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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 983

[Docket No. AMS–SC–17–0048; SC17–983–2 IR]

Pistachios Grown in California, Arizona, and New Mexico; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule implements a recommendation from the Administrative Committee for Pistachios (Committee) for a decrease in the assessment rate established for the 2017–18 and subsequent production years from $0.0010 to $0.0001 per pound of assessed weight pistachios handled under the marketing order (order). The Committee locally administers the order and is comprised of producers and handlers of pistachios operating within the area of production, and a public member. Assessments upon pistachio handlers are used by the Committee to fund reasonable and necessary expenses of the program. The production year begins September 1 and ends August 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective October 24, 2017. Comments received by December 26, 2017, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *http://www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Peter R. Sommers, Marketing Specialist, or Jeffrey Smutny, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *PeterR.Sommers@ams.usda.gov* or *Jeffrey.Smutny@ams.usda.gov.*

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 983, both as amended (7 CFR part 983), regulating the handling of pistachios grown in California, Arizona, and New Mexico, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 13563 and 13175.

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the order now in effect, California, Arizona, and New Mexico pistachio handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable pistachios beginning September 1, 2017, and continue until amended, suspended, or terminated.

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

This rule decreases the assessment rate established for the Committee for the 2017–18 and subsequent production years from $0.0010 to $0.0001 per pound of assessed weight pistachios.

The order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of California, Arizona, and New Mexico pistachios. The Committee also has a public member and an alternate public member who have no proprietary involvement with the industry. The producers and handlers are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting.

Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2016–17 and subsequent production years, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from production year to production year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on July 10, 2017, and unanimously recommended 2017–18 expenditures of $672,900, and met again on August 1, 2017, to deliberate and recommend the 2017–18 assessment rate. At that time, the Committee recommended an assessment rate of $0.0001 per pound of assessed weight pistachios by majority vote. In comparison, last year's budgeted expenditures were $922,500, and the assessment rate was $0.0010 per pound of pistachios. The assessment rate of $0.0001 is $0.0009 lower than the rate currently in effect.

The major expenditures recommended by the Committee for the 2017–18 production year include $351,000 for salaries and benefits, $125,000 for research, and $80,400 for general and administrative expenses. Budgeted expenses for these items in the 2016–17 production year were $351,000, $375,000, and $80,000, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of California, Arizona, and New Mexico pistachios. Pistachio shipments for the production year are estimated at 550 million pounds which should provide $55,000 in assessment income. Income derived from handler assessments, along with interest income, California Pistachio Research Board (CPRB) management income, and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum limit permitted by the order, which is approximately two production years' budgeted expenses as stated in § 983.74(a)(2).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each production year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2017–18 production year budget and those for subsequent production years will be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

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

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

There are 18 handlers subject to regulation under the order and approximately 1,236 producers of pistachios in the production area. The Small Business Administration defines small agricultural service firms as those whose annual receipts are less than $7,500,000 and small agricultural producers as those having annual receipts less than $750,000 (13 CFR 121.201).

Based on Committee data, it is estimated that about 50 percent of the handlers annually ship less than $7,500,000 worth of pistachios. Nine of the 18 (50 percent) regulated handlers received enough pistachios at an average price of $2.50 per pound to be considered large handlers, leaving the percentage of small handlers at 50 percent.

The National Agricultural Statistics Service (NASS) 2012 data on pistachio farm size indicates that there were 1,305 pistachio farms, of which 945, or 72 percent, were less than 100 acres. NASS 2016 annual production data indicates that the per-acre production of pistachios was 3,750 pounds. At an average value of $1.68 per pound, each acre of pistachios could return $6,300. In order for a producer to have $750,000 in annual receipts, the producer would have to have at least 119 acres. Thus, the majority of handlers and producers in the production area may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 2017–18 and subsequent production years from $0.0010 to $0.0001 per pound of pistachios handled. The Committee unanimously recommended 2017–18 expenditures of $672,900, and recommended an assessment rate of $0.0001 per pound of assessed weight pistachios, by majority vote. The new assessment rate is $0.0009 lower than the rate currently in effect. The quantity of assessable pistachios for the 2017–18 production year is estimated at 550 million pounds. Thus, the $0.0001 rate should provide $55,000 in assessment income. Income derived from handler's assessments, along with interest income, CPRB management income, and funds from the Committee's authorized reserve, will be adequate to cover expenses for the 2017–18 production year.

The major expenditures recommended by the Committee for the 2017–18 production year include $351,000 for salaries and benefits, $125,000 for research, and $80,400 for general and administrative expenses. Budgeted expenses for these items in the 2016–17 production year were $351,000, $375,000, and $80,000, respectively.

The assessment rate decrease is necessary to ensure the Committee's financial reserve remains within the limit specified under the order.

In addition, the Committee had funded research pertaining to Sterile Insect Technology (SIT) for Navel Orangeworm control during the 2016–2017 production year. Beginning with the 2017–18 production year, the CPRB will fully fund the SIT research, removing that financial burden from the committee. For this reason, the Committee recommended decreasing the assessment rate from $0.0010 to $0.0001, by majority vote. The income generated from the lower assessment rate combined with interest income, CPRB management income, and funds from the financial reserve should provide sufficient income to cover anticipated 2017–18 expenses and maintain the financial reserve within the limit specified under the order.

Prior to arriving at this budget and assessment rate, the Committee considered information from various sources. Alternative expenditure levels

were discussed, based upon the relative value of various activities to the pistachio industry. The Committee ultimately determined that the 2017–18 production year expenses of $672,900 were prudent, and the assessment income provided by the reduced rate, interest income, CPRB management income, and funds from the financial reserve, would permit the Committee to meet its expenses, while not adding to the financial reserve.

According to data from NASS, the season average producer price was $3.29 per pound of assessed weight pistachios in 2015 and $1.68 per pound in 2016. A review of historical and preliminary information pertaining to the upcoming production year indicates that the producer revenue for the 2017–18 production year could range between $924,000,000 and $1,809,500,000. Therefore, the estimated assessment revenue for the 2017–18 production year as a percentage of total producer revenue could range between 0.00003 and 0.00006 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. Additionally, the Committee's meetings were widely publicized throughout the California, Arizona, and New Mexico pistachio industry, and all interested persons were invited to attend the meetings and encouraged to participate in Committee deliberations on all issues. Like all Committee meetings, the July 10, 2017, and August 1, 2017, meetings were public meetings and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0215, ''Vegetable and Specialty Crop Marketing Orders.'' No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either small or large California, Arizona, and New Mexico pistachio handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

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

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

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because handlers are aware of this rule, which was recommended at a public meeting. This interim rule provides for a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule. The decreased assessment rate is necessary to fund reasonable and necessary expenses of the program, while keeping the funds in the reserve within the maximum limit permitted by the order. Moreover, the decreased assessment rate reduces the economic burden on handlers.

List of Subjects in 7 CFR Part 983

Marketing agreements, Pistachios, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 983 is amended as follows:

PART 983—PISTACHIOS GROWN IN CALIFORNIA, ARIZONA, AND NEW MEXICO

■ 1. The authority citation for 7 CFR part 983 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§§ 983.1 through 983.92 [Designated as Subpart A]

■ 2. Designate §§ 983.1 through 983.92 as subpart A and add a heading for subpart A to read as follows:

Subpart A—Order Regulating Handling

[Subpart Redesignated as Subpart B and Amended]

■ 3. Redesignate ''Subpart—Rules and Regulations'' as subpart B and revise the heading to read as follows:

Subpart B—Administrative Requirements

[Subpart Redesignated as Subpart C]

■ 4. Redesignate ''Subpart—Assessment Rate'' as subpart C.

■ 5. Section 983.253 is revised to read as follows:

§ 983.253 Assessment rate.

On and after September 1, 2017, an assessment rate of $0.0001 per pound is established for California, Arizona, and New Mexico pistachios.

Dated: October 16, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–22711 Filed 10–23–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 34

[Docket No. OCC–2017–0024]

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Docket No. OP–1577]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 323

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 722

Temporary Exceptions to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) Appraisal Requirements in Areas Affected by Severe Storms and Flooding Related to Hurricanes Harvey, Irma, and Maria

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC); Board of

Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); and National Credit Union Administration (NCUA), collectively referred to as the agencies.

ACTION: Statement and order; temporary exceptions.

SUMMARY: Section 2 of the Depository Institutions Disaster Relief Act of 1992 (DIDRA) authorizes the agencies to make exceptions to statutory and regulatory appraisal requirements under Title XI of FIRREA. The exceptions are available for transactions involving real property located within an area in a state or territory declared to be a major disaster by the President if the agencies determine, and describe by publication of a regulation or order, that the exceptions would facilitate recovery from the disaster and would be consistent with safety and soundness.

In this statement and order, the agencies exercise their authority to grant temporary exceptions to the FIRREA appraisal requirements for real estate-related financial transactions, provided certain criteria are met, in areas of Florida, Georgia, Puerto Rico, Texas, and the U.S. Virgin Islands that have been declared major disasters by President Trump as a result of the severe storms and flooding caused by Hurricanes Harvey, Irma, and Maria. The expiration date for the exceptions in each area is three years after the date the President declared the state or territory a major disaster.

DATES: This order is applicable on October 24, 2017 and expires three years after the date the President declared the relevant state or territory a major disaster, as follows.

Hurricane Harvey: The expiration date for the exceptions for areas declared a major disaster is August 24, 2020, for Texas.

Hurricane Irma: The expiration dates for the exceptions for areas declared a major disaster are September 6, 2020, for the U.S. Virgin Islands, September 9, 2020, for Florida and Puerto Rico, and September 14, 2020, for Georgia.

Hurricane Maria: The expiration dates for the exceptions for areas declared a major disaster are September 19, 2020, for Puerto Rico and September 20, 2020, for the U.S. Virgin Islands.

FOR FURTHER INFORMATION CONTACT:

OCC: Kevin Lawton, Appraisal Specialist, Chief National Bank Examiner's Office, at (202) 649–7152; Christopher Manthey, Special Counsel, Chief Counsel's Office, at (202) 649–6203; or Mitchell Plave, Special Counsel, Chief Counsel's Office, at (202) 649–6285 or, for persons who are deaf or hearing impaired, TTY (202) 649–5597.

Board: Carmen D. Holly, Senior Supervisory Financial Analyst, Division of Supervision and Regulation at (202) 973–6122; Gillian Burgess, Counsel, Legal Division, at (202) 736–5564; or Kirin Walsh, Attorney, Legal Division, at (202) 452–3058.

FDIC: Beverlea S. Gardner, Senior Examination Specialist, Division of Risk Management and Supervision, at (202) 898–3640; Mark Mellon, Counsel, Legal Division, at (202) 898–3884; Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

NCUA: D. Scott Neat, Director of Supervision, Office of Examination and Insurance, at (703) 518–6363; John Brolin, Staff Attorney, Office of General Counsel, at (703) 518–6438; National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

Statement

Section 2 of DIDRA, which added section 1123 to Title XI of FIRREA,[1] authorizes the agencies to make exceptions to statutory and regulatory appraisal requirements for certain transactions. These exceptions are available for transactions involving real property located in an area in which the President has determined a major disaster exists, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act,[2] provided that the exception would facilitate recovery from the major disaster and is consistent with safety and soundness.

On August 25, 2017, the President declared a major disaster existed in areas in the state of Texas[3] due to extensive damage that occurred as a result of severe storms and subsequent flooding in connection with Hurricane Harvey. On September 7, 2017, the President declared a major disaster existed in areas in the U.S. Virgin Islands[4] as a result of the severe storms and subsequent flooding from Hurricane Irma. On September 10, 2017, the President declared a major disaster existed in areas in the state of Florida[5] and the Commonwealth of Puerto Rico[6] as a result of the severe storms and subsequent flooding from Hurricane Irma. Further, on September 15, 2017, the President declared a major disaster existed in areas in the state of Georgia as a result of the severe storms and subsequent flooding related to Hurricane Irma.[7]

In addition, on September 20, 2017, and September 21, 2017, the President declared a major disaster existed in areas in Puerto Rico[8] and the U.S. Virgin Islands,[9] respectively, as a result of the severe storms and subsequent flooding from Hurricane Maria. The agencies believe that granting relief from the appraisal requirements set forth in Title XI of FIRREA, and in the agencies' appraisal regulations, for real estate-related financial transactions in areas declared a major disaster is consistent with the provisions of DIDRA.

Facilitation of Recovery From the Major Disasters

The agencies have determined that the disruption of real estate markets in each of the areas declared a major disaster interferes with the ability of depository institutions to obtain appraisals that comply with Title XI statutory and regulatory requirements. Further, the agencies have determined that the disruption may impede institutions in making loans and engaging in other transactions that would aid in the reconstruction and rehabilitation of the affected areas. Accordingly, the agencies have determined that recovery from these major disasters would be facilitated by exempting transactions involving real estate and requiring the services of an appraiser located in the area directly affected by the severe storms and flooding from the real estate appraisal requirements of Title XI of FIRREA and its implementing regulations.[10]

[1] 12 U.S.C. 3352.

[2] 42 U.S.C. 5170.

[3] Press Release, The White House (August 25, 2017), *available at https://www.whitehouse.gov/the-press-office/2017/08/25/president-donald-j-trump-approves-texas-disaster-declaration.*

[4] Press Release, The White House (September 7, 2017), *available at https://www.whitehouse.gov/the-press-office/2017/09/07/president-donald-j-trump-approves-us-virgin-islands-disaster-declaration.*

[5] Press Release, The White House (September 10, 2017), *available at https://www.whitehouse.gov/the-press-office/2017/09/10/president-donald-j-trump-approves-florida-disaster-declaration.*

[6] Press Release, The White House (September 10, 2017), *available at https://www.whitehouse.gov/the-press-office/2017/09/10/president-donald-j-trump-approves-puerto-rico-disaster-declaration.*

[7] Press Release, The White House (September 15, 2017), *available at https://www.whitehouse.gov/the-press-office/2017/09/15/president-donald-j-trump-approves-georgia-disaster-declaration.*

[8] Press Release, The White House (September 21, 2017), *available at https://www.whitehouse.gov/the-press-office/2017/09/21/president-donald-j-trump-approves-puerto-rico-disaster-declaration.*

[9] Press Release, The White House (September 21, 2017), *available at https://www.whitehouse.gov/the-press-office/2017/09/21/president-donald-j-trump-approves-us-virgin-islands-disaster-declaration.*

[10] 12 U.S.C. 3331–3355; 12 CFR 34.41–34.47 (OCC); 12 CFR part 225, subpart G (Board); 12 CFR part 323, subpart A (FDIC); 12 CFR part 722 (NCUA).

