.

e. *Sources of Income.* Applicant represents that it has always received the vast majority of its revenues from the provision of clearing, settlement, risk management, CCP and ancillary services to its Members and not from interest on investment securities. Applicant states that, for the quarter ended March 31, 2017, it derived about $70.56 million of its total revenues from the provision of clearing services, about $27.21 million from ancillary services (WMS and I&RS), and $0.79 million from settlement and asset services. Applicant states that it realized interest income of about $5.87 million for the quarter ended March 31, 2017. Applicant further provides that, for the year ended December 31, 2016, it had total revenues of $378,943,000 and interest income of $11,325,000. Applicant states that it currently invests its cash in Government securities and bank deposits. Applicant notes that total revenues as presented in the application and the Applicant's financial statements reflect revenues from operations and do not include interest income (Applicant's financial statements account for interest income as a separate line item). Applicant further states that it does not break out its expenses using a cost allocation method such that a net income after taxes figure is available for each category of services or interest income. Accordingly, Applicant submits that its revenues, not net income, should be used as the basis for evaluating its investment company status.

Applicant projects that its interest income will increase over the next three years, reaching an estimated $55,700,000 in 2019. Applicant represents that the projected increase in interest income will mostly be driven by growth in Applicant's CP Program and

[7] Specifically, Applicant asserts that in the notice of final rulemaking issued by the Commission and the FRB (among other federal agencies) to implement the Volcker Rule, the agencies supported their decision not to expressly exclude FMUs from the definition of ''covered funds'' for purposes of the Volcker Rule by (a) stating that ''[they] believe that FMUs are not investment vehicles of the type [the Volcker Rule] was designed to address, but rather entities that generally engage in other activities, including acting as central counterparties that reduce counterparty risk in clearing and settlement activities'' and (b) noting that ''if the FMU is primarily engaged in transferring, clearing, or settling payments, securities, or other financial transactions among or between financial institutions, the FMU could rely on the exclusion to the definition of investment company provided by section 3(b)(1)'' of the Act. *See* 79 FR 5536, 5700 (Jan. 31, 2014).

rising interest rates. Applicant states that this projection also reflects anticipated increases in its holdings of investment securities should the Commission grant the requested Order; however, Applicant does not anticipate that its interest income from investment securities would ever represent other than a small amount as compared to its total revenues. Applicant further states that its projected increase in interest income will not result in any material increase in net income for Applicant because (a) it passes through to its Members substantially all of its earnings on Clearing Fund cash and (b) its earnings on CP Program proceeds are substantially offset by its interest expense on the commercial paper notes and extendible notes that are issued to holders.

5. Applicant asserts that its historical development, its public representations of policy, the activities of its officers and directors and its sources of revenue, as discussed in the application, demonstrate that it is engaged primarily in the business of providing clearing, settlement, risk management, CCP and ancillary services to its Members, and not in an investment business. Applicant thus asserts that it satisfies the criteria for issuing an order under Section 3(b)(2) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21282 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81745; File Nos. SR–DTC–2017–014; SR–NSCC–2017–013; SR–FICC–2017–017]

Self-Regulatory Organizations; The Depository Trust Company; National Securities Clearing Corporation; Fixed Income Clearing Corporation; Order Approving Proposed Rule Changes To Adopt the Clearing Agency Operational Risk Management Framework

September 28, 2017.

I. Introduction

On July 25, 2017, The Depository Trust Company (''DTC''), Fixed Income Clearing Corporation (''FICC''), and National Securities Clearing Corporation (''NSCC,'' each a ''Clearing Agency,'' and collectively with DTC and FICC, the ''Clearing Agencies''), filed with the Securities and Exchange Commission (''Commission'') proposed rule changes SR–DTC–2017–014, SR–NSCC–2017–013, and SR–FICC–2017–017, respectively, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] The proposed rule changes were published for comment in the **Federal Register** on August 14, 2017.[3] The Commission did not receive any comment letters on the proposed rule changes. For the reasons discussed below, the Commission approves the proposed rule changes.

II. Description of the Proposed Rule Changes

The proposed rule changes would adopt the Clearing Agency Operational Risk Management Framework (''Framework'') of the Clearing Agencies, as described below.

A. Overview of the Framework

The Framework would describe how each of Clearing Agency manages operational risk. Operational risk is defined by the Clearing Agencies in the Framework as the risk of direct or indirect loss or reputational harm resulting from an event, internal or external, that is the result of inadequate or failed processes, people, and systems (''Operational Risk'').[4] More specifically, the Framework would describe how the Clearing Agencies (i) manage Operational Risk; (ii) manage their information technology risks; and (iii) manage their business continuity risks.[5] The DTCC Operational Risk Management group (''ORM'') would maintain the Framework, on behalf of the Clearing Agencies.[6]

B. Operational Risk Management

The Framework would describe how ORM is charged with establishing appropriate systems, policies, procedures, and controls to enable the Clearing Agencies to identify plausible sources of Operational Risk.[7]

Specifically, the Framework would describe how the Clearing Agencies identify key risks, including Operational Risk, and set metrics to categorize such risks (*e.g.,* from ''no impact'' to ''severe impact'') through ''Risk Tolerance Statements.'' [8] The Framework would describe how the Risk Tolerance Statements identify the overall risk reduction or mitigation objectives of the Clearing Agencies, with respect to identified risks to the Clearing Agencies.[9] The Framework would also explain how the Risk Tolerance Statements document the risk controls and other measures the Clearing Agencies would use to manage such identified risks (including escalation requirements in the event of risk metric breaches). The Framework would state that ORM would annually review, revise, update, and/or create, as necessary, each Risk Tolerance Statement.[10]

The Framework would also describe how the Clearing Agencies monitor key risks, including Operational Risk, through ''Risk Profiles.'' [11] The Framework would state that ''Risk Profiles'' identify how risk is assessed for each of the Clearing Agencies' businesses and support areas (each a ''Clearing Agency Business'' and/or ''Clearing Agency Support Area'').[12] The Framework would explain that the risk assessment documented in these profiles includes (1) assessment of inherent risk (*i.e.,* risk without any mitigating controls); (2) evaluation of existing controls and, as appropriate, any new additional controls, as well as the evaluation of the same risk against the strength of such controls; and (3) identification of any residual risk and a determination to either further mitigate such risk or accept such risk by the applicable Clearing Agency Business or Clearing Agency Support Area.[13]

The Framework would then describe generally the responsibilities of ORM, which is part of the second line of defense within the Clearing Agencies' ''Three Lines of Defense'' approach to risk management.[14] The Framework would identify ORM responsibilities

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 81338 (August 8, 2017), 82 FR 36049 (August 14, 2017) (SR–DTC–2017–014, SR–NSCC–2017–013, SR–FICC–2017–017) (''Notice'').

[4] Notice, 82 FR at 37943.

[5] *Id.*

[6] *Id.* The parent company of the Clearing Agencies is The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared services model with respect to the Clearing Agencies. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides a relevant service to a Clearing Agency.

[7] Notice, 82 FR at 37943.

[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.* The Three Lines of Defense approach to risk management identifies the roles and responsibilities of different Clearing Agency Businesses or Clearing Agency Support Areas in identifying, assessing, measuring, monitoring, mitigating, and reporting certain key risks faced by the Clearing Agencies. The Three Lines of Defense approach is more fully described in a separate framework, the Clearing Agency Risk Management Framework. *See* Securities Exchange Act Release No. 81635 (September 15, 2017), 82 FR 44224 (September 21, 2017)(SR–DTC–2017–013, SR–NSCC–2017–012, SR–FICC–2017–016).

including, but not limited to, management of the Risk Tolerance Statements, and working with the Clearing Agency Businesses and Clearing Agency Support Areas to create and monitor Risk Profiles.[15]

C. Information Technology Risks

The Framework would describe how the Clearing Agencies address information technology risks.[16] The Framework would state that the DTCC Technology Risk Management group (''TRM''), on behalf of the Clearing Agencies, is responsible for establishing appropriate programs, policies, procedures, and controls with respect to the Clearing Agencies' information technology risks.[17] The Framework would indicate that these responsibilities would help respective Clearing Agency's management to ensure that systems have a high degree of security, resiliency, operational reliability, and adequate, scalable capacity.[18] The Framework would describe some of the recognized information technology standards that TRM may use to execute its responsibilities (as applicable).[19]

The Framework would also identify some of TRM's responsibilities, including (1) performing risk assessments to, among other things, facilitate the determination of the Clearing Agencies' investment and remediation priorities; (2) facilitating annual mandatory and periodic information security awareness, education, training, and communication to personnel of Clearing Agency Businesses and Clearing Agency Support Areas and relevant external parties; and (3) creating, implementing, and managing certain programs, including programs that (i) address information security throughout a system's lifecycle, (ii) facilitate compliance with evolving and established regulatory rules and guidelines that govern protection of the information assets of the Clearing Agencies and their participants, (iii) identify, prioritize, and manage the level of cyber threats to the Clearing Agencies, and (iv) assure that access to Clearing Agency information assets is appropriately authorized and authenticated based on current business need.[20]

Additionally, the Framework would note that TRM's risk strategy is closely aligned to the Clearing Agencies' business drivers and future strategic direction.[21] The Framework would state that such risk strategy allows the Clearing Agencies to achieve information security threat mitigation objectives, resiliency of infrastructure supporting Clearing Agency critical business applications, and operational reliability.[22] The Framework would also describe how TRM's early and consistent involvement in initiatives to develop new products and systems establishes this priority.[23] The Framework would state that TRM is involved from the initial planning phase through the design, build, and operative phases of those initiatives, to address certain requirements.[24] The Framework would then explain that TRM's involvement specifically addresses effectiveness, reliability, and availability requirements of those initiatives, incorporating those requirements into the initiatives' design and execution (from both a technology and cyber security perspective).[25]

The Framework would next describe the Clearing Agencies' security strategy and defense, stating that the Clearing Agencies' network security framework and preventive controls are designed to support a reliable and robust tiered security strategy and defense.[26] The Framework would state that these controls include modern and technically advanced security firewalls, intrusion detection, system and data monitoring, and data protection tools.[27] The Framework would also describe the Clearing Agencies' enhanced security features and the standards they use to assess vulnerabilities and potential threats.[28]

D. Business Continuity Risks

Finally, the Framework would describe how the Clearing Agencies establish and maintain business continuity plans to address events that may pose significant business continuity risks (*i.e.,* disrupting of Clearing Agency operations).[29] The Framework would identify how the business continuity process for each Clearing Agency Business and Clearing Agency Support Area is ranked by the significance of a possible disruption to its operation.[30] The Framework would explain that these rankings fall within a range of tiers, from 0 to 5, based on criticality to each applicable Clearing Agency's operations (each a ''Tier''), where Tier 0 equates to critical operations or support of such operations for which virtually no downtime is permitted under applicable regulatory standards, and Tier 5 equates to non-essential operations or support of such operations for which recovery times of greater than five days is permitted.[31]

The Framework would state that each Clearing Agency Business and Clearing Agency Support Area annually updates its own business continuity plan, as well as reviews and ratifies its business impact analysis.[32] The Framework would describe that the DTCC Business Continuity Management department (''BCM'') uses that analysis, on behalf of the Clearing Agencies, to validate the Business' or Support Area's current Tier ranking, described above.[33] The Framework would identify the key elements of the business impact analysis, including (1) an assessment of the criticality of the applicable Clearing Agency Business or Clearing Agency Support Area, based on potential impact to the Clearing Agency; (2) an estimation of the maximum allowable downtime for the applicable Clearing Agency Business or Clearing Agency Support Area; and (3) the identification of dependencies, and the ranking of such dependencies to align with the criticality of the applicable Clearing Agency Business's, or Clearing Agency Support Area's, recovery.[34]

The Framework would describe the Clearing Agencies' multiple data centers, and the emergency monitoring and back-up systems available at each site.[35] The Framework would explain the capacity of the various data centers (including emergency monitoring and back-up systems).[36] The Framework would also describe how the Clearing Agencies' operating centers (which may include data centers) assist in recovery efforts, and explain how each Clearing Agency Business and Clearing Agency Support Area creates and deploys its own work-area recovery strategy to mitigate the loss of primary workspace and/or associated desktop technology, as well as for purposes of appropriately locating personnel.[37] The Framework would further indicate how each work-area recovery strategy is developed and

[15] Notice, 82 FR at 37943.
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] Notice, 82 FR at 37943–44.
[23] Notice, 82 FR at 37944.
[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] *Id.*
[28] *Id.*
[29] *Id.*
[30] *Id.*
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] *Id.*
[35] *Id.*
[36] *Id.*
[37] *Id.*

executed (based on the applicable Clearing Agency Business' and Clearing Agency Support Area's current Tier ranking, as described above).[38]

The Framework would describe the responsibilities of BCM in managing a disruptive business event.[39] The Framework would state that managing a disruptive business event would include coordination with a team of representatives from each Clearing Agency Business and Clearing Agency Support Area.[40] Finally, the Framework would describe how the Clearing Agencies conduct regular exercises used to simulate loss of Clearing Agency locations, and would describe some of the preventive measures the Clearing Agencies take with respect to business continuity risk management.[41]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization.[42] After carefully considering the proposed rule changes, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Clearing Agencies. Specifically, the Commission finds that the proposed rule changes are consistent with Section 17A(b)(3)(F) of the Act[43] and Rules 17Ad–22(e)(17)(i)–(iii) under the Act.[44]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a registered clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the Clearing Agencies or for which they are responsible.[45]

As described above, the Framework would describe how the Clearing Agencies manage their Operational Risk. Specifically, the Frameworks would describe how the Clearing Agencies address their technology risks, information security risks, and their business continuity risks. The Framework would describe the processes, systems, and controls (as well as the supporting policies and procedures) used by the Clearing Agencies to identify, manage, and mitigate risks which threaten the Clearing Agencies' ability to function.

By describing their Operational Risk practices in a clear and comprehensive manner, the Framework is designed to help the Clearing Agencies prevent and manage the risks that arise in, or are borne by, the Clearing Agencies. The Framework would explain how the Clearing Agencies identify and mitigate risks generally (through the Three Lines of Defense, Risk Tolerance Statements, and Risk Profiles), as well as how they specially identify and mitigate information technology risk (through the TRM's efforts) and business continuity risk (through data centers and operational centers). By better managing the risks that arise in or are bone by the Clearing Agencies through such risk mitigation practices, the Framework is designed to help reduce the possibility that a Clearing Agency fails. By better positioning the Clearing Agencies to continue their critical operations and services, and mitigating the risk of financial loss contagion caused by a Clearing Agency failure, the Framework is designed to help assure the safeguarding of securities and funds which are in the custody or control of the Clearing Agencies, or for which they are responsible. Accordingly, the Commission believes that the proposed rule changes are consistent with Section 17A(b)(3)(F) of the Act.[46]

B. Consistency With Rule 17Ad–22(e)(17)(i)

Rule 17Ad–22(e)(17)(i) under the Act requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to manage the covered clearing agency's operational risks by identifying the plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls.[47]

As described above, the Framework would describe how the Risk Tolerance Statements and the Risk Profiles assist the Clearing Agencies identify and mitigate the plausible sources of Operational Risk, both internal and external. As described above, the Framework explains how the Risk Tolerance Statements (i) identify both internal and external Clearing Agency risks; (ii) categorize the respective Clearing Agencies' tolerance for those risks; and (iii) then identify governance process applicable to any breach of those tolerances. In this way, the Risk Tolerance Statements are designed to help the Clearing Agencies to identify and manage the internal and external risks. As also described above, the Framework would describe how the Risk Profiles are designed to serve a similar function, by serving as a tool for identifying and assessing inherent risks, and evaluating the controls around those risks. The Framework also describes the role of ORM, which includes oversight of both the Risk Tolerance Statements and Risk Profiles.

By describing the functions of the Risk Tolerance Statements and Risk Profiles, (which, together, are designed to (i) assist the Clearing Agencies in effectively managing their operational risks by identifying the plausible sources of operational risk, both internal and external, and (ii) assist the Clearing Agencies in mitigating the impact of those risks), and by describing the role of ORM in overseeing the Risk Tolerance Statements and Risk Profiles, the Commission believes the Framework is consistent with the requirements of Rule 17Ad–22(e)(17)(i).[48]

C. Consistency With Rule 17Ad–22(e)(17)(ii)

Rule 17Ad–22(e)(17)(ii) under the Act requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to manage the covered clearing agency's operational risks by ensuring that systems have a high degree of security, resiliency, operational reliability, and adequate, scalable capacity.[49]

As noted above, the Framework would describe how the Clearing Agencies manage their Operational Risk. Specifically, the Framework would describe TRM's role and responsibilities in managing the Clearing Agencies' information technology risks. In particular, the Framework would identify TRM's (i) programs, systems, and controls; (ii) information technology risk management standards; and (iii) continuous role in product and project initiatives to address security issues through the lifecycle of Clearing Agency initiatives.

The Framework thereby describes how TRM is designed to safeguard the integrity of the Clearing Agencies' information technology, as well as the standards against which TRM's safeguards would be evaluated. In this manner, the Framework is designed to

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] *Id.*

[42] 15 U.S.C. 78s(b)(2)(C).

[43] 15 U.S.C. 78q–1(b)(3)(F).

[44] 17 CFR 240.17Ad–22(e)(17)(i)–(iii).

[45] 15 U.S.C. 78q–1(b)(3)(F).

[46] *Id.*

[47] 17 CFR 240.17Ad–22(e)(17)(i).

[48] *Id.*

[49] 17 CFR 240.17Ad–22(e)(17)(ii).

ensure that the Clearing Agencies' systems have a high degree of security, resiliency, and operational reliability. Furthermore, as the Framework indicates TRM's early and continuous involvement in the Clearing Agencies' initiatives, the Framework reveals how TRM would enable the Clearing Agencies to grow and evolve while accounting for technology and cyber security concerns, thereby ensuring the Clearing Agencies' adequate and scalable capacity.

Therefore, by describing TRM's role and responsibilities in helping the Clearing Agencies maintain systems with a high degree of security, resiliency, operational reliability, and adequate, scalable capacity, the Commission believes the Framework is consistent with the requirements of Rule 17Ad–22(e)(17)(ii).[50]

D. Consistency With Rule 17Ad–22(e)(17)(iii)

Rule 17Ad–22(e)(17)(iii) under the Act requires, in part, that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to manage the covered clearing agency's operational risks by establishing and maintaining a business continuity plan that addresses events posing a significant risk of disrupting operations.[51]

As described above, the Framework would describe how the Clearing Agencies establish and maintain business continuity plans. Specifically, the Framework would describe the critical features of the Clearing Agencies' business continuity plans to demonstrate how they are designed to address events posing a significant risk of disrupting the Clearing Agencies' operations. The Framework would also indicate how each Clearing Agency Business and Clearing Agency Support Area reviews and ratifies its respective plan and its business impact analysis, relative to its assigned Tier. Therefore, as the Framework describes how the Clearing Agencies establish and maintain their business continuity plans, which are designed to address events posing a significant risk of disrupting operations, the Commission believes that the Framework is consistent with the requirements of Rule 17Ad–22(e)(17)(iii).[52]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[53] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that proposed rule changes SR–DTC–2017–014, SR–NSCC–2017–013, and SR–FICC–2017–017 be, and hereby are, *approved.*[54]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[55]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21273 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

[50] *Id.*

[51] 17 CFR 240.17Ad–22(e)(17)(iii).

[52] *Id.*

[53] 15 U.S.C. 78q–1.

[54] In approving the Proposed Rule Changes, the Commission considered the proposals' impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[55] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SECURITIES EXCHANGE ACT OF 1934 Release No. 81760/September 28, 2017: INVESTMENT COMPANY ACT OF 1940 Release No. 32842/September 28, 2017]

Exemptive Relief for Individuals and Entities Affected by Hurricanes Harvey, Irma or Maria

Order Under Section 15b, Section 17a And Section 36 Of The Securities Exchange Act Of 1934 Granting Exemptions From Specified Provisions Of The Exchange Act And Certain Rules Thereunder

Order Under Section 6(C) And Section 38(A) Of The Investment Company Act Of 1940 Granting Exemptions From Specified Provisions Of The Investment Company Act And Certain Rules Thereunder

In late August 2017, Hurricane Harvey caused catastrophic damage along the Texas and Louisiana coast, in early September 2017, Hurricane Irma caused catastrophic damage to the U.S. Virgin Islands, Puerto Rico and the Florida coast, and, in mid-September 2017, Hurricane Maria caused additional catastrophic damage to the U.S. Virgin Islands and Puerto Rico. The storms and subsequent flooding have displaced individuals and businesses and disrupted communications and transportation across the affected regions. We are issuing this Order to address the needs of companies and individuals with obligations under the federal securities laws who have been directly or indirectly affected by Hurricane Harvey, Hurricane Irma or Hurricane Maria and their respective aftermaths.

Section 15B(a)(4) of the Securities Exchange Act of 1934 (the ''Exchange Act'') provides that the Securities and Exchange Commission (the ''Commission''), by rule or order, upon its own motion or upon application, may conditionally or unconditionally exempt any broker, dealer, municipal securities dealer or municipal advisor, or class of brokers, dealers, municipal securities dealers, or municipal advisors from any provision of Section 15B or the rules or regulations thereunder, if the Commission finds that such exemption is consistent with the public interest, the protection of investors and the purposes of Section 15B.

Section 36 of the Exchange Act authorizes the Commission, by rule, regulation or order, to exempt, either conditionally or unconditionally, any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Exchange Act or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.

Section 17A(c)(1) of the Exchange Act provides that the appropriate regulatory agency, by rule or by order, upon its own motion or upon application, may conditionally or unconditionally exempt any person or security or class of persons or securities from any provision of Section 17A or any rule or regulation prescribed under Section 17A, if the appropriate regulatory agency[1] finds that such exemption is in the public interest and consistent with the protection of investors and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds. Section 17A(c)(1) also requires that the Commission not object to the use of exemptive authority in instances where an appropriate regulatory authority other than the Commission is providing exemptive relief.

Section 6(c) of the Investment Company Act of 1940 (the ''Company Act'') provides that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Company Act, or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of

[1] Section 3(a)(34)(B) of the Exchange Act defines ''appropriate regulatory authority.''

investors and the purposes fairly intended by the policy and provisions of the Company Act. Section 38(a) of the Company Act provides that the Commission may make, issue, amend and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission under the Company Act.

The necessity for prompt action of the Commission does not permit prior notice of the Commission's action.

I. Time Period for the Relief

The time period for the relief specified in Sections II and VI of this Order is as follows:

(1) With respect to those persons or entities affected by Hurricane Harvey, for the period from and including August 25, 2017 to October 6, 2017, all reports, schedules or forms must be filed on or before October 10, 2017;

(2) With respect to those persons or entities affected by Hurricane Irma, for the period from and including September 6, 2017 to October 18, 2017, all reports, schedules or forms must be filed on or before October 19, 2017; and

(3) With respect to those persons or entities affected by Hurricane Maria, for the period from and including September 20, 2017 to November 1, 2017, all reports, schedules or forms must be filed on or before November 2, 2017.

II. Filing Requirements for Registrants and Other Persons

The lack of communications, transportation, electricity, facilities and available staff and professional advisors as a result of Hurricane Harvey, Hurricane Irma and Hurricane Maria could hamper the efforts of public companies and other persons with filing obligations to meet their filing deadlines. At the same time, investors have an interest in the timely availability of required information about these companies and the activities of persons required to file schedules and reports with respect to these companies. While the Commission believes that the relief from filing requirements provided by the exemption below is necessary and appropriate in the public interest and consistent with the protection of investors, we remind public companies and other persons who are the subjects of this Order to continue to evaluate their obligations to make materially accurate and complete disclosures in accordance with the anti-fraud provisions of the federal securities laws.

Accordingly, *it is ordered,* pursuant to Section 36 of the Exchange Act, that a registrant (as defined in Exchange Act Rule 12b–2) subject to the reporting requirements of Exchange Act Section 13(a) or 15(d), and any person required to make any filings with respect to such a registrant, is exempt from any requirement to file or furnish materials with the Commission under Exchange Act Sections 13(a), 13(d), 13(f), 13(g), 14(a), 14(c), 14(f), 15(d) and 16(a), Regulations 13A, 13D–G, 14A, 14C and 15D, and Exchange Act Rules 13f–1, 14f–1 and 16a–3, as applicable, where the conditions below are satisfied.

Conditions

(a) The registrant or person other than a registrant is not able to meet a filing deadline due to Hurricane Harvey, Hurricane Irma or Hurricane Maria and their respective aftermaths;

(b) The registrant or person other than a registrant files with the Commission any report, schedule or form required to be filed during the applicable period of relief on or before the applicable deadline set forth in Section I; and

(c) In any such report, schedule or form filed pursuant to this Order, the registrant or person other than a registrant must disclose that it is relying on this Order and state the reasons why, in good faith, it could not file such report, schedule or form on a timely basis.

III. Furnishing of Proxy and Information Statements

The conditions in the areas affected by Hurricane Harvey, Hurricane Irma and Hurricane Maria, including displacement of thousands of individuals and the destruction of property, have prevented and will continue to prevent the delivery of mail to the affected areas. In light of these conditions, we believe that relief is warranted for those seeking to comply with our rules imposing requirements to furnish materials to security holders when mail delivery is not possible and that the following exemption is necessary and appropriate in the public interest and consistent with the protection of investors.

Accordingly, *it is ordered,* pursuant to Section 36 of the Exchange Act, that a registrant or any other person is exempt from the requirements to furnish proxy statements, annual reports and other soliciting materials, as applicable (the ''Soliciting Materials''), and the requirements of the Exchange Act and the rules thereunder to furnish information statements and annual reports, as applicable (the ''Information Materials''), where the conditions below are satisfied.