Consistency With Safety and Soundness

The agencies also have determined that the exceptions are consistent with safety and soundness, provided that the depository institution determines and maintains appropriate documentation of the following: (1) The property involved was located in the major disaster area; (2) there is a binding commitment to fund the transaction that was entered into on or within 36 months of the date that the area was declared a major disaster; and (3) the value of the real property supports the institution's decision to enter into the transaction. In addition, the transaction must continue to be subject to review by management and by the agencies in the course of examinations of the institution.

Expiration Date

Exceptions made under section 1123 of FIRREA may be provided for no more than three years after the President determines a major disaster exists in an area.[11] The agencies have determined that the exceptions provided for by this order shall expire three years after the date the President declared a major disaster in each state or territory.

Order

In accordance with section 2 of DIDRA, relief is hereby granted from the provisions of Title XI of FIRREA and the agencies' appraisal regulations for any real estate-related financial transaction that requires the services of an appraiser under those provisions, provided that the institution determines each of the following and maintains supporting documentation made available to the agencies upon request:

(1) The transaction involves real property located in an area of a state or territory that has been declared a major disaster by the President as a result of severe storms and flooding related to Hurricanes Harvey, Irma, or Maria. The specific areas covered are identified in the Appendix and include:

a. The 39 counties in Texas under the declaration of August 25, 2017 (as amended);[12]

b. The two islands in the U.S. Virgin Islands under the declaration of September 7, 2017;[13]

c. The 48 counties in Florida under the declaration of September 10, 2017 (as amended);[14]

d. The four municipalities in Puerto Rico under the declaration of September 10, 2017;[15]

e. The three counties in Georgia under the declaration of September 15, 2017;[16]

f. The 54 municipalities in Puerto Rico under the declaration of September 20, 2017;[17] and

g. The island in the U.S. Virgin Islands under the declaration of September 21, 2017.[18]

(2) There is a binding commitment to fund a transaction that was entered into on or after:

(a) August 25, 2017, but no later than August 24, 2020, for areas declared a major disaster in Texas as a result of Hurricane Harvey;

(b) September 7, 2017, but no later than September 6, 2020, for areas declared a major disaster in the U.S. Virgin Islands as a result of Hurricane Irma;

(c) September 10, 2017, but no later than September 9, 2020, for areas declared a major disaster in Florida and Puerto Rico as a result of Hurricane Irma;

(d) September 15, 2017, but no later than September 14, 2020, for areas declared a major disaster in Georgia as a result of Hurricane Irma;

(e) September 20, 2017, but no later than September 19, 2020, for areas declared a major disaster in Puerto Rico as a result of Hurricane Maria; or

(f) September 21, 2017, but no later than September 20, 2020, for areas declared a major disaster in the U.S. Virgin Islands as a result of Hurricane Maria.

(3) The value of the real property supports the institution's decision to enter into the transaction.

Appendix: Areas Declared a Major Disaster

Hurricane Harvey

Texas: Aransas, Austin, Bastrop, Bee, Brazoria, Calhoun, Chambers, Colorado, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Hardin, Harris, Jackson, Jasper, Jefferson, Karnes, Kleberg, Lavaca, Lee, Liberty, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, Sabine, San Jacinto, San Patricio, Tyler, Victoria, Walker, Waller, and Wharton counties.

Hurricane Irma

Florida: Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lafayette, Lake, Lee, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, Suwannee, Union, and Volusia counties.

Georgia: Camden, Chatham, and Glynn counties.

Puerto Rico: Canovanas, Culebra, Loiza, and Vieques Municipalities.

U.S. Virgin Islands: St. John (Island), St. Thomas (Island).

Hurricane Maria

U.S. Virgin Islands: St. Croix (Island).

Puerto Rico: Aguas Buenas, Aibonito, Arecibo, Arroyo, Barceloneta, Barranquitas, Bayamón, Caguas, Canóvanas, Carolina, Cataño, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Florida, Guayama, Guaynabo, Gurabo, Humacao, Jayuya, Juana Díaz, Juncos, Las Piedras, Loíza, Luquillo, Manati, Maunabo, Morovis, Naguabo, Naranjito, Orocovis, Patillas, Ponce, Rio Grande, Salinas, San Juan, San Lorenzo, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, and Yabucoa Municipalities.

Dated: October 6, 2017.

Keith A. Noreika,

Acting Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, October 16, 2017.

Michele Taylor Fennell,

Assistant Secretary of the Board.

Dated at Washington, DC, this 12th day of October, 2017.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

Dated at Alexandria, VA, this 16th day of October, 2017.

By order of the Board of Directors.

National Credit Union Administration.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2017–22957 Filed 10–23–17; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P; 7535–01–P

[11] 12 U.S.C. 3352(b).

[12] See *https://www.fema.gov/disaster/4332.*

[13] See *https://www.fema.gov/disaster/4335.*

[14] See *https://www.fema.gov/disaster/4337.*

[15] See *https://www.fema.gov/disaster/4336.*

[16] See *https://www.fema.gov/disaster/4338.*

[17] See *https://www.fema.gov/disaster/4339.*

[18] See *https://www.fema.gov/disaster/4340.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–6429; Product Identifier 2015–NM–117–AD; Amendment 39–19083; AD 2017–22–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–05–02, which applied to all Airbus Model

A318 and A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2015–05–02 required revising the maintenance or inspection program to incorporate new, more restrictive airworthiness limitations. This new AD requires revising the maintenance or inspection program to incorporate new or revised structural inspection requirements and adds airplanes to the applicability. This AD was prompted by an evaluation by the design approval holder (DAH), which indicates that principal structural elements and certain life-limited parts are subject to widespread fatigue damage (WFD). We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 28, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 28, 2017.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of March 2, 2015 (80 FR 3871, January 26, 2015).

ADDRESSES: For service information identified in this final rule, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6429.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6429; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2015–05–02, Amendment 39–18112 (80 FR 15152, March 23, 2015) (''AD 2015–05–02''). AD 2015–05–02 applied to all Airbus Model A318 and A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The SNPRM published in the **Federal Register** on May 19, 2017 (82 FR 22910) (''the SNPRM''). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on May 11, 2016 (81 FR 29198) (''the NPRM''). The NPRM was prompted by an evaluation by the DAH, which indicates that principal structural elements and certain life limited parts are subject to WFD. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate new or revised structural inspection requirements. The SNPRM proposed to require more restrictive airworthiness limitations and add Model A320–251N and –271N airplanes to the applicability. We are issuing this AD to prevent fatigue cracking, accidental damage, or corrosion in principal structural elements, and WFD, which could result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0239, dated December 2, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition. The MCAI states:

> The airworthiness limitations for Airbus A320 family aeroplanes are currently included in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) documents. The Damage Tolerant Airworthiness Limitation Items are published in ALS Part 2, approved by EASA.
>
> The instructions contained in the ALS Part 2 have been identified as mandatory actions for continued airworthiness. Failure to comply with these instructions could result in an unsafe condition.
>
> Previously, EASA issued AD 2015–0083 to require accomplishment of all maintenance tasks as described in ALS Part 2 at Revision 03. Since that [EASA] AD was issued, Airbus issued Revision 04, and later on Revision 05 of the ALS Part 2, including new and/or more restrictive items, and new A320 models were certified.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2015–0083, which is superseded, expands the Applicability by adding the models A320–251N and A320–271N, requires accomplishment of all maintenance tasks as described in the ALS Part 2, Revision 05 (hereafter referred to as 'the ALS' in this [EASA] AD), and provides specific compliance times for ALS task 572021–01–1 (Wide Spread Fatigue Damage related).

The required action is revising the maintenance or inspection program to incorporate new or revised structural inspection requirements. The unsafe condition is fatigue cracking, accidental damage, or corrosion in principal structural elements, and WFD, which could result in reduced structural integrity of the airplane. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6429.

Comments

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

Request To Reference Revised Service Information

American Airlines (AAL) requested that we revise the SNPRM to incorporate Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items (SL—ALI), Revision 05, dated April 6, 2017, including Variations 5.1 and 5.2; and Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitation Items (DT—ALI), Revision 06, dated April 10, 2017.

We partially agree with AAL's request. We agree that operators should use the latest service information, and we agree to account for AAL's request in this AD. However, we do not agree to require the revised service information in this final rule since it would expand the scope, requiring additional notice and comment. We find that delaying this action would be inappropriate in light of the identified unsafe condition. We are considering further rulemaking to supersede this final rule to require incorporating the revised service information.

We have added paragraph (l)(1)(iii) to this AD to specify that the previous

alternative methods of compliance (AMOCs) that are approved for AD 2015–05–02 are approved as AMOCs for the corresponding provisions of paragraphs (i) and (j) of this AD. The previous AMOCs include Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items (SL—ALI), Revision 05, dated April 6, 2017, including Variations 5.1 and 5.2; and Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitation Items (DT—ALI), Revision 06, dated April 10, 2017.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

- A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items (SL—ALI), Revision 04, dated June 20, 2016. This service information describes mandatory instructions and airworthiness limitations for the ''safe-life'' structure.
- A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitation Items (DT—ALI), Revision 05, dated July 8, 2016. This service information describes mandatory instructions and airworthiness limitations arising from fatigue and damage tolerance evaluation of damage tolerant structural elements.

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

Costs of Compliance

We estimate that this AD affects 1,182 airplanes of U.S. registry.

The actions required by AD 2015–05–02, and retained in this AD, take about 2 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2015–05–02 is $170 per product.

We also estimate that it will take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $200,940, or $170 per product.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–05–02, Amendment 39–18112 (80 FR 15152, March 23, 2015), and adding the following new AD:

2017–22–03 Airbus Amendment 39–19083; Docket No. FAA–2016–6429; Product Identifier 2015–NM–117–AD.

(a) Effective Date

This AD is effective November 28, 2017.

(b) Affected ADs

This AD replaces AD 2015–05–02, Amendment 39–18112 (80 FR 15152, March 23, 2015) (''AD 2015–05–02'').

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before July 8, 2016.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, and –271N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by an evaluation by the design approval holder which indicates that principal structural elements and certain life-limited parts are subject to widespread fatigue damage (WFD). We are issuing this AD to prevent fatigue cracking, accidental damage, or corrosion in principal structural elements, and WFD, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Maintenance or Inspection Program Revision, With No Changes

This paragraph restates the requirements of paragraph (n) of AD 2015–05–02, with no changes. Within 30 days after March 2, 2015 (the effective date of AD 2014–23–15, Amendment 39–18031 (80 FR 3871, January 26, 2015) (''AD 2014–23–15'')), revise the maintenance or inspection program, as applicable, to incorporate the Airworthiness Limitation Items (ALIs) specified in paragraphs (g)(1) and (g)(2) of this AD. The initial compliance time for accomplishing the actions is at the applicable time identified in the ALIs specified in paragraphs (g)(1) and (g)(2) of this AD; or within 4 months after March 2, 2015 (the effective date of AD 2014–23–15); whichever occurs later.

(1) Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 1—Safe Life Airworthiness Limitation Items, Revision 02, dated May 13, 2011.

(2) Airbus A318/A319/A320/A321 ALS Part 2—Damage-Tolerant Airworthiness Limitation Items (DT ALI), Revision 02, dated May 28, 2013.

(h) Retained Limitation: No Alternative Actions, Intervals, and/or Critical Design Configuration Control Limitations (CDCCLs), With an Exception

This paragraph restates the requirements of paragraph (o) of AD 2015–05–02, with an exception. Except as specified in paragraph (i) or (j) of this AD, as applicable, after accomplishing the revision required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(i) New Maintenance or Inspection Program Revision

Within 60 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the ALIs specified in Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitation Items (DT—ALI), Revision 05, dated July 8, 2016. The initial compliance time for accomplishing the actions is at the applicable time identified in the ALIs specified in Airbus A318/A319/A320/A321 ALS Part 2—DT—ALI, Revision 05, dated July 8, 2016, without exceeding the inspection intervals in the ALIs specified in the service information identified in paragraph (g)(2) of this AD. Accomplishing this action terminates the requirements of paragraph (g)(2) of this AD.

(j) New Method of Compliance for Maintenance or Inspection Program Revision

Revising the maintenance or inspection program, as applicable, to incorporate the ALIs specified in Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items (SL—ALI), Revision 04, dated June 20, 2016, is a method of compliance for the actions required by paragraph (g)(1) of this AD. The initial compliance time for accomplishing the actions is at the applicable time identified in the ALIs specified in Airbus A318/A319/A320/A321 ALS Part 1—SL—ALI, Revision 04, dated June 20, 2016, without exceeding the inspection intervals in the ALIs specified in the service information identified in paragraph (g)(1) of this AD. Accomplishing this action terminates the requirements of paragraph (g)(1) of this AD.

(k) New No Alternative Actions and/or Intervals

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

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (m)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

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

(ii) AMOCs approved previously for AD 2015–05–02, are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD.

(iii) AMOCs approved previously for AD 2015–05–02, which are included in the FAA AMOC letters specified in paragraphs (l)(1)(iii)(A) and (l)(1)(iii)(B), are approved as AMOCs for the corresponding provisions of paragraphs (i) and (j) of this AD.

(A) FAA AMOC letter ANM–116–17–002R1, dated November 14, 2016.

(B) FAA AMOC letter ANM–116–17–323, dated June 12, 2017.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0239, dated December 2, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6429.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

(n) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on November 28, 2017.

(i) Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 1—Safe Life—Airworthiness Limitation Items (SL—ALI), Revision 04, dated June 20, 2016.

(ii) Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 2—Damage Tolerant Airworthiness Limitation Items (DT—ALI), Revision 05, dated July 8, 2016.

(4) The following service information was approved for IBR on March 2, 2015 (80 FR 3871, January 26, 2015).

(i) Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items, Revision 02, dated May 13, 2011. The revision level of this document is identified on only the title page and in the Record of Revisions. The revision date is not identified on the title page of this document.

(ii) Airbus A318/A319/A320/A321 ALS Part 2—Damage-Tolerant Airworthiness Limitation Items (DT ALI), Revision 02, dated May 28, 2013. The revision date of this document is not identified on the title page of this document.

(5) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

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

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

Issued in Renton, Washington, on October 11, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22949 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0946; Product Identifier 2017–SW–045–AD; Amendment 39–19081; AD 2017–22–01]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters. This AD requires adding operating limitations to a rotorcraft flight manual (RFM). This AD is prompted by test results showing decoupling of the flight director (FD) in certain flight conditions. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD becomes effective November 8, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of November 8, 2017.

We must receive comments on this AD by December 26, 2017.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0946; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any incorporated by reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this final rule, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email *wcs_cust_service_eng.gr-sik@lmco.com.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0946.