Conditions

(a) The registrant's security holder has a mailing address located within a zip code where, as a result of Hurricane Harvey, Hurricane Irma or Hurricane Maria, the registrant's common carrier has suspended delivery service of the type or class customarily used by the registrant;

(b) The registrant or other person making a solicitation has followed normal procedure when furnishing the Soliciting Materials to the security holder in order to ensure that the Soliciting Materials preceded or accompanied the proxy, as required by the rules applicable to the particular form of Soliciting Materials, or, in the case of Information Materials, the registrant has followed normal procedure when furnishing the Information Materials to the security holder in accordance with the rules applicable to Information Materials; and

(c) If requested by the security holder, the registrant or other person provides the Soliciting Materials or Information Materials by a means reasonably designed to furnish the Soliciting Materials or Information Materials to the security holder.

Any registrant or other person in need of additional assistance related to deadlines, delivery obligations or their public filings, should contact the Division of Corporation Finance at (202) 551–3500 or at *https://tts.sec.gov/cgi-bin/corp_fin_interpretive.*

IV. Transmittal of Annual and Semi-Annual Reports to Investors Required by the Company Act and the Rules Thereunder

For reasons similar to those cited in Section III, we believe that relief is warranted for the transmittal by registered management investment companies and registered unit investment trusts (collectively, ''registered investment companies'') of annual and semi-annual reports to investors and that the following exemption is necessary and appropriate in the public interest and consistent with the protection of investors.

Accordingly, *it is ordered,* pursuant to Sections 6(c) and 38(a) of the Company Act that for the period from and including August 25, 2017 to November 1, 2017, a registered investment company is exempt from the requirements of Section 30(e) of the Company Act and Rule 30e–1 thereunder to transmit annual and semi-annual reports to investors affected by Hurricane Harvey, Hurricane Irma or Hurricane Maria; and

For the period from and including August 25, 2017 to November 1, 2017,

a registered unit investment trust is exempt from the requirements of Section 30(e) of the Company Act and Rule 30e–2 thereunder to transmit annual and semi-annual reports to unitholders affected by Hurricane Harvey, Hurricane Irma or Hurricane Maria,

Provided that:

(a) The affected investor's mailing address for transmittal as listed in the records of the registered investment company has a zip code for which the registered investment company's common carrier has suspended mail service, as a result of Hurricane Harvey, Hurricane Irma or Hurricane Maria, of the type or class customarily used by the registered investment company for transmittal of reports; and

(b) The registered investment company or other person promptly transmits the reports to affected investors: Either (a) if requested by the investor; or (b) at the earlier of (i) November 2, 2017 or (ii) the resumption of the applicable mail service.

Registered investment companies who are unable to meet a deadline as extended by this relief, or in need of additional assistance regarding issues under the Company Act, should contact the Division of Investment Management, Office of Chief Counsel, at (202) 551–6825 or *IMOCC@sec.gov.*

Registered investment advisers in need of additional assistance regarding issues under the Investment Advisers Act of 1940 should contact the Division of Investment Management, Investment Adviser Regulation Office, at (202) 551–6999 or *IARDLive@sec.gov.*

V. Transfer Agent Compliance With Sections 17A and 17(f) of the Exchange Act

Exchange Act Section 17A and Section 17(f), as well as the rules promulgated under Sections 17A and 17(f), contain requirements for registered transfer agents relating to, among other things, processing securities transfers, safekeeping of investor and issuer funds and securities and maintaining records of investor ownership. Following the events of Hurricane Harvey, Hurricane Irma and Hurricane Maria, registered transfer agents located in the affected regions may have difficulty complying with some or all of their obligations as registered transfer agents. In addition, registered transfer agents located outside the affected regions may be unable to conduct business with entities or security holders inside the regions, thereby making it difficult to process securities transactions and corporate actions in conformance with Section 17A, Section 17(f) and the rules thereunder.

While the national clearance and settlement system continues to operate well in light of these emergencies, the Commission recognizes that the need to effect securities transfers and payments to and from security holders in the affected regions may present compliance issues for affected transfer agents. Therefore, the Commission is using its authority under Section 17A and Section 36 of the Exchange Act to provide temporary relief from certain regulatory provisions. This Order temporarily exempts transfer agents from the requirements of: (1) Section 17A of the Exchange Act and Rules 17Ad–1 through 17Ad–20 thereunder; and (2) Section 17(f) of the Exchange Act and Rules 17f–1 and 17f–2 thereunder. The Commission finds the following exemption to be in the public interest and consistent with the protection of investors and the purpose of Section 17A of the Exchange Act, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.

Accordingly, it is ordered, pursuant to Sections 17A and 36 of the Exchange Act, that any registered transfer agent that is unable to comply with Section 17A and Section 17(f) of the Exchange Act and the rules promulgated thereunder, as applicable, due to Hurricane Harvey, Hurricane Irma or Hurricane Maria and their respective aftermaths is hereby temporarily exempted from complying with such provisions for the period from and including August 25, 2017 to November 2, 2017 where the conditions below are satisfied.

Conditions

(a) A registered transfer agent relying on this Order must notify the Commission in writing by November 2, 2017 of the following:

(1) The transfer agent is relying on this Order;

(2) A statement of the reasons why, in good faith, the transfer agent is unable to comply with Section 17A and Section 17(f) of the Exchange Act and the rules promulgated thereunder, as applicable;

(3) If the transfer agent knows or believes that the books and records it is required to maintain pursuant to Section 17A and the rules thereunder were lost, destroyed or materially damaged, information, to the extent reasonably available, as to the type of books and records that were maintained, the names of the issuers for whom such books and records were maintained, the extent of the loss of, or damage to, such books and records and the steps taken to ameliorate any such loss or damage; and

(4) If the transfer agent knows or believes that funds or securities belonging to either issuers or security holders and within its possession were, for any reason, lost, destroyed, stolen or unaccounted for, information, to the extent reasonably available, regarding the dollar amount of any such funds and the number of such securities and the steps taken to ameliorate any such loss; and

(b) Transfer agents that have custody or possession of any security holder or issuer funds or securities shall use all reasonable means available to ensure that all such securities are held in safekeeping and are handled, in light of all facts and circumstances, in a manner reasonably free from risk of theft, loss or destruction and that all funds are protected against misuse. To the extent possible, all security holder or issuer funds that remain in the custody of the transfer agent shall be maintained in a separate bank account held for the exclusive benefit of security holders until such funds are properly remitted.

The notification required under (a) above shall be sent to: U.S. Securities and Exchange Commission, Division of Trading and Markets, Office of Clearance and Settlement, 100 F Street NE., Washington, DC 20549–7010.

The Commission encourages registered transfer agents and the issuers for whom they act to inform affected security holders whom they should contact concerning their accounts, their access to funds or securities and other shareholder concerns. If feasible, issuers and their transfer agents should place a notice on their websites or providing toll free numbers to respond to inquiries.

Transfer agents who are unable to meet a deadline as extended by this relief, or in need of additional assistance, should contact the Division of Trading and Markets at (202) 551–5777 or *tradingandmarkets@sec.gov.*

VI. Filing of Annual Update to Form MA as Required by the Exchange Act and the Rules Thereunder

Section 15B of the Exchange Act and Rule 15Ba1–5(a)(1) thereunder requires each registered municipal advisor to file with the Commission an annual update to its Form MA. For reasons similar to those cited in Section II, the Commission believes that relief is warranted for the filing with the Commission of annual updates to Form MA by registered municipal advisors and that such relief is consistent with the public interest, the protection of

investors and the purposes of Section 15B of the Exchange Act.

Accordingly, it is so ordered, pursuant to Section 15B(a)(4) of the Exchange Act, that any registered municipal advisor is exempt from the requirement to file an annual update to Form MA with the Commission, as required by Section 15B of the Exchange Act and Rule 15Ba1–5(a)(1) thereunder, where the conditions below are satisfied.

Conditions

(a) The registered municipal advisor is not able to fulfill its obligation to file an annual update to the registered municipal advisor's Form MA within 90 days of the end of the registered municipal advisor's fiscal year due to Hurricane Harvey, Hurricane Irma or Hurricane Maria;

(b) The registered municipal advisor files with the Commission its annual update to Form MA required to be filed during the applicable period of relief on or before the applicable deadline set forth in Section I; and

(c) In any such annual update to its Form MA filing, the registered municipal advisor must disclose that it is relying on this Order and state the reasons why, in good faith, it could not file such annual update to Form MA on a timely basis.

Registered municipal advisors who are unable to meet a deadline as extended by this relief or in need of additional assistance, should contact the Office of Municipal Securities at (202) 551–5680 or *munis@sec.gov.*

VII. Independence—Bookkeeping or Other Services Related to the Accounting Records or Financial Statements of the Audit Client

The conditions in the areas affected by Hurricane Harvey, Hurricane Irma and Hurricane Maria, including displacement of individuals, the destruction of property and loss or destruction of corporate records, may require extraordinary efforts to reconstruct lost or destroyed accounting records. The Commission understands that in these particularly challenging situations an audit client may look to its auditor for assistance in reconstruction of its accounting records because of the auditor's knowledge of the client's financial systems and records. Under Section 10A(g)(1) of the Exchange Act and Rule 2–01(c)(4)(i) of Regulation S–X, auditors are prohibited from providing bookkeeping or other services relating to the accounting records of the audit client, and in Rule 2–01(c)(4)(i) of Regulation S–X, these prohibited services are described as including ''maintaining or preparing the audit client's accounting records'' or ''preparing or originating source data underlying the audit client's financial statements.'' In light of the conditions in areas affected by Hurricane Harvey, Hurricane Irma and Hurricane Maria, however, we believe that limited relief from these prohibitions is warranted for those registrants and other persons that are required to comply with the independence requirements of the federal securities laws and the Commission's rules and regulations thereunder and that are affected by those conditions. The Commission finds the following exemption to be necessary and appropriate in the public interest and consistent with the protection of investors.

Accordingly, it is ordered, pursuant to Section 36 of the Exchange Act, that independent certified public accountants engaged to provide audit services to registrants and other persons required to comply with the independence requirements of the federal securities laws and the Commission's rules and regulations thereunder are exempt from the requirements of Section 10A(g)(1) of the Exchange Act and Rule 2–01(c)(4)(i) of Regulation S–X, where the conditions below are satisfied.

Conditions

(a) Services provided by the auditor are limited to reconstruction of previously existing accounting records that were lost or destroyed as a result of Hurricane Harvey, Hurricane Irma or Hurricane Maria and such services cease as soon as the audit client's lost or destroyed records are reconstructed, its financial systems are fully operational and the client can effect an orderly and efficient transition to management or other service provider; and

(b) Services provided by the auditor to its audit client pursuant to this Order are subject to pre-approval by the audit client's audit committee as required by Rule 2–01(c)(7) of Regulation S–X.

Auditors or audit clients who are in need of additional assistance or have other questions relating to auditor independence, should contact the Office of the Chief Accountant at (202) 551–5300 or *OCARequest@sec.gov*.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2017–21284 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81747; File No. SR–NYSEArca–2017–06]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of a Proposed Rule Change, as Modified by Amendment No. 2, Relating to the Listing and Trading of Shares of the Bitcoin Investment Trust Under NYSE Arca Equities Rule 8.201

September 28, 2017.

On January 25, 2017, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the Bitcoin Investment Trust under NYSE Arca Equities Rule 8.201. The proposed rule change was published for comment in the **Federal Register** on February 9, 2017.[3]

On March 22, 2017, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] On April 6, 2017, the Exchange filed Amendment No. 1 to the proposed rule change. On April 27, 2017, the Commission published notice of Amendment No. 1 and instituted proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.[6] On May 11, 2017, the Exchange filed Amendment No. 2 to the proposed rule change, and on May 25, 2017, the Commission published notice of Amendment No. 2.[7] On July 25, 2017, the Commission designated a longer period for Commission action on the proposed rule change.[8] The Commission has received eighteen comment letters on the proposed rule change.[9]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79955 (Feb. 3, 2017), 82 FR 10086 (Feb. 9, 2017).

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 80297 (Mar. 22, 2017), 82 FR 15408 (Mar. 28, 2017).

[6] *See* Securities Exchange Act Release No. 80502 (Apr. 21, 2017), 82 FR 19398 (Apr. 27, 2017).

[7] *See* Securities Exchange Act Release No. 80729 (May 19, 2017), 82 FR 24185 (May 25, 2017).

[8] *See* Securities Exchange Act Release No. 81201 (July 25, 2017), 82 FR 33938 (July 31, 2017). The Commission designated October 7, 2017, as the date by which the Commission shall either approve or disapprove the proposed rule change.

[9] *See* Letters from Joseph Stephen White (Feb. 5, 2017); Anonymous (Feb. 8, 2017) (purportedly from

On September 27, 2017, the Exchange withdrew the proposed rule change (SR–NYSEArca–2017–06), as modified by Amendment No. 2.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21275 Filed 10–3–17; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2017–0048]

Social Security Ruling, SSR 17–4p; Titles II and XVI: Responsibility for Developing Written Evidence

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling (SSR).

SUMMARY: We are providing notice of SSR 17–4p. This SSR clarifies our responsibilities and the responsibilities of a claimant and a claimant's representative to develop evidence and other information in disability and blindness claims.