FOR FURTHER INFORMATION CONTACT: Nick Rediess, Aviation Safety Engineer, Boston ACO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; telephone (781) 238–7159; email *nicholas.rediess@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

We are adopting a new AD for Sikorsky Model S–92A helicopters with a Flight Control Computer (FCC) part number 92900–01802–112 installed. The FCC is part of the Search and Rescue (SAR) Automatic Flight Control System (AFCS). During laboratory testing, Sikorsky discovered a defect in the FCC software that results in the FD decoupling in all three axes when pilot input is made to transition between two SAR AFCS modes. When the AFCS is engaged in SAR Approach 2 (APP2) with an indicated airspeed below V_{MINI} (50 KIAS), the decoupling will occur if the pilot initiates a transition to Velocity Hover Hold (VHLD) mode by pressing the VHLD button on the Mode Select Panel (MSP). The decoupling is annunciated to the pilot but only after a three-second delay. During the delay, the rotorcraft may pitch up with the rate of descent increases to as much as 450 fpm. Because of this, the pilot must take immediate manual control of the rotorcraft after decoupling. This condition could result in loss of control of the helicopter and flight into terrain. According to Sikorsky, the root cause of the failure is under investigation.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 1 CFR Part 51

Sikorsky has issued SA S92A–RFM–003 RFM Supplement (RFMS) No. 4 (Sikorsky SA S92A–RFM–003 RFMS No. 4), Revision 1, approved October 6, 2017, for the Model S–92A helicopter SAR AFCS. This revision of the RFMS prohibits engaging VHLD during coupled SAR APP2 mode via MSP soft key, adds a warning explaining the decoupling event and subsequent aircraft behavior, and adds a note regarding correctly activating VHLD mode with the cyclic trim release switch or selecting VHLD during Mark-On-Top (MOT).

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

Other Related Service Information

Sikorsky has issued letter CCS–92–APL–17–0001, dated July 31, 2017, for Model S–92A helicopters, which describes the conditions that result in the FD decoupling and provides instructions on how to avoid it. This service information further provides instructions for re-engaging the FD if decoupling occurs.

AD Requirements

This AD requires revising the Operating Limitations section of Sikorsky SA S92A–RFM–003 RFMS No. 4 by prohibiting engaging VHLD via either MSP soft key during coupled SAR APP2 mode, adding a warning describing the decoupling event and subsequent AFCS and aircraft behavior, and adding a note regarding correctly activating VHLD mode with the cyclic trim release switch or selecting VHLD during MOT.

Interim Action

We consider this AD to be an interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this AD will affect 87 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

Revising the RFMS will take about 0.5 work-hour for an estimated cost of $43 per helicopter and $3,741 for the U.S. fleet.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the required corrective actions must be completed within 10 hours time-in-service.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–22–01 Sikorsky Aircraft Corporation: Amendment 39–19081; Docket No. FAA–2017–0946; Product Identifier 2017–SW–045–AD.

(a) Applicability

This AD applies to Model S–92A helicopters, certificated in any category, with a Search and Rescue (SAR) Automatic Flight Control System installed with a Flight Control Computer (FCC) part number 92900–01802–112.

(b) Unsafe Condition

This AD defines the unsafe condition as a software defect in the FCC. This condition could result in unintended decoupling of the flight director in all three axes and flight into terrain.

(c) Effective Date

This AD becomes effective November 8, 2017.

(d) Compliance

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

(e) Required Actions

Within 10 hours time-in-service, revise the operating limitations section of the Rotorcraft Flight Manual by adding the information in Figure 1 to paragraph (e) of this AD as paragraph 4, System Limits, in Section 1 of Sikorsky SA S92A–RFM–003 Rotorcraft Flight Manual Supplement (RFMS) No. 4 for the SAR AFCS (Sikorsky SA S92A–RFM–003 RFMS No. 4). This action may be done by:

(1) Inserting a copy of this AD;

(2) Making pen-and-ink changes; or

(3) Inserting pages 1–2 and 1–3/1–4 of Sikorsky SA S92A–RFM–003 RFMS No. 4, Revision 1, approved October 6, 2017. Using a different Sikorsky SA S92A–RFM–003 RFMS No. 4 revision with information identical to that in paragraph 4, System Limits, from Section 1 of Sikorsky SA S92A–RFM–003 RFMS No. 4, Revision 1, approved October 6, 2017, is acceptable for compliance with the requirements of this AD.

SYSTEM LIMIT

Engaging Velocity Hover Hold (VHLD) via either Mode Select Panel (MSP) soft key during coupled SAR APP2 mode is prohibited.

WARNING: Engaging VHLD via either MSP soft key will result in an immediate decoupling of the Flight Director (FD). If, during an APP2 SAR approach with an indicated airspeed below V_{MINI} (50 KIAS), a pilot attempts to engage velocity hold by pressing the VHLD button on either MSP, a FD DGRD will result decoupling the aircraft in all three axes. Upon pressing VHLD, the FD mode annunciations (banner) extinguish, followed by a red FD in the upper left corner of the Primary Flight Display (PFD). Approximately 3 seconds later, a FD DGRD caution will illuminate accompanied by a "DECOUPLE" aural alert. The aircraft may pitch up (a residual effect of the Decel mode) while Rate of Descent (ROD) increases to as much as 450 fpm without pilot input. A coupled Go-Around will not function until an AFCS reset is accomplished. Failure to take manual control will result in flight into terrain.

NOTE: VHLD activation is authorized below V_{MINI} by depressing either Cyclic Trim Release switch with APP2 or MOT engaged, or selecting VHLD via either MSP soft key during a MOT.

Figure 1 to Paragraph (e)

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Nick Rediess, Aviation Safety Engineer, Boston ACO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; telephone (781) 238–7159; email *nicholas.rediess@faa.gov.*

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

(g) Additional Information

Sikorsky letter CCS–92–APL–17–0001, dated July 31, 2017, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email *wcs_cust_service_eng.gr-sik@lmco.com.* You may review this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2210, Autopilot System.

(i) Material Incorporated by Reference

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

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

(i) Pages 1–2 and 1–3/1–4 of Sikorsky SA S92A–RFM–003 RFMS No. 4 Sikorsky Model S–92A Part 1, Revision 1, approved October 6, 2017.

(ii) Reserved.

(3) For Sikorsky service information identified in this AD, Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email *wcs_cust_service_eng.gr-sik@lmco.com.*

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

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

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

James A. Grigg,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2017–22951 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2017–N–5657]

Medical Devices; Immunology and Microbiology Devices; Classification of the Device To Detect and Measure Non-Microbial Analyte(s) in Human Clinical Specimens To Aid in Assessment of Patients With Suspected Sepsis

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA or we) is classifying the device to detect and measure non-microbial analyte(s) in human clinical specimens to aid in assessment of patients with suspected sepsis into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the device to detect and measure non-microbial analyte(s) in human clinical specimens to aid in assessment of patients with suspected sepsis's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective October 24, 2017. The classification was applicable on February 20, 2016.

FOR FURTHER INFORMATION CONTACT: Ryan Lubert, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4545, Silver Spring, MD 20993–0002, 240–402–6357, *Ryan.Lubert@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the device to detect and measure non-microbial analyte(s) in human clinical specimens to aid in assessment of patients with suspected sepsis as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act to a predicate device that does not require premarket approval (see 21 U.S.C. 360c(i)). We determine whether a new device is substantially equivalent to a predicate by means of the procedures for premarket notification under section 510(k) of the FD&C Act and part 807 (21 U.S.C. 360(k) and 21 CFR part 807, respectively).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 established the first procedure for De Novo classification (Pub. L. 105–115). Section 607 of the Food and Drug Administration Safety and Innovation Act modified the De Novo application process by adding a second procedure (Pub. L. 112–144). A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see 21 U.S.C. 360c(f)(2)(B)(i)). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application in order to market a substantially equivalent device (see 21 U.S.C. 360c(i), defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On March 4, 2015, B·R·A·H·M·S GmbH, part of Thermo Fisher Scientific, submitted a request for De Novo classification of the B·R·A·H·M·S PCT sensitive KRYPTOR. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on February 20, 2016, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding 21 CFR 866.3215. We have named the generic type of device, device to detect and measure non-microbial analyte(s) in human clinical specimens to aid in assessment of patients with suspected sepsis, and it is identified as an in vitro device intended for the detection and qualitative and/or quantitative measurement of one or more non-microbial analytes in human clinical specimens to aid in the

assessment of patients with suspected sepsis when used in conjunction with clinical signs and symptoms and other clinical and laboratory findings.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—DEVICE TO DETECT AND MEASURE NON-MICROBIAL ANALYTE(S) IN HUMAN CLINICAL SPECIMENS TO AID IN ASSESSMENT OF PATIENTS WITH SUSPECTED SEPSIS RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures/21 CFR section
Incorrect determination of procalcitonin (PCT) value, including false positives and false negatives, by the device can lead to improper patient management.	Special Controls (2), (3), and (7) (21 CFR 866.3215(b)(2); 21 CFR 866.3215(b)(3); and 21 CFR 866.3215(b)(7)).
Incorrect interpretation of device results by end user can lead to improper patient management.	Special Controls (1), (4), (5), (6), and (7) (21 CFR 866.3215(b)(1); 21 CFR 866.3215(b)(4); 21 CFR 866.3215(b)(5); 21 CFR 866.3215(b)(6); and 21 CFR 866.3215(b)(7)).
Manual calculation error of final results	Special Control (7) (21 CFR 866.3215(b)(7)).

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. In order for a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120, the collections of information in part 820 have been approved under OMB control number 0910–0073, and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l*, 371.

■ 2. Add § 866.3215 to subpart D to read as follows:

§ 866.3215 Device to detect and measure non-microbial analyte(s) in human clinical specimens to aid in assessment of patients with suspected sepsis.

(a) *Identification.* A device to detect and measure non-microbial analyte(s) in human clinical specimens to aid in assessment of patients with suspected sepsis is identified as an in vitro device intended for the detection and qualitative and/or quantitative measurement of one or more non-microbial analytes in human clinical specimens to aid in the assessment of patients with suspected sepsis when used in conjunction with clinical signs and symptoms and other clinical and laboratory findings.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Premarket notification submissions must include the device's detailed Indications for Use statement describing what the device detects and measures, the results provided to the user, whether the measure is qualitative and/or quantitative, the clinical indications for which the test is to be used, and the specific population(s) for which the device use is intended.

(2) Premarket notification submissions must include detailed documentation of the device description, including (as applicable), all device components, software, ancillary reagents required but not provided, explanation of the device principle and methodology, and for molecular devices include detailed documentation of the primer/probe sequence, design, and rationale for sequence selection.

(3) Premarket notification submissions must include detailed documentation of applicable analytical studies, such as, analytical sensitivity (Limit of Detection, Limit of Blank, and Limit of Quantitation), precision, reproducibility, analytical measuring range, interference, cross-reactivity, and specimen stability.

(4) Premarket notification submissions must include detailed documentation of a prospective clinical study or, if appropriate, results from an equivalent sample set. This detailed documentation must include the following information:

(i) Results must demonstrate adequate device performance relative to a well-accepted comparator.

(ii) Clinical sample results must demonstrate consistency of device output throughout the device measuring range likely to be encountered in the Intended Use population.

(iii) Clinical study documentation must include the original study protocol (including predefined statistical analysis plan), study report documenting support for the Indications for Use(s), and results of all statistical analyses.

(5) Premarket notification submissions must include evaluation of the level of the non-microbial analyte in asymptomatic patients with demographic characteristics (*e.g.,* age, racial, ethnic, and gender distribution) similar to the Intended Use population.

(6) As part of the risk management activities performed under 21 CFR 820.30 design controls, you must document an appropriate end user device training program that will be

offered as part of your efforts to mitigate the risk of failure to correctly operate the instrument.

(7) A detailed explanation of the interpretation of results and acceptance criteria must be included in the device's 21 CFR 809.10(b)(9) compliant labeling, and a detailed explanation of the interpretation of the limitations of the samples (*e.g.,* collected on day of diagnosis) must be included in the device's 21 CFR 809.10(b)(10) compliant labeling.

Dated: October 18, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–22994 Filed 10–23–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2017–N–5290]

Medical Devices; Immunology and Microbiology Devices; Classification of the Mass Spectrometer System for Clinical Use for the Identification of Microorganisms

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA or we) is classifying the mass spectrometer system for clinical use for the identification of microorganisms into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the mass spectrometer system for clinical use for the identification of microorganisms' classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective October 24, 2017. The classification was applicable on August 21, 2013.

FOR FURTHER INFORMATION CONTACT: Steven Tjoe, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4550, Silver Spring, MD 20993–0002, 301–796–5866, *steven.tjoe@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the mass spectrometer system for clinical use for the identification of microorganisms as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act to a predicate device that does not require premarket approval (see 21 U.S.C. 360c(i)). We determine whether a new device is substantially equivalent to a predicate by means of the procedures for premarket notification under section 510(k) of the FD&C Act and part 807 (21 U.S.C. 360(k) and 21 CFR part 807, respectively).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 established the first procedure for De Novo classification (Pub. L. 105–115). Section 607 of the Food and Drug Administration Safety and Innovation Act modified the De Novo application process by adding a second procedure (Pub. L. 112–144). A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA shall classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see 21 U.S.C. 360c(f)(2)(B)(i)). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application (PMA) in order to market a substantially equivalent device (see 21 U.S.C. 360c(i), defining ''substantial equivalence''). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On January 3, 2013, bioMérieux, Inc. submitted a request for De Novo classification of the Vitek® MS. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on August 21, 2013, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding 21 CFR 866.3361. We have named the generic type of device mass spectrometer system for clinical use for the identification of microorganisms, and it is identified as a qualitative in vitro diagnostic device intended for the identification of microorganisms cultured from human specimens. The device is comprised of an ionization source, a mass analyzer, and a spectral database. The device is indicated for use in conjunction with other clinical and laboratory findings to aid in the diagnosis of bacterial and fungal infections.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—MASS SPECTROMETER SYSTEM FOR CLINICAL USE FOR THE IDENTIFICATION OF MICROORGANISMS RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Incorrect identification of a pathogenic microorganism can lead to improper patient management.	(1) Premarket notification submissions must include detailed documentation for device software, including, but not limited to, standalone software applications and hardware-based devices that incorporate software. (2) Premarket notification submissions must include database implementation methodology, construction parameters, and quality assurance protocols.
Failure to correctly interpret test results	(1) A detailed explanation of the interpretation of results and acceptance criteria must be included in the device's 21 CFR 809.10(b)(9) compliant labeling.
Failure to correctly operate the instrument	(1) As part of the risk management activities performed as part of your 21 CFR 820.30 design controls, you must document an appropriate end user device training program that will be offered as part of your efforts to mitigate the risk of failure to correctly operate the instrument. (2) Premarket notification submissions must include details on the appropriate end user device training program that will be offered while marketing the device.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. In order for a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. The device is subject to premarket notification requirements under section 510(k).

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120, the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073, and the collections of information in 21 CFR parts 801 and 809, regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l*, 371.

■ 2. Add § 866.3361 to subpart D to read as follows:

§ 866.3361 Mass spectrometer system for clinical use for the identification of microorganisms.

(a) *Identification.* A mass spectrometer system for clinical use for the identification of microorganisms is a qualitative in vitro diagnostic device intended for the identification of microorganisms cultured from human specimens. The device is comprised of an ionization source, a mass analyzer, and a spectral database. The device is indicated for use in conjunction with other clinical and laboratory findings to aid in the diagnosis of bacterial and fungal infections.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Premarket notification submissions must include detailed documentation for device software, including, but not limited to, standalone software applications and hardware-based devices that incorporate software.

(2) Premarket notification submissions must include database implementation methodology, construction parameters, and quality assurance protocols.

(3) A detailed explanation of the interpretation of results and acceptance criteria must be included in the device's 21 CFR 809.10(b)(9) compliant labeling.

(4) As part of the risk management activities performed as part of your 21 CFR 820.30 design controls, you must document an appropriate end user device training program that will be offered as part of your efforts to mitigate the risk of failure to correctly operate the instrument.

(5) Premarket notification submissions must include details on the appropriate end user device training program that will be offered while marketing the device.

Dated: October 19, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–23022 Filed 10–23–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2017–N–5651]

Medical Devices; Immunology and Microbiology Devices; Classification of the Zinc Transporter 8 Autoantibody Immunological Test System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA or we) is classifying the zinc transporter 8 autoantibody immunological test system into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the zinc transporter 8 autoantibody immunological test system's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective October 24, 2017. The classification was applicable on August 20, 2014.

FOR FURTHER INFORMATION CONTACT: Steven Tjoe, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4550, Silver Spring, MD 20993–0002, 301–796–5866, *steven.tjoe@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the zinc transporter 8 autoantibody immunological test system as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate by means of the procedures for premarket notification under section 510(k) of the FD&C Act and part 807 (21 U.S.C. 360(k) and 21 CFR part 807, respectively).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 established the first procedure for De Novo classification (Pub. L. 105–115). Section 607 of the Food and Drug Administration Safety and Innovation Act modified the De Novo application process by adding a second procedure (Pub. L. 112–144). A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act (21 U.S.C. 360c(a)(1)). Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see 21 U.S.C. 360c(f)(2)(B)(i)). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application (PMA) in order to market a substantially equivalent device (see 21 U.S.C. 360c(i), defining ''substantial equivalence''). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

For this device, FDA issued an order on May 21, 2014, finding the KRONUS Zinc Transporter 8 Autoantibody (ZnT8Ab) ELISA Assay not substantially equivalent to a predicate not subject to PMA. Thus, the device remained in class III in accordance with section 513(f)(1) of the FD&C Act when we issued the order.

On June 16, 2014, KRONUS Market Development Associates, Inc., submitted a request for De Novo classification of the KRONUS Zinc Transporter 8 Autoantibody (ZnT8Ab) ELISA Assay. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on August 20, 2014, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding 21 CFR 866.5670. We have named the generic type of device zinc transporter 8 autoantibody immunological test system, and it is identified as a device that consists of reagents used to measure, by immunochemical techniques, the autoantibodies in human serum samples that react with Zinc Transporter 8 (ZnT8). The measurements aid in the diagnosis of Type 1 diabetes mellitus (autoimmune mediated diabetes) in conjunction with other clinical and laboratory findings.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—ZINC TRANSPORTER 8 AUTOANTIBODY IMMUNOLOGICAL TEST SYSTEM RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures/21 CFR section
Inaccurate test results that provide false positive or false negative results can lead to improper patient management.	Special controls (1), (2), and (3) (21 CFR 866.5670(b)(1), 21 CFR 866.5670(b)(2), and 21 CFR 866.5670(b)(3)).
Failure to correctly interpret test results can lead to false positive or false negative results.	Special controls (1)(iii), (2), and (3) (21 CFR 866.5670(b)(1)(iii), 21 CFR 866.5670(b)(2), and 21 CFR 866.5670(b)(3)).

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. In order for a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification requirements under section 510(k).

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120, the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073, and the collections of information in 21 CFR parts 801 and 809, regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l*, 371.

■ 2. Add § 866.5670 to subpart F to read as follows:

§ 866.5670 Zinc transporter 8 autoantibody immunological test system.

(a) *Identification.* A zinc transporter 8 autoantibody immunological test system is a device that consists of reagents used to measure, by immunochemical techniques, the autoantibodies in human serum samples that react with Zinc Transporter 8 (ZnT8). The measurements aid in the diagnosis of Type 1 diabetes mellitus (autoimmune mediated diabetes) in conjunction with other clinical and laboratory findings.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Premarket notification submissions must include the following information:

(i) A detailed description of the device that includes:

(A) A detailed description of all components in the test system, including a description of the assay components in the kit and all required ancillary reagents;

(B) A detailed description of instrumentation and equipment, and illustrations or photographs of non-standard equipment or methods if applicable;

(C) Detailed documentation of the device software, including, but not limited to, standalone software applications and hardware-based devices that incorporate software where applicable;

(D) A detailed description of appropriate internal and external quality controls that are recommended or provided. The description must identify those control elements that are incorporated into the recommended testing procedures;

(E) Detailed specifications for sample collection, processing, and storage;

(F) A detailed description of methodology and assay procedure; and

(G) Detailed specification of the criteria for test results interpretation and reporting.

(ii) Information that demonstrates the performance characteristics of the device, including:

(A) Device precision/reproducibility data generated from within-run, between-run, between-day, between-lot, between-operator, between-instruments, between-site, and total precision for multiple nonconsecutive days as applicable. A well characterized panel of patient samples or pools from the intended use population that covers the device measuring range must be used;

(B) Device linearity data generated from patient samples covering the assay measuring range if applicable;

(C) Information on traceability to a reference material and description of value assignment of calibrators and controls if applicable;

(D) Device analytical sensitivity data, including limit of blank, limit of detection and limit of quantitation if applicable;

(E) Device analytical specificity data, including interference by endogenous and exogenous substances, as well as cross-reactivity with samples derived from patients with other autoimmune diseases or conditions;

(F) Device instrument carryover data when applicable;

(G) Device stability data including real-time stability under various storage times and temperatures;

(H) Specimen stability data, including stability under various storage times, temperatures, freeze-thaw, and transport conditions where appropriate;

(I) Method comparison data generated by comparison of the results obtained with the device to those obtained with a legally marketed predicate device with similar indication of use. Patient samples from the intended use population covering the device measuring range must be used;

(J) Specimen matrix comparison data if more than one specimen type or anticoagulant can be tested with the device. Samples used for comparison must be from patient samples covering the device measuring range;

(K) A description of how the assay cut-off (the medical decision point between positive and negative) was established and validated as well as supporting data;

(L) Clinical performance must be established by comparing data generated by testing samples from the intended use population and the differential diagnosis groups with the device to the clinical diagnostic standard. The diagnosis of Type 1 diabetes mellitus must be based on clinical history, physical examination, and laboratory tests, such as one or more pancreatic or insulin autoantibody test. Because the intended use population for Type 1 diabetes mellitus includes subjects less than 18 years old, samples from representative numbers of these subjects must be included. Representative numbers of samples from all age strata must also be included. The differential diagnosis groups must include, but not be limited to the following: Type 2 diabetes mellitus; metabolic syndrome; latent autoimmune diabetes in adults; other autoimmune diseases such as celiac disease (without a concomitant diagnosis of Type 1 diabetes mellitus), systemic lupus erythematosus, rheumatoid arthritis, and Hashimoto's thyroiditis; infection; renal disease; and testicular cancer. Diseases for the differential groups must be based on established diagnostic criteria and clinical evaluation. For all samples, the diagnostic clinical criteria and the demographic information must be collected and provided. The clinical validation results must demonstrate clinical sensitivity and clinical specificity for the test values based on the presence or absence of Type 1 diabetes mellitus. The data must be summarized in tabular format comparing the interpretation of results to the disease status; and

(M) Expected/reference values generated by testing an adequate number of samples from apparently healthy normal individuals.

(iii) Identification of risk mitigation elements used by the device, including description of all additional procedures, methods, and practices incorporated into the directions for use that mitigate risks associated with testing.

(2) Your 21 CFR 809.10(a) compliant label and 21 CFR 809.10(b) compliant labeling must include warnings relevant to the assay including:

(i) A warning statement that reads, ''The device is for use by laboratory professionals in a clinical laboratory setting'';

(ii) A warning statement that reads, ''The test is not a stand-alone test but an adjunct to other clinical information. A diagnosis of Type 1 diabetes mellitus should not be made on a single test result. The clinical symptoms, results on physical examination, and laboratory tests (*e.g.,* serological tests), when appropriate, should always be taken into account when considering the diagnosis of Type 1 diabetes mellitus and Type 2 diabetes mellitus'';

(iii) A warning statement that reads, ''Absence of Zinc T8 autoantibody does not rule out a diagnosis of Type 1 diabetes mellitus''; and

(iv) A warning statement that reads, ''The assay has not been demonstrated to be effective for monitoring the stage of disease or its response to treatment.''

(3) Your 21 CFR 809.10(b) compliant labeling must include a description of the protocol and performance studies performed in accordance with paragraph (b)(1)(ii) of this section and a summary of the results.

Dated: October 18, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–22995 Filed 10–23–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0048]

RIN 1625–AA09

Drawbridge Operation Regulation; Reynolds Channel, Lawrence, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs the Atlantic Beach Bridge across Reynolds Channel, mile 0.4 at Lawrence, New York. This action is necessary to allow for an unexpected delay in the reconstruction and painting of the bascule leaves. A temporary deviation was previously granted for a length of 180 days. As the Coast Guard may not approve extensions beyond that allotted timeframe nor approve back-to-back or sequential deviations, it is necessary to issue this rule in order to allow the bridge owner to complete the remaining work items.

DATES: This rule is effective without actual notice from October 24, 2017 until 11:59 p.m. on November 13, 2017. For the purposes of enforcement, actual notice will be used from 12:01 on October 14, 2017 until October 24, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0048 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this interim rule, call or email James M. Moore, Bridge Management Specialist, U.S. Coast Guard; telephone 202–372–1518, email *James.M.Moore2@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On April 6, 2017, we published a temporary deviation entitled, ''Drawbridge Operation Regulation; Atlantic Beach Bridge, Reynolds Channel, Lawrence, NY'' in the **Federal Register** (see 82 FR 06735). Although we did not request public comments, outreach conducted with mariners utilizing the waterway indicated no objections to the temporary deviation. No complaints have been submitted during the current temporary deviation.

The Coast Guard is issuing this temporary interim rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary

to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. Due to unanticipated difficulties and delays impacting the schedule and pace of bascule leaf reconstruction and painting, additional time is required to finalize and complete the work necessary to restore the bridge to full operational capacity. We must modify the operation schedule of the bridge by October 15, 2017 to allow the completion of bascule leaf reconstruction and painting. Due to the circumstances of this repair project, we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the modification.

We are issuing this rule and under 5 U.S.C. 553(d)(3), and for the reasons stated above, the Coast Guard finds that good cause exists for making it effective in less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for the Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. The Coast Guard is modifying the operating schedule that governs the Atlantic Beach Bridge across Reynolds Channel, mile 0.4, at Lawrence, New York. The Atlantic Beach Bridge is a double-leaf bascule bridge offering mariners a vertical clearance of 25 feet at mean high water and 30 feet at mean low water in the closed position. Work platforms installed underneath the bascule spans have reduced the available vertical clearance to 21.5 feet at mean high water in the closed position and to 26.5 feet at mean low water in the closed position.

The existing drawbridge regulations are listed at 33 CFR 117.799(e). The Nassau County Bridge Authority, the bridge owner, has requested this modification as additional time is required to complete the final reconstruction and painting of the bascule leaves.

The Nassau County Bridge Authority has also requested that the Atlantic Beach Bridge be allowed to open on signal only one of two bascule spans for bridge openings with the understanding that dual lift-span operations will occur for vessels requiring such an opening provided a 48 hour advance notice, and receipt of 24 hour advance confirmation, from 7 a.m. Monday through 6 p.m. Friday. The bridge will operate normally and open fully upon signal on weekends from 6 p.m. Friday through 7 a.m. Monday.

The bridge generally opens four times per week for routine passage of towing vessels with tank barges or dry cargo barges. The bulk of remaining vessel traffic is recreational not requiring an opening in order to proceed through the draw. Vessels that can pass under the bridge without an opening may do so at all times. The bridge will be able to open for emergencies and there is an alternate route for vessels unable to pass through the bridge when in the closed position.

IV. Discussion of the Rule

The Coast Guard is issuing this rule, which permits a temporary deviation from the operating schedule that governs the Atlantic Beach Bridge across Reynolds Channel, mile 0.4, at Lawrence, New York. The rule is necessary to accommodate the completion of bascule leaf reconstruction and painting. This rule allows for single-leaf operations upon signal during the week, Monday through Friday. Dual lift-span operations will be provided for vessels requiring such an opening given 48 hours of advance notice and provided a 24 hour advance confirmation. The bridge will operate normally during weekends.

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 protesters.

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, it 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 ability of the majority of vessels to successfully transit through the draw of the bridge without an opening or with a single-leaf opening. Vessels requiring dual lift-span operations during the week may continue to transit the draw provided submission of advance notice.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section V.A above, this interim rule will not have a significant economic impact on any vessel owner or operator. Commercial mariners requiring dual lift-span operations during the week have been able to transit the draw following provision of advance notice. Single-leaf operations will be furnished on signal for those vessels requiring such an opening.

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**, above.

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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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.

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 guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction. A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 117.799, effective from 12:01 a.m. on October 24, 2017, through 11:59 p.m. on November 13, 2017, suspend paragraph (e)(1) and add paragraph (e)(4) to read as follows:

§ 117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.

* * * * *

(e) * * *

(4) The Atlantic Beach Bridge will open only one of two bascule spans on signal for bridge openings from 7 a.m. Monday through 6 p.m. Friday. Dual lift-span operations will occur for vessels requiring such an opening provided a 48 hour advance notice and 24 hour advance confirmation has been furnished from 7 a.m. Monday through 6 p.m. Friday. The bridge will open fully on signal on weekends from 6 p.m. Friday through 7 a.m. Monday.

* * * * *

Dated: October 6, 2017.

S.D. Poulin,

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

[FR Doc. 2017–23053 Filed 10–23–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0890]

RIN 1625–AA11

Regulated Navigation Area; Beals Island Bridge Replacement, Moosabec Reach, Jonesport, ME

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard is establishing a temporary Regulated Navigation Area (RNA) for the navigable waters within 150-yards of the Beals Island Bridge between Jonesport, ME, and Beals Island, ME. The RNA is needed to protect personnel, vessels, and the marine environment from the potential hazards created by the demolition, subsequent removal, and replacement of the Beals Island Bridge. This RNA will establish speed and beam restrictions on vessels transiting the regulated area during bridge replacement operations. This rule will also allow the Coast Guard to prohibit vessel traffic through the RNA when necessary.