FOR FURTHER INFORMATION CONTACT: Patrick McGuire, Office of Appellate Operations, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041, (703) 605–7100. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this SSR, we are doing so in accordance with 20 CFR 402.35(b)(1).

Through SSRs, we make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and special veterans' benefits programs. We may base SSRs on determinations or decisions made at all levels of administrative adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, or other interpretations of the law and regulations.

Although SSRs do not have the same force and effect as statutes or regulations, they are binding on all components of the Social Security Administration. 20 CFR 402.35(b)(1).

This SSR will remain in effect until we publish a notice in the **Federal Register** that rescinds it, or until we publish a new SSR that replaces or modifies it.

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

Nancy A. Berryhill,

Acting Commissioner of Social Security.

POLICY INTERPRETATION RULING

SSR 17–4p: Titles II and XVI: Responsibility for Developing Written Evidence

Purpose

This Ruling clarifies our responsibilities and those of the claimant and the claimant's representative to develop evidence and other information in disability and blindness claims under titles II and XVI of the Social Security Act (Act). This Ruling applies at all levels of our administrative review process, as described below.

Citations (Authority)

Sections 206(a), 223(d), and 1614(a) of the Social Security Act, as amended; 20 CFR 404.935, 404.970, 404.1512, 404.1513, 404.1593, 404.1594, 404.1614, 404.1740, 404.1745, 416.912, 416.913, 416.993, 416.994, 416.1014, 416.1435, 416.1470, 416.1540, and 416.1545.

Introduction

We need complete evidentiary records to make accurate, consistent disability determinations and decisions at each level of our administrative review process. Although we take a role in developing the evidentiary record in disability claims, claimants and their appointed representatives have the primary responsibility under the Act to provide evidence in support of their disability or blindness claims. Consequently, we expect claimants and their representatives to make good faith efforts to ensure that we receive complete evidence.

Under the Act, we cannot find that an individual is disabled ''unless [he or she] furnishes such medical and other evidence of the existence thereof as the Commissioner of Social Security may require.'' [1] This statutory provision places primary responsibility for the development of evidence on the claimant. Consistent with the claimant's statutory obligation to provide us with evidence regarding his or her disability or blindness claim, our regulations require a claimant to submit or inform us about all evidence known to him or her that relates to whether or not he or she is disabled or blind.[2] At the hearings level, a claimant generally must submit or inform us about written evidence at least 5 business days before the date of his or her scheduled hearing.[3] We adopted this 5-day requirement in December 2016 and implemented it in May 2017, to address unprecedented workload challenges.[4] As we explained in the preamble to our notice of proposed rulemaking, ''[w]e cannot afford to continue postponing hearing proceedings because the record is not complete at the time of the hearing.'' [5]

A representative's duty to submit evidence is derivative of the claimant's; [6] however, representatives must also follow our rules of conduct and standards of responsibility for representatives.[7] Those rules impose an affirmative duty on a representative to act with reasonable promptness to help obtain the information or evidence that the claimant must submit and forward the information or evidence to us as soon as practicable.[8] A representative also has an affirmative duty to assist a claimant in complying, as soon as practicable, with our requests for information or evidence.[9]

This Ruling explains the requirement to submit or inform us about evidence and clarifies who has the final

Jeffrey Wilcke, Ethereum Foundation); Mark T. Williams, Finance Professor, Boston University (Mar. 13, 2017); Clark Haley (Apr. 15, 2017); Daniel Warsh, Managing Member, Warberg Asset Management (Jun. 8, 2017); Murray Stahl, Chairman, CEO, CIO, and Hugh Ross, COO, Horizon Kinetics LLC (Jun. 12, 2017); Tim Lewkow, Founder, Wealth Manager (Jun. 14, 2017); Jerry Brito, Executive Director, Coin Center (Jun. 20, 2017); Sheri Kaiserman, Managing Director, Wedbush Securities (Jun. 20, 2017); Douglas M. Yones, Head of Exchange Traded Products, New York Stock Exchange, and Elizabeth King, General Counsel, New York Stock Exchange (Jun. 28, 2017); Arthur Levitt (Jul. 5, 2017); Jeffrey McCarthy, CEO, Exchange Traded Funds, The Bank of New York Mellon (Jul. 7, 2017); Ari Paul, CIO and Managing Partner, Block Tower Capital (Jul. 9, 2017); Dr. James Smith, CEO, Elliptic (Jul. 18, 2017); Prof. Campbell R. Harvey, Fuqua School of Business, Duke University, *et al.* (Aug. 28, 2017); James J. Angel, Associate Professor of Finance, McDonough School of Business, Georgetown University (Sept. 11, 2017); Matt Corallo (Sept. 11, 2017); Joseph A. Hall, Davis Polk & Wardwell LLP. All comments on the proposed rule change, as well as a copy of the presentation submitted in a meeting with the Commission's staff on July 7, 2017, are available on the Commission's Web site at: *https://www.sec.gov/comments/sr-nysearca-2017-06/nysearca201706.htm.*

[10] 17 CFR 200.30–3(a)(12).

[1] Sections 223(d)(5)(A) and 1614(a)(3)(H)(i) of the Act, 42 USC 423(d)(5)(A) and 1382c(a)(3)(H)(i).

[2] 20 CFR 404.1512(a) and 416.912(a).

[3] 20 CFR 404.935(a) and 416.1435(a).

[4] 81 FR 90987.

[5] 81 FR 45079, 45080 (2016).

[6] 20 CFR 404.1710(a) and 416.1510(a).

[7] 20 CFR 404.1740 and 416.1540.

[8] 20 CFR 404.1740(b)(1) and 416.1540(b)(1).

[9] 20 CFR 404.1740(b)(2) and 416.1540(b)(2).

responsibility to obtain written evidence.

Policy Interpretation

1. Statutory Provisions

In general, an individual has a statutory obligation to provide us with evidence to prove to us that he or she is disabled or blind. The Act also precludes us from finding that an individual is disabled or blind unless he or she submits such evidence to us.[10]

The Act also provides that we ''shall consider all evidence available in [an] individual's case record, and shall develop a complete medical history of at least the preceding twelve months for any case in which a determination is made that the individual is not under a disability.'' [11] In addition, when we make any determination, the Act requires us to ''make every reasonable effort to obtain from the individual's treating physician (or other treating health care provider) all medical evidence, including diagnostic tests, necessary in order to properly make such determination, prior to evaluating medical evidence obtained from any other source on a consultative basis.'' [12]

Thus, although a claimant has the primary responsibility to submit evidence related to his or her disability or blindness claim, the Act also gives us a role in developing evidence. Our statutory responsibilities to ensure that we develop a complete 12-month medical history when we make a determination about whether an individual is under a disability, and to make every reasonable effort to obtain from a claimant's treating source all medical evidence that we need to make a determination before we evaluate medical evidence from a consultative examiner, does not, however, reduce the claimant's responsibilities in any way.

2. An Individual's Affirmative Duty To Provide Written Evidence

Our regulations require an individual to submit or inform us about all evidence known to him or her that relates to whether or not he or she is disabled or blind.[13] This duty is ongoing and requires an individual to disclose any additional evidence about which he or she becomes aware. This duty applies at each level of the administrative review process, including the Appeals Council level if the evidence relates to the period on or before the date of the administrative law judge (ALJ) hearing decision.[14]

Generally, individuals must submit or inform us about any written evidence no later than 5 business days prior to the date of the scheduled hearing before an ALJ.[15] The ALJ may decline to consider or obtain any evidence if disclosure takes place after this date, unless certain circumstances outlined in the regulations apply.[16]

We expect individuals to exercise their reasonable good faith judgment about what evidence ''relates'' to their disability claims.[17] Evidence that may relate to whether or not a claimant is blind or disabled includes objective medical evidence, medical opinion evidence, other medical evidence, and evidence from nonmedical sources.[18]

To satisfy the claimant's obligation under the regulations to ''inform'' us about written evidence, he or she must provide information specific enough to identify the evidence (source, location, and dates of treatment) and show that the evidence relates to the individual's medical condition, work activity, job history, medical treatment, or other issues relevant to whether or not the individual is disabled or blind. If the individual does not provide us with information specific enough to allow us to identify the written evidence and understand how it relates to whether or not the individual is disabled or blind, the individual has not informed us about evidence within the meaning of 20 CFR 404.935, 404.1512, 416.912 or 416.1435, and we will not request that evidence.

3. A Representative's Affirmative Duty To Assist in Developing Written Evidence

Our regulations require appointed representatives to assist claimants in complying fully with their responsibilities under the Act and our regulations. All representatives must faithfully execute their duties as agents and fiduciaries of claimants. In that regard, representatives must assist claimants in satisfying the claimants' duties regarding the submission of evidence and in complying with our requests for information or evidence as outlined in the prior section.[19]

In addition to these responsibilities, a representative has an affirmative duty to provide competent assistance to the claimant, including acting with reasonable promptness to help obtain information or evidence the claimant must submit.[20] To fulfill his or her affirmative duties under our rules, the representative must forward this information or evidence to us and must assist the claimant in complying with our requests for information or evidence as soon as practicable.[21] In addition, under our rules of conduct, the representative is prohibited from, through his or her own actions or omissions, unreasonably delaying or causing to be delayed, without good cause, the processing of a claim at any stage of the administrative decisionmaking process.[22] Representatives are also prohibited from engaging in actions or behavior prejudicial to the fair and orderly conduct of administrative proceedings.[23] A representative's failure to comply with his or her affirmative duties (or his or her engagement in prohibited actions) could result in disciplinary action.

While our regulations state that a claimant must submit or inform us of all written evidence at least 5 business days prior to a hearing, our rules of conduct place additional requirements on representatives. As discussed above, under the rules of conduct, representatives are: (1) Required to act with reasonable promptness to help obtain information or evidence the claimant must submit; (2) required to assist the claimant in complying with our requests for information or evidence as soon as practicable; (3) prohibited from unreasonably delaying or causing a delay of the processing of a claim without good cause; and (4) prohibited from actions or behavior prejudicial to the fair and orderly conduct of administrative proceedings. Therefore, we expect representatives to submit or inform us about written evidence as soon as they obtain or become aware of it. Representatives should not wait until 5 business days before the hearing to

[10] *See* sections 223(d)(5)(A) and 1614(a)(3)(H)(i) of the Act, 42 USC 423(d)(5)(A) and 1382c(a)(3)(H)(i); 20 CFR 404.1512(a)(1) and 416.912(a)(1).

[11] Sections 223(d)(5)(B) and 1614(a)(3)(H)(i) of the Act, 42 USC 423(d)(5)(B) and 1382c(a)(3)(H)(i).

[12] *Id.*

[13] 20 CFR 404.1512(a)(1) and 416.912(a)(1).

[14] 20 CFR 404.1512(a)(1) and 416.912(a)(1).

[15] 20 CFR 404.935 and 416.1435.

[16] 20 CFR 404.935(b) and 416.1425(b). However, for age-18 redetermination and continuing-disability review cases under title XVI of the Act, the requirement to submit or inform us about evidence no later than 5 business days before a scheduled hearing does not apply if our other rules allow the claimant to submit evidence after the date of an ALJ decision. *See* 20 CFR 416.1435(c) and 416.1470(b).

[17] 80 FR 14828, 14829 (March 20, 2015).

[18] 20 CFR 404.1513(a) and 416.913(a). However, evidence generally does not include confidential communications between the individual and his or her representative about providing or obtaining legal advice, and it does not include a representative's written analyses of the claim. 20 CFR 404.1513(b) and 416.913(b).

[19] *See* 20 CFR 404.1740(b)(1), (b)(2) and 416.1540(b)(1), (b)(2).

[20] *See* 20 CFR 404.1740(b)(3) and 416.1540(b)(3).

[21] 20 CFR 404.1740(b)(1), (b)(2) and 416.1540(b)(1), (b)(2).

[22] 20 CFR 404.1740(c)(4) and 416.1540(c)(4).

[23] 20 CFR 404.1740(c)(7) and 416.1540(c)(7).

submit or inform us about written evidence unless they have compelling reasons for the delay (*e.g.*, it was impractical to submit the evidence earlier because it was difficult to obtain or the representative was not aware of the evidence at an earlier date). In addition, it is only acceptable for a representative to inform us about evidence without submitting it if the representative shows that, despite good faith efforts, he or she could not obtain the evidence. Simply informing us of the existence of evidence without providing it or waiting until 5 days before a hearing to inform us about or provide evidence when it was otherwise available, may cause unreasonable delay to the processing of the claim, without good cause, and may be prejudicial to the fair and orderly conduct of our administrative proceedings. As such, this behavior could be found to violate our rules of conduct and could lead to sanction proceedings against the representative.