DATES: This rule is effective without actual notice from October 24, 2017 through January 31, 2021. For the purposes of enforcement, actual notice will be used from October 15, 2017, through October 24, 2017.

Comments and related material must be received by the Coast Guard on or before January 22, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0890 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Craig Lapiejko, Waterways Management, First Coast Guard District; telephone (617) 223–8351, email *Craig.D.Lapiejko@uscg.mil.* You may also call or email Chief Petty Officer Chris Bains, Waterways Management Division, U.S. Coast Guard Sector Northern New England, telephone (207) 347–5003, email *Chris.D.Bains@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
RNA Regulated Navigation Area
MEDOT Maine Department of Transportation

II. Background Information and Regulatory History

On June 27, 2017, the U. S. Coast Guard District One Bridge Branch

issued a permit approving the construction of the Beals Island Bridge across the Moosabec Reach in Jonesport, Maine. On September 11, 2017, the contractor selected for the project submitted their request to the Waterways Management Division of U. S. Coast Guard Sector Northern New England. The COTP Sector Northern New England has determined that an RNA will be required to enforce speed, wake, and beam restrictions, as well as provide for intermittent closure of the waterway during the construction of the replacement bridge and subsequent demolition of the original structure.

This project will start on October 15, 2017, and be completed by January 31, 2021. During this project, replacement and removal of the original structure will take place. To accomplish these tasks, a temporary structure will be built under the original structure to facilitate construction. This temporary structure will require all vessel traffic to use the main navigational channel, beneath the bridge's center span, to transit through the bridge. The temporary structure will continue to limit vessels transiting through the bridge to a beam of less than 75 feet. The temporary structure will be lit every 50 feet and the foundation will encroach on the new navigational channel. The Coast Guard will issue a Broadcast Notice to Mariners via marine channel 16 (VHF–FM) with as much advanced notice as possible for any period of waterway closure or as soon as practicable in response to an emergency. If the project is completed prior to January 31, 2021, enforcement of the RNA will be suspended and notice given via Broadcast Notice to Mariners.

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because doing so would be impracticable and contrary to the public interest. The late finalization of project details did not give the Coast Guard enough time to publish an NPRM, take public comments, and issue a final rule before the construction work is set to begin. It would be impracticable and contrary to the public interest to delay promulgating this rule as it is necessary to respond to the potential safety hazards associated with the bridge replacement project beginning on October 15, 2017.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. For reasons stated in the preceding paragraph, delaying the implementation of this rule would be impracticable and contrary to the public interest.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231.

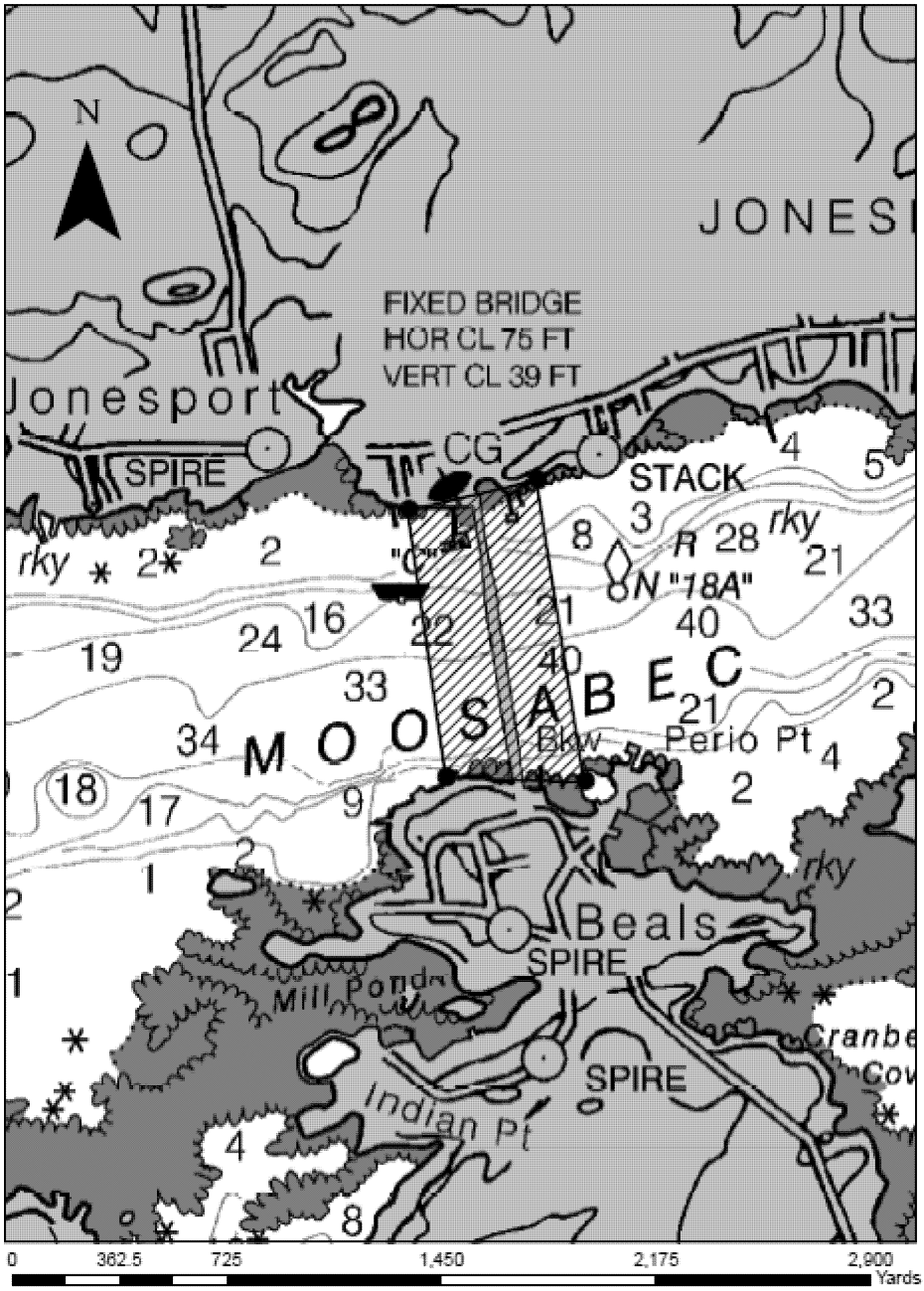
The Coast Guard First District Commander has determined that potential hazards exist associated with the bridge replacement project starting on October 15, 2017, and continuing through January 31, 2021. This rule is needed to control vessel movement, and to protect all persons, vessels, construction crews, and the marine environment during the Beals Island Bridge replacement and demolition project on the Moosabec Reach between Jonesport, ME, and Beals Island, ME.

IV. Discussion of the Rule

This rule establishes a Regulated Navigation Area from October 15, 2017, through January 31, 2021. The RNA will cover all navigable waters from surface to bottom of the Moosabec Reach within 150 yards of the Beals Island Bridge, ME.

BILLING CODE 9110–04–P

Beals Island Bridge RNA



Additional illustrations showing the location of this RNA are available in the docket.

BILLING CODE 9110–04–C

The vessels operating within the RNA are subject to a ''Slow-No Wake'' speed limit. More specifically, vessels may not produce a wake and may not attain speeds greater than five (5) knots unless a higher minimum speed is necessary to maintain steerageway. This RNA also establishes a beam restriction on vessels transiting the regulated area and prohibits vessels whose beam exceeds 75 feet from transiting the Beals Island Bridge unless authorized by the First District Commander or the COTP, Sector Northern New England. Vessels will be limited to using only the main navigational channel, under the bridge's center span, to transit through the bridge. While the majority of construction activities during the span of this project will not require waterway closures, certain tasks can only be completed in the channel and will require closing the waterway. Currently, we only expect two closures lasting less than 8 hours each. The Coast Guard may also need to close the RNA described in this rule to all vessel traffic during any circumstance that poses an imminent threat to waterway users operating in the area. Complete waterway closures will be made with as much advanced notice as possible.

The Coast Guard will notify the public and local mariners of this RNA through appropriate means, which may

include, but are not limited to, publication in the Local Notice to Mariners and Broadcast Notice to Mariners via marine Channel 16 (VHF–FM) in advance of any closure.

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, it 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.

The Coast Guard has determined that this rulemaking is not a significant regulatory action. The RNA only impacts a small designated area of the Moosabec Reach and permits the majority of typical vessel traffic on the Moosabec Reach to continue to transit the waterway. Additionally, it is currently anticipated the RNA will be closed to all traffic on two brief occasions, each lasting less than 8 hours. Any other periods during which the RNA is closed to all traffic will be infrequent and as short in duration as possible. The Coast Guard will notify the public of the enforcement of this rule via appropriate means, such as via Local Notice to Mariners and Broadcast 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 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 RNA may be small entities, for the reasons stated in section V.A., this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that 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 temporary RNA for the navigable waters within 150-yards of Beals Island Bridge between Jonesport, ME, and Beals Island, ME. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration for Categorically Excluded Actions 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.

VI. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape this rulemaking. We may change this rule in view of them. If you submit a comment, please include the docket number for this rulemaking, indicate the specific

section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

Documents mentioned in this TFR as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts; you will be notified when comments are posted or if a revised final rule is published.

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.T01–0890 to read as follows:

§ 165.T01–0890 Regulated Navigation Area; Beals Island Bridge Replacement, Moosabec Reach, Jonesport, ME.

(a) *Regulated Navigation Area boundaries.* The following area is a Regulated Navigation Area (RNA): All navigable waters of the Moosabec Reach between Jonesport, ME, and Beals, ME, from surface to bottom, within 150-yards of the Beals Island Bridge. Encompassed by a line connecting the following points 44°31′19.8″ N., 67°36′44.1″ W. and then west along the shoreline to a point on land at position 44°31′20.1″ N., 67°36′57.9″ W. and then north across the channel to a point on land at position 44°31′39.1″ N., 67°37′01.7″ W. and then east along the shoreline to a point on land at position 44°31′41.3″ N., 67°36′48.9″ W. 3°10′04.944″ W. and then south across the channel back to the point of origin. These coordinates are based on [NAD 83].

(b) *Regulations.* The general regulations contained in 33 CFR 165.13 apply within the RNA.

(1) Any vessel transiting through the Beals Island Bridge must make a direct passage using the main channel under the center span. No vessel may stop, moor, anchor, or loiter within the RNA at any time unless they are working on the bridge construction or have received prior authorization by the First District Commander or the Captain of the Port (COTP), Sector Northern New England, or his designated representative.

(2) Movement within this RNA is subject to a ''Slow-No Wake'' speed limit. No vessels may produce a wake nor attain speeds greater than five (5) knots unless a higher minimum speed is necessary to maintain bare steerageway.

(3) No vessel with a beam greater than 75 feet may transit this area unless they receive advance authorization by the First District Commander or the Captain of the Port (COTP), Sector Northern New England.

(4) There may be times that the First District Commander or the COTP finds it necessary to close the RNA to vessel traffic. Mariners will be advised of all closure dates and times via Local Notice to Mariners and Broadcast Notice to Mariners in advance of closure times. During periods of closure, persons and vessels may request permission to enter and transit the RNA by contacting the COTP or the COTP's on-scene representative on VHF–16 or via phone at 207–767–0303.

(5) Any vessels transiting within this RNA must comply with all directions given to them by the COTP or the COTP's on-scene representative. The ''on-scene representative'' of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP's behalf. The on-scene representative may be on a Coast Guard vessel; or other designated craft; or on shore and communicating with vessels via VHF–FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(6) All other relevant regulations, including but not limited to the Rules of the Road, as codified in 33 CFR Subchapter E, Inland Navigational Rules, remain in effect within this RNA and must be strictly followed at all times.

(d) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232.

(e) *Enforcement period.* This RNA's speed and beam restrictions are enforceable 24 hours a day as long as this RNA is in place. The Coast Guard will enforce waterway closures only when necessary to protect people and vessels from hazards associated with bridge construction.

(f) *Notification.* Coast Guard Sector Northern New England will give notice through the Local Notice to Mariners and Broadcast Notice to Mariners regarding enforcement of this RNA. Coast Guard Sector Northern New England will also notify the public to the greatest extent possible of any period in which the Coast Guard will suspend enforcement of this RNA.

Dated: October 12, 2017.

S.D. Poulin,

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

[FR Doc. 2017–23049 Filed 10–23–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0982]

RIN 1625–AA00

Safety Zone; Mamala Bay, Oahu, HI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: On October 10, 2017, the fishing vessel PACIFIC PARADISE ran aground off of the navigable waters of Mamala Bay near Waikiki at Kaimana Beach, Oahu, Hawaii. On October 11, 2017, the Coast Guard established for seven days a temporary safety zone encompassing all waters extending 500 yards in all directions around the grounded fishing vessel located approximately 350 yards southwest of Kaimana Beach in position 21°15.69′ N.; 157°49.49′ W. to assist with vessel salvage operations. On October 18, 2017 the Coast Guard will extend the safety zone for two additional weeks while salvage operations continue. The temporary safety zone currently stationary around the grounded vessel will become a moving safety zone during the salvage and removal operation and remain a moving safety zone so until the towing operation is complete. During salvage and removal operations, the zone will continue to

encompass 500 yards in all directions around the vessel at all times. When salvage tow operations commence, the Coast Guard will provide notice via a broadcast notice to mariners. The extension of this safety zone and shift to a moving safety zone during salvage and removal are necessary to protect personnel, vessels and the marine environment from potential hazards associated with ongoing operations to remove a grounded vessel in this area. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Honolulu.

DATES: This rule is effective without actual notice from October 24, 2017 until 8:00 a.m. on November 1, 2017. For the purposes of enforcement, actual notice will be used from 8:00 a.m. on October 18, 2017, until October 24, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0982 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 Lieutenant Commander John Bannon, Waterways Management Division, U.S. Coast Guard Sector Honolulu at (808) 541–4359 or *john.e.bannon@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
TFR Temporary final rule
U.S.C. United States Code

II. Background Information and Regulatory History

On October 11, 2017, the Coast Guard established a safety zone in the navigable waters of Mamala Bay, Oahu, HI, due to the October 10, 2017 grounding of the fishing vessel PACIFIC PARADISE. The purpose of the safety zone was to protect personnel, vessels and the marine environment from the hazards associated with the ongoing operations to salvage a grounded fishing vessel near Waikiki's Kaimana Beach. Ongoing challenges with the salvage efforts necessitate a two-week extension to the TFR. Once the vessel is removed from the reef for final disposition, the safety zone shall shift from a stationary zone to a moving safety zone. The 500 yard distance in all directions from the vessel shall remain in force at all times until the tow operation is complete and the zone is terminated.

The Coast Guard is extending the existing TFR safety zone without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the initial estimate to salvage the vessel from the grounding was estimated at one week or less. Immediate action remains needed to respond to the safety hazards associated with this fishing vessel salvage effort for an estimated additional two weeks. Therefore, publishing an NPRM is impracticable and contrary to public interest.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule pursuant to 33 U.S.C. 1231. On October 10, 2017, the Coast Guard was informed the fishing vessel PACIFIC PARADISE, ran aground in Mamala Bay, Oahu, Hawaii, near Waikiki's Kaimana Beach. Coast Guard COTP Sector Honolulu determined that potential hazards associated with the salvage and removal operations constituted a safety concern for anyone within the designated safety zone. This rule is necessary to protect personnel, vessels, and the marine environment within the navigable waters of the safety zone during ongoing salvage and removal operations. Salvage and removal operations involve removing the grounded vessel from a reef in high winds and seas; hazards include the risk of fire and those associated with towing the disabled vessel for disposition.

IV. Discussion of the Rule

This rule is effective from 8:00 a.m. on October 18, 2017 through 8:00 a.m. on November 1, 2017, or until salvage operations are complete, whichever is earlier. If the safety zone is terminated prior to 8:00 a.m. on November 1, 2017, the Coast Guard will provide notice via a broadcast notice to mariners.

The temporary safety zone encompasses all waters extending 500 yards in all directions around the location of ongoing vessel salvage operations located 350 yards southwest of Kaimana Beach near position: 21°15.69′ N.; 157°49.49′ W. This zone extends from the surface of the water to the ocean floor. The safety zone is currently stationary around the grounded vessel. During the salvage and removal process, the safety zone will become a moving zone and remain so until the salvage towing operation is complete. The zone shall continue to encompass 500 yards in all directions around the fishing vessel and remain so until the operation is complete. When salvage operations commence, the Coast Guard will provide notice via a broadcast notice to mariners. The zone is intended to protect personnel, vessels, and the marine environment in these navigable waters from potential hazards associated with the salvage and removal of the fishing vessel. No vessel or person will be permitted to enter the safety zone absent the express authorization of the COTP Honolulu or his 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 and duration of the safety zone. Vessel traffic will be able to safely transit around this stationary or moving safety zone, including during the salvage tow, which would impact only a small designated area of the waters off Waikiki Beach where vessel traffic is normally low and open space exists in the area. Moreover, vessels wishing to enter the zone may seek permission as set forth below.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended,

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator. The safety zone is limited in size and duration, and the location of the grounded vessel is not in an actively used navigable waterway. Once the vessel is free from the reef, the tow evolution will not impact existing waterway users. Furthermore, mariners may request to enter the zone by contacting the COTP.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that 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 extension for duration of two additional weeks, providing for an overall three week estimated safety zone or until the salvage operations is suspended. 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, and Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T14–0982 to read as follows:

§ 165.T14–0982 Safety Zone; Mamala Bay, Oahu, HI.

(a) *Location.* The safety zone is located within the COTP Honolulu Zone (See 33 CFR 3.70–10) and will encompass all navigable waters extending 500 yards in all directions from the fishing vessel PACIFIC PARADISE located approximately 350 yards southwest of Kaimana Beach, grounded at position: 21°15.69′ N.; 157°49.49′ W. Once the fishing vessel PACIFIC PARADISE is towed, the safety zone will become a moving safety zone and the 500 yards in all directions from the vessel will be enforced and throughout the moving salvage transit or disposal within Mamala Bay, Keehi Lagoon, or Honolulu Harbor. This zone extends from the surface of the water to the ocean floor.

(b) *Enforcement period.* This rule is effective from 8:00 a.m. on October 18, 2017 through 8:00 a.m. on November 1, 2017, or until salvage recovery operations are complete, whichever is earlier. If the safety zone is terminated prior to 8:00 a.m. on November 1, 2017, the Coast Guard will provide notice via a broadcast notice to mariners.

(c) *Regulations.* The general regulations governing safety zones contained in 33 CFR 165.20, Subpart C, apply to the safety zone created by this temporary final rule.

(1) All persons are required to comply with the general regulations governing safety zones found in 33 CFR part 165.

(2) Entry into or remaining in this zone is prohibited unless expressly authorized by the COTP Honolulu or his designated representative.

(3) Persons desiring to transit the stationary or moving safety zone identified in paragraph (a) of this section may contact the COTP at the Command Center telephone number (808) 842–2600 and (808) 842–2601, fax (808) 842–2642 or on VHF channel 16 (156.8 Mhz) to seek permission to transit the zone. If permission is granted, all persons and vessels must comply with the instructions of the COTP Honolulu or his designated representative and proceed at the minimum speed necessary to maintain a safe course while in the zone.

(4) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(d) *Notice of enforcement.* The COTP will provide notice of the enforcement of the safety zone described in this section via verbal broadcasts and written notice to mariners and the general public.

(e) *Definitions.* As used in this section, designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the COTP to assist in enforcing the safety zone described in paragraph (a) of this section.

Dated: October 18, 2017.

M.C. Long,

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

[FR Doc. 2017–22992 Filed 10–23–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

[COE–2016–0014]

United States Navy Danger Zone, East Pearl River, Within the Acoustic Buffer Area of the John C. Stennis Space Center, and Adjacent to Lands, in Hancock County, Mississippi

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers published a document in the **Federal Register** on December 14, 2016, proposing to revise its regulations to establish a danger zone in the East Pearl River within the acoustic buffer of NASA's John C. Stennis Space Center on the East Pearl River, in Hancock County, Mississippi. The Navy requested establishment of a danger zone on waterways and tributaries of the East Pearl River that are used by Naval Special Warfare units to conduct riverine training exercises. The purpose of the danger zone is to ensure public safety by restricting access within the danger zone during training events.

DATES: Effective date: November 24, 2017.

ADDRESSES: Headquarters, U.S. Army Corps of Engineers, Operations and Regulatory Community of Practice, 441 G Street NW., Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922 or by email at *david.b.olson@usace.army.mil* or Ms. Kristi Hall, U.S. Army Corps of Engineers, Vicksburg District, Regulatory Branch, at 601–631–7529 or by email at *kristi.w.hall@usace.army.mil*.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities under Section 7 of the Rivers and Harbors Act of 1917 (40 State 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending restricted area regulations at 33 CFR part 334 by adding § 334.784 to establish a danger zone along the East Pearl River. The amendment to this regulation will allow the Commanding Officer of Naval Construction Battalion Center, Gulfport, Mississippi (or his/her designee) to restrict passage of persons, watercraft, and vessels in the waters within the danger zone during Department of Defense training for conducting coastal and riverine special operations in support of global military missions. This area is referred to as a danger zone due to the use of short-range training ammunition within riverine areas.

The proposed rule was published in the December 14, 2016 edition of the **Federal Register** (81 FR 90292) with the docket number COE–2016–0014 and one comment was received. The commenter requested additional information on frequency or likely frequency of the utilization of the danger zone and suggested the description of the danger zone implied some portion of the river would be open for boat traffic during training exercises. The training has been occurring within the proposed danger zone since 2004 and the formal establishment of the zone would not increase or decrease the frequency of training, change the type of training, or expand training. A vessel that needs to transit the danger zone when it is activated may do so if the operator of the vessel obtains permission from the Commanding Officer, Naval Construction Battalion Center, Gulfport or his or her designees. Furthermore, the description of the danger zone has been modified to omit reference to ''left descending bank'' to avoid confusion.

On December 14, 2016, the Corps' Vicksburg District issued a public notice soliciting comments on the proposed rule from all known interested parties and one comment was received. The commenter requested training be limited during posted hunting seasons. The establishment of the danger zone is for the purpose of public safety and to preserve current military training vital to ensuring combat ready forces, so training cannot be limited during posted hunting seasons.

Procedural Requirements

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.

The Corps has made a determination this rule is not a significant regulatory action. This regulatory action determination is based on the size, duration, and location of the danger zone. The danger zone occupies a small portion of the waterway and will only be activated during naval training exercises. A vessel that needs to transit the danger zone when it is activated may do so if the operator of the vessel obtains permission from the Commanding Officer, Naval Construction Battalion Center, Gulfport or his or her designees.

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 Corps certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels that intend to transit the danger zone may be small entities, for the reasons stated in paragraph (a) above this rule would not have a significant economic impact on any vessel owner or operator. In addition, the danger zone is necessary to protect public safety during training exercises. Small entities can utilize navigable waters outside of the danger zone when the danger zone is activated. Small entities may also transit the danger zone when it is activated, as long as they obtain permission from the Commanding Officer, Naval Construction Battalion Center, Gulfport or his/her designees. After considering the economic impacts of this danger zone regulation on small entities, I certify that this action will not have a significant impact on a substantial number of small entities.

c. Review Under the National Environmental Policy Act

An environmental assessment (EA) has been prepared. We have concluded that the establishment of the restricted area will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. The final EA and Finding of No Significant Impact may be reviewed at the District Office listed at the end of the **FOR FURTHER INFORMATION CONTACT** section, above.

d. Unfunded Mandates Reform Act

This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Public Laws 104–4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We have also found, under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rule.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons stated in the preamble, the Corps is amending 33 CFR part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Add § 334.784 to read as follows:

§ 334.784 East Pearl River, within the acoustic buffer area of the John C. Stennis Space Center, and adjacent to lands, in Hancock County, Mississippi; danger zone.

(a) *The area.* A danger zone is established in and to the extent of waters of the United States, as defined in 33 CFR part 329, in the following reaches of the East Pearl River south of a point located at latitude 30.4030° N., longitude −89.6815° W., to a point below the confluence of Mikes River, located at latitude 30.3561° N., longitude −89.6514° W. The datum for these coordinates is NAD 1983.

(b) *The regulation.* (1) No person, vessel, or other watercraft, other than a vessel owned and operated by the United States, shall enter or remain in the danger zone, or within a portion or portions thereof, when closed to public access, as provided in paragraph (b)(2) of this section, except by permission of the Commanding Officer, Naval Construction Battalion Center, Gulfport or such other person(s) as he or she may designate.

(2) The danger zone, or a portion or portions thereof, will be closed, for riverine, weapons, or other dangerous naval training, by placement of Government picket boats at the northern and southern boundaries in the East Pearl River, or at such other location(s) within the danger zone as may be determined to be sufficient to protect the public. Prior to closure, picket boats will transit the area(s) to be closed, to ensure that no persons, vessels, or other watercraft are present. Once the danger zone, or location(s) within the danger zone, has been cleared, picket boats will remain in position, upstream and downstream, until it is safe to re-open the area(s) to public access.

(3) Riverine, weapons, and other dangerous naval training may occur on any day of the week, typically, but not exclusively, in periods of two to eight hours, between 6 a.m. and 6 p.m. Training may occur at night, in darkness.

(c) *Enforcement.* The restrictions on public access in this section shall be enforced by the Commanding Officer, Naval Construction Battalion Center, Gulfport or by such other person(s) as he or she may designate.

Dated: October 18, 2017.

Thomas P. Smith,

Chief, Operations and Regulatory Division, Directorate of Civil Works.

[FR Doc. 2017–23004 Filed 10–23–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

34 CFR Parts 668, 674, 682, and 685

[Docket ID ED–2017–OPE–0108]

RIN 1840–AD25

Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Interim final rule; delay of effective date; request for comments.

SUMMARY: Consistent with section 553(b)(3)(B) and (d)(3) of the Administrative Procedure Act (APA), which allows Federal agencies to promulgate rules without advance notice and opportunity for comment for good cause, the Secretary issues this interim final rule with request for comment. This interim final rule delays until July 1, 2018, the effective date of selected provisions of the final regulations entitled Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan (FFEL) Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program (the final regulations), published in the **Federal Register** on November 1, 2016. The provisions this interim final rule delays are listed in the **SUPPLEMENTARY INFORMATION** section of this document. The original effective date of the final regulations was July 1, 2017.

DATES: *Effective date:* As of October 24, 2017, the effective date for the amendments to or additions of: §§ 668.14(b)(30), (31), and (32); 668.41(h) and (i); 668.71(c); 668.90(a)(3); 668.93(h), (i), (j); 668.171; 668.175 (c) and (d) and (f) and (h); Appendix C to Subpart L of Part 668; 674.33(g)(3) and (g)(8); 682.202(b)(1); 682.211(i)(7); 682.402(d)(3), (d)(6)(ii)(B)(*1*) and (*2*), (d)(6)(ii)(F) introductory text, (d)(6)(ii)(F)(*5*), (d)(6)(ii)(G), (d)(6)(ii)(H)

through (K), (d)(7)(ii) and (iii), (d)(8), and (e)(6)(iii); 682.405(b)(4); 682.410(b)(4) and (b)(6)(viii); 685.200(f)(3)(v) and (f)(4)(iii); 685.205(b)(6); 685.206(c); 685.212(k); 685.214(c)(2), (f)(4) through (7); 685.215(a)(1), (c)(1) through (c)(8), and (d); 685.222; Appendix A to Subpart B of Part 685; and 685.308(a), published November 1, 2016, at 81 FR 75926, and delayed until further notice on June 16, 2017, in 82 FR 27621, is further delayed until July 1, 2018.

Comment date: We must receive your comments on or before November 24, 2017.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

If you are submitting comments electronically, we strongly encourage you to submit any comments or attachments in Microsoft Word format. If you must submit a comment in Portable Document Format (PDF), we strongly encourage you to convert the PDF to print-to-PDF format or to use some other commonly used searchable text format. *Please do not submit the PDF in a scanned format.* Using a print-to-PDF format allows the Department to electronically search and copy certain portions of your submissions.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Help.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about the interim final rule, address them to Jean-Didier Gaina, U.S. Department of Education, 400 Maryland Ave. SW., Mail Stop 6W247, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Barbara Hoblitzell, U.S. Department of Education, 400 Maryland Ave. SW., Mail Stop 6W247, Washington, DC 20202. Telephone: (202) 453–7583 or by email at: *Barbara.Hoblitzell@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this interim final rule. We will consider comments on the delayed effective date only and will not consider comments on the wording or substance of the final regulations. See **ADDRESSES** for instructions on how to submit comments.