Pursuant to the Act, we may, after due notice and opportunity for hearing, suspend or prohibit from further practice before the Commissioner a representative who refuses to comply with our rules and regulations or who violates any provision for which a penalty is prescribed.[24]

We will evaluate each circumstance on a case-by-case basis to determine whether to refer a possible violation of our rules to our Office of the General Counsel (OGC). For example, in accordance with the regulatory interpretation discussed above, we may refer a possible violation of rules to OGC when:

- A representative informs us about written evidence but refuses, without good cause, to make good faith efforts to obtain and timely submit the evidence;
- a representative informs us about evidence that relates to a claim instead of acting with reasonable promptness to help obtain and timely submit the evidence to us;
- the representative waits until 5 days before a hearing to provide or inform us of evidence when the evidence was known to the representative or available to provide to us at an earlier date;
- the clients of a particular representative have a pattern of informing us about written evidence instead of making good-faith efforts to obtain and timely submit the evidence; or
- any other occasion when a representative's actions with regard to the submission of evidence may violate our rules for representatives.

When we refer a possible violation to OGC, it does not change our duties with respect to the development of the evidence.[25]

4. Our Duty To Assist Claimants in Developing Written Evidence

Before we make a determination that an individual is not disabled, we must develop the individual's complete medical history, generally for at least 12 months preceding the month in which he or she applied for benefits.[26] We will make every reasonable effort to help individuals obtain medical evidence from their own medical sources and entities that maintain medical evidence when the individual gives us permission to request the information.[27] Every reasonable effort means that we will make an initial request for evidence from the medical source or entity that maintains the medical evidence, and, at any time between 10 and 20 calendar days after the initial request, if the evidence has not been received, we will make a follow-up request to obtain the medical evidence necessary to make a determination.[28]

We will assist with developing the record and may request existing evidence directly from a medical source or entity that maintains the evidence if:

- We were informed about the evidence (in the manner explained above) no later than 5 business days before the date of the scheduled hearing; or
- we were not informed about the evidence at least 5 business days before the date of the scheduled hearing, but one of the circumstances listed in 20 CFR 404.935(b) or 416.1535(b) applies.

We will first ask the individual or representative to submit the evidence. However, if the individual or representative shows that he or she is unable to obtain the evidence despite good faith efforts or for reasons beyond his or her control, we may request the evidence directly from the medical source or entity that maintains the evidence.

At the Appeals Council level of review, development of evidence is more limited. The Appeals Council will not obtain or evaluate additional evidence when deciding whether to grant review unless:

- One of the circumstances listed in 20 CFR 404.970(b) or 416.1470(b) applies and the individual or his or her representative shows that the evidence is related to the period on or before the date of the hearing level decision; or
- the claim is a title XVI claim that is not based on an application for benefits (*e.g.*, an age-18 redetermination).

[FR Doc. 2017–21252 Filed 10–3–17; 8:45 am]

BILLING CODE 4191–02–P

[24] 42 USC 406(a)(1). *See also* 20 CFR 404.1745 and 416.1545 (''When we have evidence that a representative . . . has violated the rules governing dealings with us, we may begin proceedings to suspend or disqualify that individual from acting in a representational capacity before us.'')

[25] *See* 20 CFR 404.935 and 416.1435.

[26] Sections 223(d)(5)(B) and 1614(a)(3)(H)(i) of the Act, 42 USC 423(d)(5)(B) and 1382c(a)(3)(H)(i); 20 CFR 404.1512(b) and 416.912(b).

[27] 20 CFR 404.1512(b)(1) and 416.912(b)(1).

[28] 20 CFR 404.1512(b)(1)(i), 404.1593(b), 416.912(b)(1)(i), and 416.993(b).

DEPARTMENT OF STATE

[Public Notice 10152]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: Exhibition of Paintings by Women Artists in Paris Between 1850 and 1900

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the traveling exhibition identified under the titles below, 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 Denver Art Museum, Denver, Colorado, under the title ''Her Paris: Women Artists in the Age of Impressionism,'' from on or about October 22, 2017, until on or about January 14, 2018; at the Speed Art Museum, Louisville, Kentucky, under the title ''Women Artists in the Age of Impressionism,'' from on or about February 17, 2018, until on or about May 13, 2018; at The Sterling and Francine Clark Art Institute, Williamstown, Massachusetts, under the title ''Women Artists in Paris 1850–1900,'' from on or about June 9, 2018, until on or about September 3, 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. 2017–21314 Filed 10–3–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Delegation of Authority: 438]

Delegation of Authority: Nuclear Non-Proliferation Act and Atomic Energy Act

By virtue of the authority vested in the Secretary of State by the laws of the United States, including by 22 U.S.C. 2651a, I hereby delegate to the Assistant Secretary for International Security and Nonproliferation, to the extent authorized by law, the following functions conferred upon the Secretary by the Nuclear Non-Proliferation Act of 1978, Public Law 95–242 (hereinafter referred to as the ''Act''), and the Atomic Energy Act of 1954, Public Law 83–703, as amended (hereinafter referred to as ''the Atomic Energy Act''):

(1) Those under section 102, 402 (a), 502(c), 602(c) of the Act;

(2) Those under sections 57(b)(2), 109, 111(b)(1), and 131 of the Atomic Energy Act;

(3) Those under section 126 of the Atomic Energy Act, except for the function of making recommendations to the President on functions reserved to him;

(4) Those under section 123 of the Atomic Energy Act, subject to the Department of State's Circular 175 procedure and except for the function of making recommendations to the President on functions reserved to him; and

(5) Those delegated by paragraphs (a), (b), and (c) of section 2 of Executive Order 12058 of May 11, 1978, provided that the negotiation and conclusion of international agreements shall remain subject to the Department of State Circular 175 procedure.

Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time.

Notwithstanding this delegation of authority, the Secretary, the Deputy Secretary, and the Under Secretary for Arms Control and International Security may at any time exercise any authority or function delegated by this delegation of authority. Delegation of Authority Nos. 140, 140–1, 140–2, 140–3, 140–4, and 140–5 are hereby rescinded.

This delegation of authority shall be published in the **Federal Register**.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–21357 Filed 10–3–17; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 10154]

Department of State FY 2016 Service Contract Inventory

AGENCY: Department of State.

ACTION: Notice of release of the Department of State's FY 2016 Service Contract Inventory.

SUMMARY: Acting in compliance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the Department of State is publishing this notice to advise the public of the availability of the FY 2016 Service Contract Inventory. The FY 2016 Service Contract Inventory includes the FY 2016 Planned Analysis, and the FY 2015 Meaningful Analysis.

The inventory was developed in accordance with guidance issued by the Office of Management and Budget (OMB), Office of Federal Procurement Policy (OFPP). The Department of State has posted its FY 2016 Service Contract Inventory at the following link: *http://csm.state.gov/content.asp?content_id=135&menu_id=71*.

DATES: The inventory is available on the Department's Web site as of September 18, 2017.

FOR FURTHER INFORMATION CONTACT: Marlon Henry, Management and Program Analyst, A/EX/CSM, 202–485–7210, *HenryMD@state.gov*.

Marlon Henry,

Management and Program Analyst, Collaborative Strategy and Management Division, Bureau of Administration, Department of State.

[FR Doc. 2017–21364 Filed 10–3–17; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice 10151]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Veronese in Murano: Two Venetian Renaissance Masterpieces Restored'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that two objects to be included in the exhibition ''Veronese in Murano: Two Venetian Renaissance Masterpieces Restored,'' 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 owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Frick Collection, New York, New York, from on or about October 24, 2017, until on or about March 11, 2018, at the New Orleans Museum of Art, New Orleans, Louisiana, from on or about April 19, 2018, until on or about September 3, 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. 2017–21313 Filed 10–3–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 10153]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''François Morellet'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that two objects to be included in the exhibition ''François Morellet,'' 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 Dia Art Foundation, New York, New York, from on or about October 28, 2017, until on or about June 2, 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. 2017–21315 Filed 10–3–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Delegation of Authority: 364–1]

Membership on the Presidential Task Force on Wildlife Trafficking

By virtue of the authority vested in the Secretary of State, including Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), and Executive Order 13648 of July 1, 2013 (the Executive Order), I hereby designate the Under Secretary for Economic Growth, Energy, and the Environment (the Under Secretary) as the Department of State representative to the Presidential Task Force on Wildlife Trafficking, established by Section 2 of the Executive Order; together with the authorities necessary to carry out such function. In the event that the position of the Under Secretary is vacant, I hereby designate the Assistant Secretary for Oceans and International Environmental and Scientific Affairs to be the Department of State representative for purposes of the Executive Order. Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time.

Notwithstanding this delegation of authority, the Secretary and the Deputy Secretary may at any time exercise any authority or function delegated by this delegation of authority. This delegation of authority shall be published in the **Federal Register**.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–21358 Filed 10–3–17; 8:45 am]

BILLING CODE 4710–10–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 4)]

Railroad Cost Recovery Procedures—Productivity Adjustment

AGENCY: Surface Transportation Board.

ACTION: Modified Proposed Railroad Cost Recovery Procedures Productivity Adjustment.

SUMMARY: In a decision served on September 29, 2017, the Surface Transportation Board proposes a second tentative productivity adjustment for the change in the railroad productivity for the 2011–2015 averaging period, modified to reflect new data, and invites comments on a new ''linking factor'' computed to enable the modified 2015 productivity adjustment to be compared to prior years' productivity adjustments. The Board will also hold a technical workshop with interested parties and Board staff.

DATES: Parties may file written comments by November 13, 2017, and may file replies by December 13, 2017. In addition, a technical workshop with interested parties and Board staff will be held on October 17, 2017, at 10:00 a.m. Prior to the workshop, interested parties may submit technical questions as described in the Board's decision to *Economic.Data@stb.gov* by October 11, 2017.

ADDRESSES: Send written comments (an original and 10 copies) referring to Docket No. EP 290 (Sub-No. 4) to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. The technical workshop with interested parties and Board staff will be held on October 17, 2017, at 10:00 a.m. in the Board's Hearing Room at 395 E Street, SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired, (800) 877–8339.

SUPPLEMENTARY INFORMATION: This workshop will be available on the Board's Web site by live video streaming. To access the workshop, click on the ''Live Video'' link under ''Information Center'' at the left side of the home page beginning at October 17, 2017, at 10:00 a.m. Additional information is contained in the Board's decision, which is available on our Web site at *http://www.stb.gov.* Copies of the decision may be purchased by contacting the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0236. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

Decided: September 29, 2017.

By the Board, Board Members Begeman, Elliott, and Miller.

Marline Simeon,

Clearance Clerk.

[FR Doc. 2017–21348 Filed 10–3–17; 8:45 am]

BILLING CODE 4915–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on November 2, 2017, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the **SUPPLEMENTARY INFORMATION** section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 7, 2017, which will be noticed separately. The public should

take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is November 13, 2017.

DATES: The public hearing will convene on November 2, 2017, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is November 13, 2017.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E–B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436.

Information concerning the applications for these projects is available at the SRBC Water Application and Approval Viewer at *http://mdw.srbc.net/waav.* Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at *www.srbc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf.*

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action

1. *Project Sponsor and Facility:* Beech Creek Borough Authority, Beech Creek Borough, Clinton County, Pa. Application for renewal of groundwater withdrawal of up to 0.220 mgd (30-day average) from Well 2 (Docket No. 19870602).

2. *Project Sponsor and Facility:* Brymac, Inc. dba Mountain View Country Club (Pond ¾), Harris Township, Centre County, Pa. Application for surface water withdrawal of up to 0.240 mgd (peak day).

3. *Project Sponsor and Facility:* Cabot Oil & Gas Corporation (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 1.000 mgd (peak day).

4. *Project Sponsor and Facility:* Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, Pa. Modification to increase surface water withdrawal by an additional 0.500 mgd (peak day), for a total surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20170302).

5. *Project Sponsor and Facility:* Chesapeake Appalachia, L.L.C. (Susquehanna River), Athens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20131202).

6. *Project Sponsor and Facility:* Houtzdale Municipal Authority, Gulich Township, Clearfield County, Pa. Application for groundwater withdrawal of up to 1.008 mgd (30-day average) from Well 14R.

7. *Project Sponsor and Facility:* LHP Management, LLC (Fishing Creek), Bald Eagle Township, Clinton County, Pa. Application for surface water withdrawal of up to 0.999 mgd (peak day).

8. *Project Sponsor and Facility:* Martinsburg Municipal Authority, North Woodbury Township, Blair County, Pa. Application for renewal of groundwater withdrawal of up to 0.346 mgd (30-day average) from Wineland Well 3 (Docket No. 19870304).

9. *Project Sponsor and Facility:* Borough of Mifflinburg, West Buffalo Township, Union County, Pa. Modification to request a reduction in the withdrawal rate of Well PW–2 from 0.554 mgd to 0.396 mgd (30-day average), and to eliminate wetlands monitoring condition (Docket No. 20141203).

10. *Project Sponsor and Facility:* Repsol Oil & Gas USA, LLC (Choconut Creek), Choconut Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20131211).

11. *Project Sponsor and Facility:* Schuylkill Energy Resources, Inc., Mahanoy Township, Schuylkill County, Pa. Application for renewal of groundwater withdrawal of up to 5.000 mgd (30-day average) from Maple Hill Mine Shaft Well (Docket No. 19870101).

12. *Project Sponsor and Facility:* Schuylkill Energy Resources, Inc., Mahanoy Township, Schuylkill County, Pa. Application for renewal of consumptive use of up to 2.550 mgd (peak day) (Docket No. 19870101).

13. *Project Sponsor:* SUEZ Water Pennsylvania Inc. *Project Facility:* Shavertown Operation, Dallas Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.288 mgd (30-day average) from the Salla Well.

14. *Project Sponsor and Facility:* SWN Production Company, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.500 mgd (peak day) (Docket No. 20131209).

15. *Project Sponsor and Facility:* SWN Production Company, LLC (Lycoming Creek), McIntyre Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.500 mgd (peak day) (Docket No. 20131210).

16. *Project Sponsor and Facility:* Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1.

17. *Project Sponsor and Facility:* Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.480 mgd (30-day average) from Well 2.

18. *Project Sponsor and Facility:* Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.470 mgd (30-day average) from Well 3.

Opportunity To Appear and Comment

Interested parties may appear at the hearing to offer comments to the Commission on any project listed above. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Guidelines for the public hearing will be posted on the Commission's Web site, *www.srbc.net,* prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any project listed above may also be mailed to Mr. Jason Oyler, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110–1788, or submitted electronically through *www.srbc.net/pubinfo/publicparticipation.htm.* Comments mailed or electronically submitted must be received by the Commission on or before November 13, 2017, to be considered.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: September 29, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–21324 Filed 10–3–17; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Land Release; Skagit Regional Airport, Burlington, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Notice is being given that the FAA is considering a proposal from the Port of Skagit County to release approximately 125 acres of airport land

from Surplus Property restrictions. The property consists of 45 buildable acres and 76.5 acres of protected wetland/buffer as well as road and drainage improvements. Environmental analysis has been completed. Lots range from 1.7 acres to 8.8 acres in size. The property is located within the Bayview Ridge Subarea Plan. The release will allow the expansion of industrial facilities adjacent to the existing Paccar operation.

DATES: Comments are due within 30 days of the date of the publication of this notice in the **Federal Register**. Written comments can be provided to Ms. Cayla D. Morgan, Environmental Protection Specialist, Seattle Airports District Office, 1601 Lind Avenue SW., Suite 250, Renton, WA 98057–3356.

FOR FURTHER INFORMATION CONTACT: Ms. Heather Rogerson, Planning and Environmental Administrator, Port of Skagit, 15400 Airport Drive, Burlington, WA 98223; or Ms. Cayla D. Morgan, Environmental Protection Specialist, Seattle Airports District Office, 1601 Lind Avenue SW., Suite 250, Renton, WA, 98057–3356, (425) 227–2653. Documents reflecting this FAA action may be reviewed at the above locations.

SUPPLEMENTARY INFORMATION: Under the provisions of Title 49, U.S.C. 47151(d), and 47153(c), the FAA is considering a proposal from the Port of Skagit to release approximately 125 acres of airport land. The Port has invested significant funds for commercial subdivisions and installation of critical infrastructure in Divisions 5 and 7, but despite the ready-to-build condition and years of steady marketing the Port has not been able to attract a suitable private-sector development on a leased basis.

Paccar, Inc., a private sector corporation, has now presented the Port with an offer to purchase. The Port commission has declared a portion of Division 5 and all of Division 7 (''the property'') surplus to the needs of Port of Skagit and desires to sell the property to Paccar in order to generate new income to be used for the benefit of the Airport.

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

Jason Ritchie,

Assistant Manager, Seattle Airports District Office.

[FR Doc. 2017–21361 Filed 10–3–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Projects in Florida

AGENCY: Federal Highway Administration (FHWA), USDOT.

ACTION: Notice of limitation of claims for judicial review of actions by FHWA and other Federal Agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal Agencies since July 25, 2016, that are final. The actions relate to the proposed SR–87 Connector (from SR 87S to SR 87N) in Santa Rosa County; and the I–4 Beyond the Ultimate (BtU) from south of SR 528 to east of SR 472 in Orange, Seminole and Volusia Counties, in the State of Florida. These actions grant licenses, permits, and approvals for the projects.

DATES: A claim seeking judicial review of the Federal agency actions on the listed highway projects will be barred unless the claim is filed on or before March 5, 2018. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Ms. Cathy Kendall, AICP, Senior Environmental Specialist, FHWA Florida Division, 3500 Financial Plaza, Suite 400, Tallahassee, Florida 32312; telephone: (850) 553–2225; email: *cathy.kendall@dot.gov.* The FHWA Florida Division Office's normal business hours are 7:30 a.m. to 4:00 p.m. (Eastern Standard Time), Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal Agencies have taken final agency action by issuing licenses, permits, and approvals for the projects in Florida listed below. The actions by the Federal agencies on a project, and the laws under which such actions were taken, are described in the documented environmental evaluation and assessment study or environmental impact statement (EIS) issued in connection with the project, and in other project records for the listed projects. The Final Evaluation and Assessment Study, or FEIS, Record of Decision (ROD), and other documents from FHWA and other Federal Agency project records for the listed projects are available by contacting the FHWA at the address above, or by using the links provided below.

This notice applies to all Federal agency decisions by issuing licenses, permits, and approvals as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act (CAA), 42 U.S.C. 7401–7671(q).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 (4f) [49 U.S.C. 303 and 23 U.S.C. 138].

4. *Wildlife:* Endangered Species Act (ESA) [16 U.S.C. 1531–1544 and 1536]; Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d); Migratory Bird Treaty Act (MBTA) [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended (106) [16 U.S.C. 470(f) *et seq.*]; Archaeological Resources Protection Act of 1977 (ARPA) [16 U.S.C. 470(aa)–470(II)]; Archaeological and Historic Preservation Act (AHPA) [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 (Civil Rights) [42 U.S.C. 20000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Coastal Barriers Resources Act (CBRA) [16 U.S.C. 3501 *et seq.*]; Coastal Zone Management Act (CZMA) [16 U.S.C. 1451–1466]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation, [23 U.S.C. 103(b)(6)(M) and 103(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources;

E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

The projects subject to this notice are:

1. *Project Location:* Santa Rosa County, SR 87 Connector from SR 87 South to SR 87 North, Federal Project No: SF1 296 R, S129 348 R, TCSP 033 U, T129 348 R. *Project type:* The project involves a new roadway facility that will directly link SR 87S with SR 87N in the vicinity of Milton. Final agency actions are taken under: NEPA, FAHA, CAA, 4(f), E.O. 12898, etc., and are described in the FEIS and ROD issued on October 20, 2016, and are available at *http://www.sr87connector.com/status.html.*

2. *Project Location:* Orange, Seminole, and Volusia Counties, Interstate 4 (I–4) from south of SR 528 to east of SR 472, Federal Project No: 0041 227 I. The project involves the build-out of I–4 in Central Florida to result in three General Use lanes in each direction with the addition of two new Express Lanes in each direction, resulting in a total of ten dedicated lanes. Final agency actions are taken under: NEPA, etc., and are described in the Final Evaluation and Assessment Study and ROD issued on August 24, 2017, and are available at *www.i4express.com.*

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: September 27, 2017.

David Hawk,

Acting Division Administrator, Federal Highway Administration, Tallahassee, Florida.

[FR Doc. 2017–21372 Filed 10–3–17; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0021; Notice 1]

Gillig, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Gillig, LLC (Gillig), has determined that certain model year (MY) 1997–2016 Gillig low floor buses do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment.* Gillig filed a noncompliance report dated February 24, 2017. Gillig also petitioned NHTSA on March 24, 2017, and amended it on May 10, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is November 3, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Gillig, LLC (Gillig), has determined that certain model year (MY) 1997–2016 Gillig low floor buses do not fully comply with paragraph S7.1.1.13.1 of FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment.* Gillig filed a noncompliance report dated February 24, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Gillig also petitioned NHTSA on March 24, 2017, and amended it on May 10, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of Gillig's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Buses Involved: Approximately 41,714 MY 1997–2016 Gillig low floor buses, manufactured between December 31, 1997, and February 3, 2017, are potentially involved.

III. Noncompliance: Gillig stated that it installed six different generations of turn signal assemblies in the subject buses; however, after receiving two complaints that their Generation 7 turn signal assemblies were not sufficiently visible, Gillig and the turn signal manufacturer went back and tested the previous generations to see if they met the requirements of FMVSS No. 108. Test results for generations 1 through 6 of the turn signal assemblies showed that they do not meet all the minimum photometry requirements of paragraph S7.1.1.13.1 of FMVSS No. 108.

IV. Rule Text: Paragraph S7.1.1.13.1 of FMVSS No. 108, states, in pertinent part:

S7.1.1.13 Photometry

S7.1.1.13.1 When tested according to the procedure of S14.2.1, each front turn signal lamp must be designed to conform to the base photometry requirements plus any applicable multipliers as shown in Tables VI–a and VI-b for the number of lamp compartments or individual lamps and the type of vehicle it is installed on.

V. Summary of Gillig's Petition: Gillig described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Gillig submitted the following reasoning:

1. *Analysis:* For front turn signals, the FMVSS No. 108 photometry requirements provide that ''when tested according to the procedure of S14.2.1, each front turn signal lamp must be designed to conform to the base photometry requirements plus any applicable multipliers [1] for the number of lamp compartments or individual lamps and the type of vehicle it is installed on.'' *See* FMVSS No. 108, S7.1.1.13.1.

A front turn signal lamp meets the photometry requirements of FMVSS No. 108 if it: (1) Meets the minimum photometric intensity (''PI'') requirement in each of the five test groups, (2) none of the values for the individual test points are less than 60% of its own minimum PI value, and (3) the minimum PI value between test points is not less than the lower specified minimum value of the two closest adjacent test points on a horizontal or vertical line. Stated another way, an individual test point may be up to 40% below its minimum PI value as long as the group in which it is contained achieves the overall group minimum PI value. Based on this approach, even if the turn signal did not meet the minimum photometry requirements at multiple individual test points, the assembly complies with the standard as long as the overall light intensity of all the test points included within the group does not fall below the required minimum value of the group. (*See* 61 FR 1663; January 23, 1996) (''The photometric requirements for turn signal lamps may be met at zones or groups of test points, instead of at individual test points.'')

Gillig, in concert with Hamsar Diversco (Hamsar), its lighting supplier, conducted a series of compliance testing for Generations 1 to 6. In order to accurately execute the testing, Hamsar used CAD drawings of the Gillig Low-Floor to construct an aluminum test stand fixture. The test stand precisely matched the orientation and angle at which the turn signal would have been installed on a Gillig Low-Floor bus. Hamsar then conducted a series of tests measuring the PI output using samples of each of the available generations of turn signals. A summary of test data shows:

(a) For Generations 1 and 2 (the oldest generations), the assemblies meet the minimum photometric intensity (PI) requirements for 3 of 5 groups and allowable 60% of minimum PI at 13 of 19 individual test points. The turn signal's overall PI output of 1271 candelas is approximately 25% below the combined minimum requirements for all 5 groups (1710 candelas).

(b) For turn signals in Generation 3, the assemblies meet the minimum PI requirements of 3 of 5 test groups and allowable 60% of minimum PI at 13 of 19 individual test points. However, the overall PI output for Generation 3 turn signals of 2506 candelas is 47% greater than the combined minimum requirements for all 5 groups (1710 candelas).[2]

(c) For turn signals in Generation 4, the assemblies meet the minimum PI requirements for 3 of 5 test groups and allowable 60% of minimum PI at 15 of 19 individual test points. However, the overall PI output for Generation 4 turn signals of 2120 candelas is 24% greater than the combined minimum requirements for all 5 groups (1710 candelas).

(d) For turn signals in Generation 5, the assemblies meet the minimum PI requirements for 2 of 5 test groups and allowable 60% of minimum PI 8 of 19 individual test points. However, the overall PI output for Generation 5 turn signals of 1403 candelas is only 18% below the combined minimum requirements for all 5 groups (1710 candelas).

(e) For turn signal assemblies in Generation 6, the assemblies also meet the minimum photometric intensity for 3 of 5 test groups and allowable 60% of minimum photometric intensity for 12 of 19 individual test points. The overall photometric intensity output for Generation 6 turn signals of 4201 candelas is 146% greater than the combined minimum requirements for all 5 groups (1710 candelas).

Gillig states that for the test groups in each generation that meets the PI requirements, the values for those groups well exceed the minimum values for the group. The PI output for groups exceeding the minimum values in Generations 1 and 2 achieve 119%–242% of minimum values. The PI output for Generation 3 turn signals achieve 105%–575% of minimum values. The PI output for Generation 4 turn signals achieve 109%–386% of minimum values. The PI output for Generation 5 turn signals achieve 224%–267% of minimum values. Finally, the PI output for Generation 6 turn signals achieve 114%–1022% of minimum values.

Gillig further contends that the turn signals are sufficiently bright and visible overall and there is little if any perceptible difference in light output when compared with a compliant turn signal. The comparisons also illustrate how visually similar the performance of the earlier generations of the assemblies are to the FMVSS No. 108 standard, and why their noncompliance garnered no attention, by Gillig or its customers, in over twenty years of production.