During and after the comment period, you may inspect all public comments about this interim final rule by accessing *Regulations.gov*. You may also inspect the comments in person in Room 6W245, 400 Maryland Avenue SW., Washington, DC, between 8:30 a.m. and 4:00 p.m. Washington, DC time, Monday through Friday of each week, except Federal holidays. If you want to schedule time to inspect comments, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this interim final rule. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Delay of Effective Date

On May 24, 2017, the California Association of Private Postsecondary Schools (CAPPS) filed a Complaint and Prayer for Declaratory and Injunctive Relief in the United States District Court for the District of Columbia (Court) challenging the final regulations in their entirety, and in particular those provisions of the regulations pertaining to the standard and process for the Department to adjudicate borrower defense claims, requirements pertaining to financial responsibility standards, provisions requiring proprietary institutions to provide warnings about their students' loan repayment rates, and prohibitions against institutions including arbitration or class action waivers in their agreements with students. Complaint and Prayer for Declaratory and Injunctive Relief, *California Association of Private Postsecondary Schools* v. *DeVos,* No. 1:17–cv–00999 (D.D.C. May 24, 2017). As of the date of this interim final rule, the litigation is ongoing.

In light of the pending litigation, on June 16, 2017, the Department published in the **Federal Register** a notification of the partial delay of effective dates under section 705 of the APA (5 U.S.C. 705) (82 FR 27621) (705 Notice), to delay the effectiveness of certain provisions of the final regulations until the legal challenge is resolved. The 705 Notice postponed the effective date of the regulations to preserve the regulatory status quo while the litigation is pending and the Court makes a decision. As explained in the 705 Notice, the plaintiff has raised serious questions concerning the validity of certain provisions of the final regulations and has identified substantial injuries that could result if they go into effect before those questions are resolved. Given the legal uncertainty, maintaining the status quo is critical. For instance, if the final regulations took effect, institutions participating in programs under title IV of the Higher Education Act of 1965, as amended (HEA), would have been required, as of July 1, 2017, to modify their contracts in accordance with the arbitration and class action waiver regulations. Postponing the final regulations avoids the cost that institutions would incur in making these changes while the final regulations are subject to judicial review. Meanwhile, the Department is continuing to process borrower defense claims under the existing regulations that will remain in effect during the postponement.

Because the final regulations have been postponed beyond July 1, 2017, pursuant to the 705 Notice, the postponement of the final regulations must be for at least one year to comply with section 482 of the HEA (20 U.S.C. 1089). That section imposes a requirement (the ''master calendar requirement'') on the Department for the effective date of regulations affecting programs under title IV of the HEA. Under the master calendar requirement, a regulatory change that has been published in final form on or before November 1 prior to the start of an award year—which begins on July 1 of any given year—may take effect only at the beginning of the next award year, or

in other words, on July 1 of the next year. Any regulatory change that has not been published in final form by November 1 prior to the start of an award year may not become effective until the beginning of the second award year after the November 1 date.

The master calendar requirement provides that regulatory changes affecting the title IV programs must become effective at the beginning of an award year and does not authorize the Department to make a regulatory change affecting the title IV programs effective in the middle of an award year.[1] Accordingly, regulations promulgated under title IV of the HEA have an effective date of July 1. Congress enacted the master calendar requirement to ensure that institutions have sufficient notice of the timing of any regulatory change in order to implement regulatory changes at the start of each award year. In this way, institutions avoid incurring the costs of compliance on a rolling basis throughout the year and avoid any disruption to the timely delivery of title IV funds. *See* S. Rep. No. 99–296, at 11 (1986); *see also Reauthorization of the Higher Education Act, 1985: Hearings Before the S. Subcomm. On Educ., Arts and Humanities,* 99th Cong. 10 (1985) (statement of the Conference on Higher Education) (''Although progress will always require updating, there is an equally important need for stability so that proper planning by all those involved—including families, aid administrators, and agency officials—can be achieved.'').

Congress has been clear that ''the effective dates of all regulations on Title IV are driven by the Master Calendar requirements in Section 482,'' H.R. Rep. No. 102–447, at 77 (1992), and it has reaffirmed the breadth of the master calendar requirement by providing express waivers of the requirement only in specific limited circumstances. *See, e.g.,* Higher Education Opportunity Act, Public Law 110–315, sec. 402(b), 122 Stat. 3078, 3191 (2008); Higher Education Act—Technical Corrections, Public Law 111–39, sec. 409, 123 Stat. 1950, 1953 (2009). Accordingly, the Department has consistently interpreted and applied the master calendar requirement to provide that any regulatory change relating to student financial aid programs may take effect only at the beginning of an award year.

With respect to the final regulations, implementing this substantial regulatory change in the middle of an award year would frustrate the notice objectives of the HEA and deny schools the assurance of the master calendar. For the July 1, 2017, postponement to be consistent with the HEA, therefore, the effective date must be July 1, 2018 (or July 1 of a later year). Because the 705 Notice does not establish a specific effective date but is tied to the pending litigation, this interim final rule provides the public and regulated parties notice that even if the litigation concludes before July 1, 2018, the final regulations will not take effect until that date consistent with the master calendar requirement.

Separately, we note that the delayed effective date is consistent with the Memorandum for the Heads of Executive Departments and Agencies entitled ''Regulatory Freeze Pending Review,'' published in the **Federal Register** on January 24, 2017 (Memorandum), which was intended to ensure that the President's appointees or designees have the opportunity to review any new or pending regulations and where appropriate to suggest changes. Among other things, the Memorandum directed the heads of executive departments and agencies to consider temporarily postponing the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect. In addition, on February 24, 2017, the President issued Executive Order 13777, which requires each agency head to consider recommendations to repeal, replace, or modify existing regulations, consistent with applicable law. In accordance with these evaluative efforts, we announced on June 16, 2017, our intent to engage in negotiated and notice-and-comment rulemaking on the topics addressed by the final regulations on (82 FR 27640). The Department is reevaluating its regulations in this area and the burdens on regulated parties may change.

To provide adequate notice to these parties in accordance with the HEA's master calendar requirement, the Department has determined that it is necessary to delay until July 1, 2018, the effective date of the revisions to or additions of the following provisions of the final regulations in title 34 of the Code of Federal Regulations (CFR):

- § 668.14(b)(30), (31), and (32) Program participation agreement.
- § 668.41(h) and (i) Reporting and disclosure of information.
- § 668.71(c) Scope and special definitions.
- § 668.90(a)(3) Initial and final decisions.
- § 668.93(h), (i) and (j) Limitation.
- § 668.171 General.
- § 668.175(c), (d), (f), and (h) Alternative standards and requirements.
- Part 668 subpart L, Appendix C.
- § 674.33(g)(3) and (g)(8) Repayment.
- § 682.202(b)(1) Permissible charges by lenders to borrowers.
- § 682.211(i)(7) Forbearance.
- § 682.402(d)(3), (d)(6)(ii)(B)(*1*) and (*2*), (d)(6)(ii)(F) introductory text, (d)(6)(ii)(F)(*5*), (d)(6)(ii)(G), (d)(6)(ii)(H) through (K), (d)(7)(ii) and (iii), (d)(8), and (e)(6)(iii) Death, disability, closed school, false certification, unpaid refunds, and bankruptcy payments.
- § 682.405(b)(4)(ii) Loan rehabilitation agreement.
- § 682.410(b)(4) and (b)(6)(viii) Fiscal, administrative, and enforcement requirements.
- § 685.200(f)(3)(v) and (f)(4)(iii) Borrower eligibility.
- § 685.205(b)(6) Forbearance.
- § 685.206(c) Borrower responsibilities and defenses.
- § 685.212(k) Discharge of a loan obligation.
- § 685.214(c)(2), (f)(4) through (7) Closed school discharge.
- § 685.215(a)(1), (c)(1) through (c)(8), and (d) Discharge for false certification of student eligibility or unauthorized payment.
- § 685.222 Borrower defenses.
- Part 685 subpart B, Appendix A Examples of borrower relief.
- § 685.300(b)(11), (b)(12), and (d) through (i) Agreements between an eligible school and the Secretary for participation in the Direct Loan Program.
- § 685.308(a) Remedial actions.

In addition, in connection with this delay, the Department interprets all references to ''July 1, 2017'' in the text of the above-referenced regulations to mean the effective date of those regulations. The regulatory text included references to the specific July 1, 2017, date in part to provide clarity to readers in the future as to when the regulations had taken effect. Because the regulations have not taken effect on July 1, 2017, we will read those regulations as referring to the new effective date established by this delay, *i.e.,* July 1, 2018.

We do not intend to delay the effective dates of the regulatory provisions published in 81 FR 75926 which: (1) Expand the types of documentation that may be used for the granting of a discharge based on the death of the borrower; (2) amend the regulations governing the consolidation of Nursing Student Loans and Nurse Faculty Loans so that they align with the statutory requirements of section 428C(a)(4)(E) of the HEA; (3) amend the

[1] We note that in the limited circumstance where the Secretary designates a regulation for early implementation pursuant to 20 U.S.C. 1089(c)(2), regulated parties may choose to implement the regulation before the July 1 effective date. Early implementation, however, does not change the effective date of the regulation.

regulations governing Direct Consolidation Loans to allow a borrower to obtain a Direct Consolidation Loan regardless of whether the borrower is also seeking to consolidate a Direct Program or FFEL loan, if the borrower has a loan type identified in 34 CFR 685.220(b); (4) address severability; and (5) make technical corrections. As established in 81 FR 75926, 34 CFR 682.211(i)(7) and 682.410(b)(6)(viii) remain designated for early implementation, at the discretion of each lender or guaranty agency.

Waiver of Notice-and-Comment Rulemaking, Negotiated Rulemaking, and Delayed Effective Date under the APA: Under the APA (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations and publishes rules not less than 30 days before their effective dates. In addition, under section 492 of the HEA (20 U.S.C. 1098a), all regulations proposed by the Department for programs authorized under title IV of the HEA are subject to negotiated rulemaking requirements. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking or delay effective dates when the agency, for good cause, finds that the requirement is impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(3)(B) and (d)(3)). In addition, section 492(b)(2) of the HEA provides that negotiated rulemaking may be waived for good cause when doing so would be ''impracticable, unnecessary, or contrary to the public interest.'' Section 492(b)(2) of the HEA also requires the Secretary to publish the basis for waiving negotiations in the **Federal Register** at the same time as the proposed regulations in question are first published.

The Department determined under the APA and the HEA that notice-and-comment and negotiated rulemaking are unnecessary and impracticable and therefore is waiving both requirements in this interim final rule. As noted previously, the 705 Notice delayed the effective date of the final regulations to maintain the status quo pending the outcome of the litigation, which could not be resolved before July 1, 2017. Given that delay, the next possible date for the regulations to become effective would be July 1, 2018, in accordance with the HEA's master calendar requirement. Thus, even if the litigation were resolved before July 1, 2018, under the HEA, July 1, 2018, would be the earliest the regulations could take effect. Given the Department's limited discretion to set an effective date under the master calendar requirement, the Department determined that both notice-and-comment and negotiated rulemaking are unnecessary. The Department also determined that it was impracticable to conduct notice-and-comment and negotiated rulemaking before the original July 1, 2017, effective date. The litigation was initiated on May 24, 2017; the Department would not have been able to conduct negotiated rulemaking or notice-and-comment rulemaking to obtain comment on a possible new effective date in the short amount of time between May 24, and July 1, 2017. And, once the July 1, 2017, date passed, under the master calendar requirement, the Department did not have any discretion to set an effective date earlier than July 1, 2018. For the same reasons, we are also waiving the 30-day delay of the effective date of this interim final rule under the APA. However, the Department is providing a 30-day comment period and invites interested persons to comment on the delay of the effective date of the final regulations from July 1, 2017, to July 1, 2018. In addition, the Department plans to issue a notice of proposed rulemaking to seek public comment on further delaying the effective date of the final regulations until July 1, 2019, to allow for completion of the negotiated rulemaking process before regulatory changes become effective in this area (see 82 FR 27640). The Department will seek public comments on whether such a further delay is desirable to avoid the costs to regulated parties of implementing regulations that may be subject to change in the near future.

Executive Orders 12866, 13563 and 13771

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

The Department estimates the quantified annualized economic and net budget impacts of the delay of the effective date to be −$18.6 million in reduced costs to institutions and the Federal government. These reduced costs result from the delay of the borrower defense rules on the 2017 and 2018 loan cohorts, as well as from the delayed paperwork burden on institutions, and the delayed execution of the closed school automatic discharge. This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these

techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this interim final rule only on a reasoned determination that its benefits justify its costs. Based on the analysis that follows, the Department believes that this interim final rule is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, or Tribal governments in the exercise of their governmental functions.

In accordance with both Executive Orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action.

The quantified economic effects and net budget impact associated with the delayed effective date are not expected to be economically significant.

Effects of One-Year Delay

As indicated in the Regulatory Impact Analysis (RIA) published with the final regulations on November 1, 2016, the final regulations were economically significant with a total estimated net budget impact of $16.6 billion over the 2017–2026 loan cohorts in the primary estimate scenario, including a cost of $381 million for cohorts 2014–2016 attributable to the provisions for a three-year automatic closed school discharge. As the net budget impact is based on the net present value of the cash flows of the relevant cohorts over a forty-year timeframe, simply delaying the final regulations for a year will have a much more limited effect, as discussed below. This analysis is limited to the effect of delaying the effective date of the final regulations, and does not account for any potential future substantive changes in the final regulations.

Even with the delayed effective date, borrowers will still be able to submit claims. The provisions of the final regulations pertaining to the process for review and determination of claims were not limited to specific cohorts designated by the effective date so the delay will not result in specific cohorts of borrowers being excluded from the process reflected in the final regulations, when implemented. Once in effect, the protection generated by the financial protection provisions will be available to be applied to claims from loans originated earlier, including the period from July 1, 2017 to June 30, 2018. Loans made before July 1, 2017, were always subject to the State-based standard and their ability to bring claims under that standard is unchanged by the delay. For claims filed after the effective date of the regulations, the Federal standard established in the final regulations would apply. As discussed previously, the Department interprets all references to ''July 1, 2017'' in the text of the regulations to mean the effective date of the regulations. As a result, the delayed effective date means that loans made between July 1, 2017 and June 30, 2018, will be subject to the current State-based standard. As we noted in the final regulations, the Federal standard was designed to address much of the conduct already covered by the State-based standard, so the vast majority of claims associated with loans made between July 1, 2017, and the delayed effective date could be made under the current, State law-based standard as well.

In addition to borrowers, institutions are also affected by the delayed effective date. As indicated in the RIA for the final regulations, institutions bear the major costs of compliance, paperwork burden, and providing financial protection. The financial protection provisions of the final regulations depend on the effective date, so institutions will not incur these costs until the final regulations are in effect. In terms of cost savings for institutions, the estimated annual paperwork burden was approximately $9.4 million in the initial year of the final regulations. In the revised scenario developed to estimate the effect of the one-year delay in the effective date, transfers from institutions to students, via the Federal government, would be reduced by approximately $1.3 million for the 2017 and 2018 loan cohorts. The costs of providing financial protection were not quantified in the final regulations, and the Department has no additional data to estimate costs institutions may avoid from the delayed effective date of the financial protection provisions.