2. *NHTSA has Previously Granted Petitions Where Lighting Equipment Did Not Meet the Photometry Requirements:* Gillig contends that from its inception, the Safety Act has included a provision recognizing that some noncompliances pose little or no safety risk. In applying this recognition to particular fact situations, the agency considers whether the noncompliance gives rise to ''a significantly greater risk than . . . in a compliant vehicle.'' See 69 FR 19897–19900 (April 14, 2000).

Relying on this same principle, Gillig contends that despite the technical noncompliance with the PI requirements, the light output in Generation 1–6 turn signals is sufficiently bright and does not create a greater risk than turn signal assemblies that fully meet the photometric parameters. Gillig states that NHTSA has considered deviations from these photometric parameters on numerous occasions, frequently finding that there is no need for a recall remedy campaign when there are other factors contributing to the overall brightness of the equipment.

For example, the agency granted a petition by General Motors [3] where its turn signals met the photometry requirements in 3 of 4 test groups and produced, on average, 90% of the required PI output. For the three complying groups of turn signals, the assemblies exceeded the light intensity requirements by at least 20%.

Gillig further states that the agency granted similar petitions for inconsequential noncompliance where

[1] All of the designs of the turn signal assemblies employ a reflector. Since the spacing from the geometric centroid of the turn signal to the lighted edge of the lower beam of the headlamp is greater than 100 mm, a multiplier is not applicable. (FMVSS No. 108, S7.1.1.10.3, S7.1.1.10.4(a)).

[2] In addition, the integrated side markers for Generation 3 turn signals were tested and meet all photometric requirements.

[3] 61 FR 1663–1664 (January 22, 1996).

the product did not meet the photometric intensity requirements.[4]

Here, because the PI output of the compliant test groups within Generations 3, 4 and 6 exceeds the candela requirements by a substantial margin, a range of 24%–146% above the additional candela offsets the overall performance of the turn signals.[5]

Gillig observes that in some instances, involving reduced photometric output, NHTSA has denied the petition on the basis that the condition created a measurable impact on the driver's ability to see objects on or above the road.[6] In contrast, the only indication of such an impact involves the Generation 7 assemblies for which Gillig is in the process of conducting a recall remedy campaign. There is no indication that the deviation in performance for Generations 1–6 has led to any difficulty in seeing and responding to the turn signals, and as supported by the field history, the turn signal assemblies have operated successfully for years and in some cases decades.

Gillig states that the agency has long considered changes in light output in the range presented here as being visually imperceptible to vehicle occupants or other drivers.[7] Gillig also states that the agency has noted that turn signals, unlike head lamps, do not affect road illumination so that a reduced amount of light output would not, by itself, create an increased risk to the public.[8]

Finally, according to Gillig, the environment in which the Gillig turn signals are used diminishes any potential risk to safety. Because the buses in which the subject turn signals are installed are predominantly public transit buses, they are managed by fleet operators and undergo regular maintenance and reviews by skilled technicians.[9] Part of that process includes a pre-trip inspection. That protocol requires a review of the bus's operating systems, including a review of the turn signals. Consequently, if the photometric intensity of the Generations 1–6 lights were inadequate, trained professional service personnel and drivers would have identified this over the years, and in some cases, decades of pre-trip inspections.[10] Gillig has never received a complaint, notice or report related to visibility concerns with the Generation 1–6 turn signals, underscoring the overall visibility of the turn signals.

Gillig concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

3. *Supplemental Petition:* In April 2017, and as part of its ongoing quality review process, Gillig contracted with an independent lighting certification laboratory (Calcoast-ITL) to conduct a series of additional compliance tests for the turn signals included in Generations 1–6. In order to accurately execute the testing, CAD drawings of the front of the Gillig Low-Floor bus were used to construct an aluminum test stand fixture. The test stand precisely matched the orientation and angles at which the right and left front turn signals would have been installed on the bus. The laboratory then conducted a series of tests measuring the PI output using samples of each of the available generations of turn signals. The testing was certified to have been conducted in accordance with the FMVSS 108 Test Procedure (TP–108–13). A summary of the test data provides:

(a) For Generations 1 and 2 (the oldest generations), the assemblies meet the minimum photometric intensity (PI) requirements for 3 of 5 groups and allowable 60% of minimum PI at 13 of 19 individual test points. The turn signal's overall PI output of 1364 candelas is approximately 20% below the combined minimum requirements for all 5 groups (1710 candelas).

(b) For turn signals in Generation 3, the assemblies meet the minimum PI requirements of 3 of 5 test groups and allowable 60% of minimum PI at 15 of 19 individual test points. However, the overall PI output for Generation 3 turn signals of 2387 candelas is 40% greater than the combined minimum requirements for all 5 groups (1710 candelas).[11]

(c) For turn signals in Generation 4, the assemblies meet the minimum PI requirements for 4 of 5 test groups and allowable 60% of minimum PI at 15 of 19 individual test points. However, the overall PI output for Generation 4 turn signals of 3307 candelas is 93% greater than the combined minimum requirements for all 5 groups (1710 candelas).

(d) For turn signals in Generation 5, the assemblies meet the minimum PI requirements for 2 of 5 test groups and allowable 60% of minimum PI 12 of 19 individual test points. However, the overall PI output for Generation 5 turn signals of 2385 candelas is only 39% below the combined minimum requirements for all 5 groups (1710 candelas).

(e) For turn signal assemblies in Generation 6, the assemblies also meet the minimum photometric intensity for 4 of 5 test groups and allowable 60% of minimum photometric intensity for 17 of 19 individual test points. The overall photometric intensity output for Generation 6 turn signals of 5655 candelas is 231% greater than the combined minimum requirements for all 5 groups (1710 candelas).

Thus, the new PI output for groups that exceed the minimum values are:

- Generations 1 and 2 achieve 122%–267% of minimum values.
- Generation 3 achieves 192%–428% of minimum values.
- Generation 4 achieves 125%–598% of minimum values.
- Generation 5 achieves 367%–445% of minimum values.
- Generation 6 achieves 143%–1185% of minimum values.

As a result, the groups that exceed the minimum values in each lamp compensate for the groups that are below the minimums to the extent that the overall PI outputs of the most recent four generation of lights (Generations 3–6) significantly exceed the overall PI output required for a front turn signal lamp (1710 candelas).

As part of Gillig's supplemental petition, they submitted a video which shows a side-by-side comparison of Generation 1–6 turn signal assemblies with a newer generation of turn signal that exceeds all FMVSS No. 108 minimum requirements for photometry. Gillig says that the comparisons were performed with the lights in their various generations installed on the same bus as it is driven through a turning maneuver (filmed indoors to control ambient lighting throughout the comparisons). Gillig believes that it is evident from the multiple angles in the video that the lights from Generation 1–6 are so bright and large that they are virtually indistinguishable from the newer version.

To view Gillig's petition analyses, test data and video in its entirety you can visit *https://www.regulations.gov* by following the online instructions for accessing the dockets and by using the docket ID number for this petition shown in the heading of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and

[4] 78 FR 46000 (July 30, 2013); 55 FR 37602 (September 12, 1990); 61 FR 1663 (January 22, 1996).

[5] 63 FR 70179 (December 18, 1998); 61 FR 1663–1664 (January 22, 1996.

[6] 66 FR 38340 (July 23, 2001).

[7] 59 FR 65428 (December 19, 1994).

[8] 66 FR 38341 (July 23, 2001).

[9] The Typical life cycle for a public transit bus is either 12 years or 500,000 miles, meaning that the majority of the vehicles with Generation 1–6 turn signals may no longer be in service.

[10] 64 FR 44575 (August 16, 1999).

[11] In addition, the integrated side markers for Generation 3 turn signals were tested and meet all photometric requirements.

30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject buses that Gillig no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Gillig notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–21257 Filed 10–3–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 637

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 637, Application for Registration (For Certain Excise Tax Activities).

DATES: Written comments should be received on or before December 4, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224 or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Registration (For Certain Excise Tax Activities).

OMB Number: 1545–0014.

Form Number: Form 637.

Abstract: Form 637 is used to apply for excise tax registration. The registration applies to a person required to be registered under Revenue code section 4101 for purposes of the federal excise tax on taxable fuel imposed under Code sections 4041 and 4071; and to certain manufacturers or sellers and purchasers that must register under Code section 4222 to be exempt from the excise tax on taxable articles. The data is used to determine if the applicant qualifies for the exemption. Taxable fuel producers are required by Code section 4101 to register with the Service before incurring any tax liability.

Current Actions: Section B, line 8 is removed because it was a burdensome to applicants to request their tax returns/financials at this stage of the process.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions, and farms.

Estimated Number of Respondents: 2,000.

Estimated Time per Respondent: 11 hr., 19 min.

Estimated Total Annual Burden Hours: 22,620.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 28, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–21260 Filed 10–3–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Low-income Housing Credit for Federally-assisted Buildings.

DATES: Written comments should be received on or before December 4, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Low-income Housing Credit for Federally-assisted Buildings.

OMB Number: 1545–1005.

Regulation Project Number: T.D. 8302.

Abstract: The regulation provides state and local housing credit agencies and owners of qualified low-income buildings with guidance regarding compliance with the waiver requirement of section 42(d)(6) of the Internal Revenue Code. The regulation requires documentary evidence of financial distress leading to a potential claim against a Federal mortgage insurance fund in order to get a written waiver from the IRS for the acquirer of the qualified low-income building to properly claim the low-income housing credit.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, not-for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 3 hrs.

Estimated Total Annual Burden Hours: 3,000.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 28, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–21262 Filed 10–3–17; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 82 Wednesday,

No. 191 October 4, 2017

Part II

The President

Proclamation 9646—National Disability Employment Awareness Month, 2017

Proclamation 9647—National Breast Cancer Awareness Month, 2017

Proclamation 9648—National Cybersecurity Awareness Month, 2017

Proclamation 9649—National Domestic Violence Awareness Month, 2017

Proclamation 9650—Child Health Day, 2017

Executive Order 13811—Continuance of Certain Federal Advisory Committees

Executive Order 13812—Revocation of Executive Order Creating Labor-Management Forums

Federal Register
Vol. 82, No. 191
Wednesday, October 4, 2017

Presidential Documents

Title 3—

The President

Proclamation 9646 of September 28, 2017

National Disability Employment Awareness Month, 2017

By the President of the United States of America

A Proclamation

During National Disability Employment Awareness Month, we celebrate the many contributions of American workers with disabilities and reaffirm our admiration of the skills and talents they bring to today's workplace.

Every American who is willing and able to work should have the opportunity to provide for themselves and their families. This includes the 30 million American adults with disabilities. Many Americans with disabilities struggle to find employment opportunities, despite the wealth of skills they have to offer. In 2016, only 27.7 percent of working-age Americans with disabilities were employed. More employers should recognize the fresh perspectives and skills these men and women can add to an innovation-focused workforce. They are an incredible asset to our economy. Our goal is to help ensure that they experience the independence, economic self-sufficiency, pride, and community that come with a job.

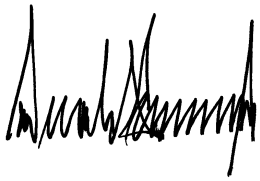
Creating and maintaining a strong and robust American workforce is one of my Administration's top priorities. We will ensure that people who want to work have the support they need to remain on the job. Employees, along with their employers, their families, and the economy all suffer when they are forced to leave the labor force due to illness or accident. We must be able to act quickly to support these workers in their time of need. I, therefore, have directed the Department of Labor, the Social Security Administration, and other Federal agencies to identify effective strategies to help people stay at work or return to work, focusing on early intervention with Americans recently rendered disabled due to injury or a health condition.

We are committed to giving all Americans opportunities to gain the skills they need to fill the jobs of the 21st century. We know that includes Americans with disabilities, who want to work, provide for themselves and their families, contribute to their communities, and build up our Nation. We will stand alongside them to help turn their American Dreams into reality.

The Congress, by Joint Resolution approved August 11, 1945, as amended (36 U.S.C. 121), has designated October of each year as ''National Disability Employment Awareness Month.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim October 2017 as National Disability Employment Awareness Month. I call upon government and labor leaders, employers, and the great people of the United States to recognize the month with appropriate programs, ceremonies, and activities across our land.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2017–21549
Filed 10–3–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Proclamation 9647 of September 29, 2017

National Breast Cancer Awareness Month, 2017

By the President of the United States of America

A Proclamation

As we observe National Breast Cancer Awareness Month, our Nation joins in solidarity with those who are currently battling breast cancer and we remember those we have lost to the disease. Too many Americans endure the pain and heartbreak of losing a family member or friend to breast cancer. Memories of our loved ones, and their courage in the face of suffering, drive us to find a cure.

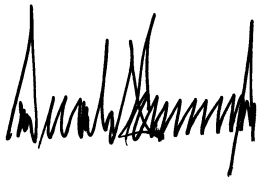
More than 250,000 American women and 2,000 men will likely be diagnosed with some form of breast cancer in 2017. Fortunately, thanks to early detection and improved treatment options, deaths from breast cancer have decreased significantly in the last decade. The First Lady and I encourage all women to talk to their healthcare providers about mammograms and other methods of early detection, and about their risk of developing breast cancer, and what can be done to reduce that risk.

My Administration is helping pave the way for medical breakthroughs to strengthen our fight against breast cancer by leveraging the tools provided under the 21st Century Cures Act. Our Nation's biomedical research laboratories, universities, and industry innovators are global leaders in discovering, developing, and advancing the medical breakthroughs necessary to better detect, diagnose, and treat breast cancer. Their cutting-edge therapies are redefining breast cancer care and giving patients and families affected by this disease new hope that we will defeat it once and for all.

During this month, we stand strong for those facing a breast cancer diagnosis, and we take a moment to thank our friends and family who tirelessly lend their support, and we pause to reflect on those we have lost to this terrible disease. Our Nation's researchers, innovators, doctors, nurses, public health professionals, and advocates have helped improve the process and possibility of recovery, and together we hope to forge a future free of breast cancer. By raising awareness of breast cancer and supporting research, prevention, and early detection, we will move closer to eradicating this disease.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2017 as National Breast Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, the media, and other interested groups to increase awareness of how Americans can fight breast cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing National Breast Cancer Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2017–21550
Filed 10–3–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Proclamation 9648 of September 29, 2017

National Cybersecurity Awareness Month, 2017

By the President of the United States of America

A Proclamation

All Americans are affected by threats to our Nation's cybersecurity. In recent years, bad actors in cyberspace have launched attacks on a cross-section of America: businesses both small and large, State and local governments, schoolhouses, hospitals, and infrastructure critical to public safety and national security. My Administration is committed to protecting Americans against these threats. During Cybersecurity Awareness Month, we reflect on our Nation's increasing reliance on technology and the internet and raise awareness about the importance of cybersecurity. Keeping our Nation secure in the face of cyber threats is our shared responsibility. Our agility and resilience in responding to these threats will improve as our collective awareness about their nature improves.

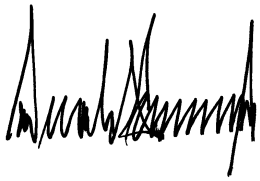
On May 11, 2017, I signed an Executive Order entitled *Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure* to counter the serious and increasing cyber threats facing our Nation. My Executive Order will help secure Federal networks that operate on behalf of American citizens, improve coordination with industry to protect the critical infrastructure that maintains our American way of life, strengthen our cyber deterrence posture, and promote the development of a highly capable and sustainable cybersecurity workforce.

Together, these efforts will help ensure that our country remains secure and safe from 21st century cyber threats, while keeping the internet viable, valuable, and safe for future generations. Through my Administration's cybersecurity policies, America and the world will continue on a path toward a more open and secure internet—one that fosters innovation and spurs economic prosperity. We will accomplish this while respecting privacy and preventing cyber disruption, fraud, and theft.

This month in particular, I encourage public and private-sector organizations to work together to provide Americans with the information, guidance, and tools they need to improve their safety and security in the digital age. I also encourage every American to learn more about how to protect themselves and their businesses through the Department of Homeland Security's *Stop.Think.Connect.* campaign.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2017 as National Cybersecurity Awareness Month. I call upon the people, companies, and institutions of the United States to recognize the importance of cybersecurity and to observe this month through events, training, and education to further our country's national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2017–21551
Filed 10–3–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Proclamation 9649 of September 29, 2017

National Domestic Violence Awareness Month, 2017

By the President of the United States of America

A Proclamation

Domestic violence is never acceptable. During National Domestic Violence Awareness Month, I call on all Americans to promote the safety and liberty of the women, men, and children who are subjected to violent, intimidating, or controlling behavior at the hands of those closest to them.

All humans have inherent dignity, and no one deserves to be in an abusive relationship. While the rate of domestic violence in our country has decreased over the last two decades, domestic violence continues to spread across our Nation. Nearly 1 in 4 American women aged 18 and older have been the victim of physical violence by an intimate partner, and domestic violence is still the leading cause of injury to women. Emotional abuse is also sadly too prevalent in our communities, and can inflict deep scars on those caught in an up-and-down cycle of belittling, aggressive behavior even in what can feel like a healthy relationship.

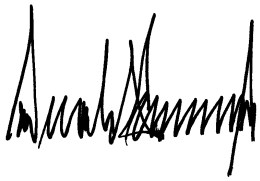
We share a moral obligation to recognize, address, and stop domestic violence. Each of us must be a voice for those suffering in silence and must speak up when we see signs of physical or emotional abuse. Together we can bolster victims' support networks and encourage and empower them to report offenses.

We recognize and applaud the many advocates, clergy, victim-service providers, educators, law enforcement officers, family members, and friends who render daily aid to victims of harmful and destructive relationships, often as first responders. Tens of thousands of women and children find refuge in domestic violence emergency shelters and transition housing each day, but thousands more are turned away. That is why the Department of Health and Human Services and the Department of Housing and Urban Development are engaged in the critical work of funding domestic violence shelters and hotlines. And each year, the Department of Justice Office on Violence Against Women awards hundreds of millions of Federal grant dollars to support law enforcement efforts to assist victims and hold offenders accountable.

During National Domestic Violence Awareness Month, I encourage Americans affected by domestic violence to seek help. Your neighbors, places of worship, community, and Nation stand ready to support you. I remain deeply committed to ensuring that our Nation is one where all may live free of fear, violence, and abuse, especially in their own homes.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2017 as National Domestic Violence Awareness Month. I call on all Americans to stand firm in condemning domestic violence and supporting victims of these crimes in finding the safety and recovery they need and to support, recognize, and trust in the efforts of law enforcement to hold offenders accountable, protect victims of crime and their communities, and prevent future violence.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2017–21552
Filed 10–3–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Proclamation 9650 of September 29, 2017

Child Health Day, 2017

By the President of the United States of America

A Proclamation

On Child Health Day, we commit to protecting and promoting the health and well-being of our Nation's young people. How we treat our young people is a fundamental test of who we are as a society. Today, we reaffirm that all children deserve to grow up in healthy, safe, and loving homes, with parents or guardians who nurture, inspire, and empower them to realize their full potential.

As a father, I know the hope and joy children bring to our lives. They are society's most precious treasures and our most vulnerable population. We all share the moral responsibility to protect the health of our children, born and unborn, so they have the chance to achieve their potential.

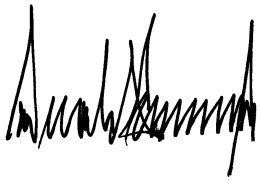
To these ends, my Fiscal Year 2018 Budget provides a $30 million increase for the Maternal and Child Health Services Block Grant program, which enhances access to critical health services for 57 million women and children. In close partnership with States and communities, this program helps ensure mothers receive critical prenatal care and nutrition, provides aid for children with disabilities, and opens access to other vital health services. The program also addresses emerging issues that painfully affect our children, such as mental health disorders and our Nation's devastating opioid epidemic. The number of infants born physically dependent on opioids has more than quadrupled over the past decade. In addition, during the past 2 years, many States have experienced dramatic increases in the number of children in their foster-care systems, as parents have struggled with addiction and its terrible consequences. I am committed to aggressively combating the scourge of opioid abuse, so that children do not bear the burden of its devastation.

Together, we will strive to create an environment in which children of all of ages and backgrounds grow up healthy and secure, so they may use their unique talents to improve their communities and our world.

The Congress, by a joint resolution approved May 18, 1928, as amended (36 U.S.C. 105), has called for the designation of the first Monday in October as Child Health Day and has requested that the President issue a proclamation in observance of this day.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States do hereby proclaim Monday, October 2, 2017, as Child Health Day. I call upon families, child health professionals, faith-based and community organizations, and governments to help ensure that America's children stay safe and healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2017–21554
Filed 10–3–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Executive Order 13811 of September 29, 2017

Continuance of Certain Federal Advisory Committees

By the authority vested in me as President, by the Constitution and the laws of the United States of America, and consistent with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 2019.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(c) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(d) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(e) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(f) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).

(g) National Industrial Security Program Policy Advisory Committee; Executive Order 12829, as amended (National Archives and Records Administration).

(h) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative).

(i) Governmental Advisory Committee to the United States Representative to the North American Commission for Environmental Cooperation; Executive Order 12915 (Environmental Protection Agency).

(j) National Advisory Committee to the United States Representative to the North American Commission for Environmental Cooperation; Executive Order 12915 (Environmental Protection Agency).

(k) Good Neighbor Environmental Board; Executive Order 12916, as amended (Environmental Protection Agency).

(l) Presidential Advisory Council on HIV/AIDS; Executive Order 12963, as amended (Department of Health and Human Services).

(m) President's Committee for People with Intellectual Disabilities; Executive Order 12994, as amended (Department of Health and Human Services).

(n) Invasive Species Advisory Committee; Executive Order 13112, as amended (Department of the Interior).

(o) Marine Protected Areas Federal Advisory Committee; Executive Order 13158 (Department of Commerce).

(p) Advisory Board on Radiation and Worker Health; Executive Order 13179 (Department of Health and Human Services).

(q) National Infrastructure Advisory Council; Executive Order 13231, as amended (Department of Homeland Security).

(r) President's Council on Fitness, Sports, and Nutrition; Executive Order 13265, as amended (Department of Health and Human Services).

(s) President's Advisory Commission on Asian Americans and Pacific Islanders; Executive Order 13515, as amended (Department of Education).

(t) President's Council of Advisors on Science and Technology; Executive Order 13539, as amended (Department of Energy).

(u) Interagency Task Force on Veterans Small Business Development; Executive Order 13540 (Small Business Administration).

(v) State, Local, Tribal, and Private Sector (SLTPS) Policy Advisory Committee; Executive Order 13549 (National Archives and Records Administration).

(w) President's Advisory Commission on Educational Excellence for Hispanics; Executive Order 13555 (Department of Education).

(x) President's Advisory Commission on Educational Excellence for African Americans; Executive Order 13621 (Department of Education).

(y) President's Advisory Council on Doing Business in Africa; Executive Order 13675, as amended (Department of Commerce).

(z) Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria; Executive Order 13676 (Department of Health and Human Services).

(aa) Commerce Spectrum Management Advisory Committee; initially established pursuant to Presidential Memorandum on Improving Spectrum Management for the 21st Century (November 30, 2004) (Department of Commerce).

(bb) National Space-Based Positioning, Navigation, and Timing Advisory Board; National Security Presidential Directive–39, ''U.S. National Space-Based Position, Navigation, and Timing Policy'' (December 8, 2004) (National Aeronautics and Space Administration).

(cc) San Juan Islands National Monument Advisory Committee; Proclamation 8947 of March 25, 2013 (Department of the Interior).

(dd) Bears Ears National Monument Advisory Committee; Proclamation 9558 of December 28, 2016 (Department of the Interior).

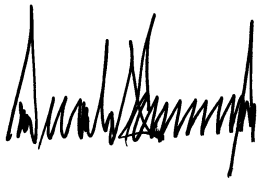
(ee) Gold Butte National Monument Advisory Committee; Proclamation 9559 of December 28, 2016 (Department of the Interior).

(ff) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13779 (Department of Education).

Sec. 2. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the regulations, guidelines, and procedures established by the Administrator of General Services.

Sec. 3. Sections 1 and 2 of Executive Order 13708 of September 30, 2015, are hereby superseded by sections 1 and 2 of this order. Executive Order 13805 of July 19, 2017 (Establishing a Presidential Advisory Council on Infrastructure) is hereby revoked.

Sec. 4. This order shall be effective September 30, 2017.



THE WHITE HOUSE,
September 29, 2017.

[FR Doc. 2017–21555
Filed 10–3–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Executive Order 13812 of September 29, 2017

Revocation of Executive Order Creating Labor-Management Forums

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy*. The United States Government should spend tax dollars responsibly, efficiently, and in the public interest. The National Council on Federal Labor-Management Relations (Council) and related agency-level labor-management forums have consumed considerable managerial time and taxpayer resources, but they have not fulfilled their goal of promoting collaboration in the Federal workforce. Public expenditures on the Council and related forums have produced few benefits to the public, and they should, therefore, be discontinued.

Sec. 2. *Revocations.* (a) Executive Order 13522 of December 9, 2009 (Creating Labor-Management Forums to Improve Delivery of Government Services), as extended by Executive Order 13708 of September 30, 2015 (Continuance or Reestablishment of Certain Federal Advisory Committees), which established the Council and implemented labor-management forums throughout the executive branch, is hereby revoked.

(b) The Director of the Office of Personnel Management and heads of executive departments and agencies shall, consistent with law, promptly move to rescind any orders, rules, regulations, guidelines, programs, or policies implementing or enforcing Executive Order 13522.

Sec. 3. *General Provisions.* (a) Nothing in this order shall abrogate any collective bargaining agreements in effect on the date of this order.

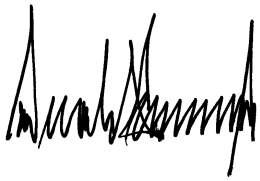
(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) 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 29, 2017.

[FR Doc. 2017–21559
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