There is some uncertainty as to the regulatory baseline against which this interim final rule's impacts should be assessed. As noted previously, the 705 Notice delayed the effectiveness of certain provisions of the 2016 final regulations until a legal challenge is resolved. If the legal resolution were to be reached on or after July 1, 2018, then the 705 Notice would provide for the delay of effectiveness between now and then, and the interim final rule would not have any impact. By contrast, if the legal resolution were to be reached earlier, this interim final rule could have substantial impacts associated with the avoidance of confusion and legal ambiguity regarding the interaction among the 705 Notice, the master calendar, and the 2016 final regulations. Although an analysis of a simple one-year delay does not exactly capture this collection of impacts (due to, among other reasons, the fact that July 1, 2018, is already less than a year away and thus this interim final rule cannot have a full year's impact), it can provide a general sense of the magnitude of upper bound effects.

Net Budget Impact

In order to estimate the net budget impact of the one-year delay in the effective date, the Department developed a scenario that revised the primary estimate assumptions from the final regulations from the affected 2017 and 2018 loan cohorts. The assumptions for the primary scenario from the 2016 final regulation were the basis for the President's Budget 2018 (PB2018) baseline that assumed the regulation would go into effect on July 1, 2017. The scenario developed for this interim final rule is designed to capture the incremental change from the PB2018 baseline associated with the one-year delay in the effective date. Table 1 presents assumptions for the primary estimate from the final regulations and the revised estimate for the one-year delay in the effective date. In this scenario, the conduct percent is 90 percent of the primary scenario from the final regulation and the borrower percent is the same. The financial protection provided was always expected to increase over time so the delayed effective date in the near term is not expected to significantly affect the amount of recoveries over the life of any particular loan cohort, limiting any net budget impact from the delay. To estimate the potential reduction in recoveries related to the delayed effective date, we reduced recoveries for the affected portion of the 2017 and 2018 cohorts by five percent for the private not-for-profit and proprietary sectors. As in the final regulations, recoveries from public institutions were held constant at 75 percent across scenarios.

TABLE 1—REVISED ASSUMPTIONS FOR ONE-YEAR DELAY

Cohort	2017		2018	
	Public/private not for profit	Proprietary	Public/private not for profit	Proprietary
Conduct Percent:				
Final Primary	3.0	20	2.4	16
Delay Revised	2.7	18	2.16	14.4
Borrower Percent:				
Final Primary	35	45	36.8	47.3
Delay Revised	35	45	36.8	47.3
	Public	Priv/Prop	Public	Priv/Prop
Recovery Percent:				
Final Primary	75	23.8	75	23.8
Delay Revised	75	22.61	75	22.61

The net budget impact associated with these effects of the one-year delay in the effective date on the borrower defense provisions only is approximately −$37.7 million from the 2017 and 2018 loan cohorts.

As the amount and composition of borrower defense claims and estimated recoveries over the lifetime of the relevant loan cohorts are not expected to change greatly due to the delayed effective date, the Department does not estimate an economically significant net budget impact from the delay itself, with a potential net budget impact related to borrower defense claims of −$37.7 million in reduced costs.

The closed school automatic discharge provisions were the other significant source of estimated net budget impact in the final regulations. Under credit reform scoring, the modification to older cohorts for the automatic discharge provision estimated to cost $364 million was expected to occur in FY 2017 in the President's Budget for FY 2018 (PB2018). As a result of the delay in the effective date, the Department will not execute the modification in FY 2017.

The Department does expect to incur the costs associated with the three-year automatic discharge after the delayed effective date, but moving the execution of the modification beyond FY 2017 will require a new cost analysis with economic assumptions from the fiscal year of the execution. This will result in a change of cost, but at this point it is not possible to know the discount rates in future fiscal years, so the cost of the modification will be determined in the year that it is executed. While the actual cost of the future modification cannot be determined at this time, the Department did approximate the effect of the delay by shifting the timing of the relevant discharges back by a year and recalculating a modification using the discount rates and economic assumptions used for the calculation of the PB2018 modification. When calculated in this manner, the delay in the modification is expected to result in estimated savings of less than $10 million.

As the delay does not change the substance of the automatic discharge, we would expect the amount and composition of loans affected by the automatic discharge not to change significantly. The closed school three-year automatic discharge provisions were applicable to loans made on or after November 1, 2013, and were not linked to the effective date of the final regulations. Therefore, delaying the effective date of those provisions will not change the set of loans eligible for this automatic discharge. Additionally, borrowers would have the ability to apply for a closed school discharge before July 1, 2018, if they did not want to wait for the automatic discharge to be implemented. For future cohorts, the delay is not significant as the three-year period will fall beyond the delayed effective date. Any significant change to the estimated net budget impact associated with the closed school automatic discharge depends on any substantive changes made to the provisions as a result of the upcoming rulemaking and changes to economic assumptions when the modification is executed.

Consistent with Executive Order 13771 (82 FR 9339, February 3, 2017), we have estimated that this interim final rule will result in cost savings. Therefore, this interim final rule is considered an Executive Order 13771 deregulatory action.

Accounting Statement

In evaluating whether a regulation is economically significant, a key consideration is whether the annual effect in any given year is over $100 million. To evaluate this, the Department looked at the difference in the undiscounted cashflows related to the death, disability, and bankruptcy (DDB) claims in which borrower defense claims are included for the PB2018 baseline and the one-year delay scenario described in the *Net Budget Impacts* section of this interim final rule. The difference from subtracting the one-year delay scenario from the baseline for the 2017 and 2018 cohorts for FY2017 to FY 2026 is summarized in Table 2.

TABLE 2—DIFFERENCE IN UNDISCOUNTED NET CASHFLOWS FOR THE 2017 AND 2018 LOAN COHORTS FROM ONE-YEAR DELAY IN 2016 BORROWER DEFENSE RULE FOR FY2017 TO FY2026

	2017	2018	2019	2020	2021
Change in DDB Cashflow	406,737	846,076	514,402	4,457,479	11,564,985
	2022	2023	2024	2025	2026
Change in DDB Cashflow	9,114,464	635,180	(2,086,812)	(981,585)	166,597

Table 3 shows the effects when those differences in the DDB cashflows are discounted at 7 and 3 percent and annualized.

Category	Benefits	
Institutions may not incur compliance costs or costs of obtaining financial protection until the rule is in effect	Not Quantified	
Category	**Costs**	
	7%	3%
Continued use of state law based standard Delay in providing consumer information about institution's performance and practices. Potential decreased awareness and usage of closed school and false certification discharges.	Not Quantified	
Savings associated with delay in compliance with paperwork requirements	−9.5	−9.51
Category	**Transfers**	
	7%	3%
Reduction in transfers from the Federal Government to affected borrowers in the 2017 and 2018 cohorts that would have been partially borne by affected institutions via reimbursements	−3.8	−3.8
Reduced reimbursements from affected institutions to affected students, via the Federal government as loan cohorts 2017 and 2018 are subject to the existing borrower defense regulation	−1.3	−1.2
Delay in closed school automatic discharge	−6.6	−6.6

Paperwork Reduction Act of 1995

As indicated in the Paperwork Reduction Act section published in the final regulations, the assessed estimated burden was 253,136 hours, affecting both institutions and individuals, with an estimated annual cost of $9,458,484. The table below identifies the regulatory sections, OMB Control Numbers, estimated burden hours, and estimated costs of the final regulations.

Regulatory section	OMB control No.	Burden hours	Estimated cost $36.55/hour institution $16.30/hour individual
668.14	1845–0022	1,953	71,382
668.41	1845–0004	5,346	195,396
668.171	1845–0022	3,028	110,673
668.175	1845–0022	60,560	2,213,468
682.211	1845–0020	5,784	211,405
682.402	1845–0020	1,838	67,179
685.222	1845–0142	249 (Individuals)	4,059
685.222	1845–0142	800 (Institutions)	29,240
685.300	1845–0143	179,362	6,555,681
Total		258,920	9,458,484
Cost savings due to delayed effective date excluding 682.211, for which early implementation is allowed.		253,136	9,247,079
Burden remaining		5,784	211,405

This interim final rule delays the effective date of all of the cited regulations and would result in a cost savings of the total amount of $9,247,079. This cost savings equals the cost savings from delaying the effective date of all of the identified provisions of the final regulations other than § 682.211(i)(7), regarding mandatory forbearance based on a borrower defense claim, with an estimated 5,784 hours and $211,405 cost, as such section has been designated for early implementation. Lenders may have elected to invoke early implementation, and, therefore, those specific costs and hours remain applicable and have been subtracted from the overall estimated cost savings. Based on the delayed effective date of July 1, 2018, the revised estimated annual cost savings to institutions and individuals is $9,247,079 ($9,458,484 − $211,405) with an estimated burden hours savings of 253,136 (258,920 − 5,784).

Regulatory Flexibility Act

The Secretary certifies that this interim final regulation will not have a significant economic impact on a substantial number of small entities. The small entities that are affected by these regulations are small postsecondary institutions. As stated above, this delayed effective date is not expected to have a significant economic impact generally. This same analysis applies with regard to affected small entities.

Intergovernmental Review

These programs are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Assessment of Educational Impact

Based on our own review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

Accessible Format: Individuals with disabilities may obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.*Federal Register.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

List of Subjects

34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

34 CFR Part 674

Loan programs—education, Reporting and recordkeeping requirements, Student aid.

34 CFR Parts 682 and 685

Administrative practice and procedure, Colleges and universities, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: October 16, 2017.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2017–22851 Filed 10–20–17; 4:15 pm]

BILLING CODE 4000–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AP84

Extension of the Presumptive Period for Compensation for Gulf War Veterans

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is issuing this final rule to affirm its adjudication regulations regarding compensation for disabilities resulting from undiagnosed illnesses suffered by veterans who served in the Persian Gulf War. This amendment is necessary to extend the period during which disabilities associated with undiagnosed illnesses and medically unexplained chronic multi-symptom illnesses must become manifest in order for a Veteran to be eligible for compensation. The intended effect of this amendment is to provide consistency in VA adjudication policy, preserve certain rights afforded to Persian Gulf War (GW) veterans, and ensure fairness for current and future GW veterans.

DATES: This final rule is effective October 24, 2017.

FOR FURTHER INFORMATION CONTACT: Janel Keyes, Policy Analyst, Regulations Staff (211D), Compensation Service, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, *Janel.Keyes@va.gov,* (202) 461–9700. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: On October 17, 2016, VA published in the **Federal Register** an interim final rule (81 FR 71382) amending its adjudication regulation regarding compensation for disabilities suffered by veterans who served in the Southwest Asia Theater of Operations during the GW. In order to ensure that benefits established by Congress are fairly administered, VA extended the evaluation period in which disabilities associated with undiagnosed illnesses and chronic multi-symptom illnesses must become manifest in order for a veteran to be eligible for compensation. Accordingly, VA removed the date, December 31, 2016, from 38 CFR 3.317(a)(1)(i) and added, in its place, December 31, 2021.

VA invited interested persons to submit written comments on or before December 16, 2016. VA received 22 comments in response to the interim final rule. VA received comments from military service members, veterans, family members, and one veteran service organization, which was Veterans of Foreign Wars. Some comments addressed more than one issue. In those instances, VA reviewed and considered each issue independently. VA also grouped together by similar topic all of the issues raised by the commenters that concerned at least one portion of the rule. VA organized the responses to the comments by topic. VA responds to all commenters as follows.

I. Supportive

VA received five comments expressing support for the extension. One commenter provided personal testimony as a GW veteran that his symptoms had a delayed-onset; therefore, an extension was appropriate and justified. Another commenter provided personal testimony as a spouse of a GW veteran stating that her husband's symptoms have ''steadily gotten worse over the years''. VA appreciates the feedback and support. VA makes no change based on these comments.

II. Elimination of Expiration Date

The majority of commenters, some of whom thanked VA for the extension, asserted that VA should eliminate the expiration date. One commenter stated, ''I think that the deadline for [GW] presumptive claims should be totally taken away since there is still not an official end to the [GW] and we do not know when there will be one.'' Another stated, ''It took about 5 years after getting out to see a pattern of illness and at a level to make me concerned. It took even longer to see and feel the full extent of my conditions.'' Additionally, Veterans of Foreign Wars requested an open-ended presumptive period ''without an artificial time limit''.

VA makes no change based on these comments. Section 102(7) of the Persian Gulf War Veterans' Benefits Act, Title I of the Veterans' Benefits Improvement Act of 1994, Public Law 103–446, states Congress' finding that further research must be undertaken to determine the causes of GW veterans' illnesses and that

> pending the outcome of such research, veterans who are seriously ill as the result of such illnesses should be given the benefit of the doubt and be provided compensation to offset the impairment in earning capacities they may be experiencing.

Hence, Congress contemplated an ongoing process for investigating the nature and causes of GW veterans' illnesses that is reflected in the current statutory and regulatory scheme. See 38 U.S.C. 1117 and 38 CFR 3.317.

In section 1117(b), Congress provided the Secretary with discretion to prescribe a presumptive period based upon, among other things, a review of credible medical or scientific evidence. As stated in the interim final rule, there is a lack of scientific certainty surrounding the cause of illnesses suffered by GW veterans. Accordingly, VA believes that extending the presumptive period for a significant, but not indefinite, period to permit further investigation is consistent with the goals of this statutory scheme. Thus, the Secretary is exercising his discretion under section 1117 and extending the presumptive period to December 31, 2021, in order to provide more time for scientific and medical research regarding diseases and illnesses that may be related to service in the Southwest Asia Theater of Operations.

One commenter expressed concern about how the expiration date may be perceived as inconsistent with the important missions of the VA War Related Illness and Injury Study Center (WRIISC) and the Department of Defense Gulf War Illness Research Program (GWIRP). The WRIISC develops and provides post-deployment health expertise to veterans and their health care providers through clinical care, research, education, and risk communication. The GWIRP focuses on funding innovative, competitively peer-reviewed research to provide a better understanding of the pathobiology underlying GW illness and to improve methods of diagnosis and treatment. Extending the manifestation period for purposes of compensation to December 31, 2021, would have no negative impact on the missions of WRIISC or GWIRP. As we noted above, continuing research while also setting an ending date for the presumptive period is fully consistent with Congress's intent to compensate veterans who are seriously ill but where more research is needed to understand the nature and cause of the illnesses. We note that this final rule does not foreclose further extensions of the presumptive period in the future if more time is needed for research beyond the currently prescribed expiration date.

III. Longer Extension

One commenter advocated for a longer extension period. This commenter stated, ''I think it would be a mistake to close enrollment so soon.'' He further stated that some GW veterans might be in the beginning stages of illnesses, while others have been ''suffering symptoms in silence''. However, the commenter did not suggest a different date. The three previously established extensions, implemented by VA for medically unexplained chronic multi-symptom illnesses and undiagnosed illnesses that appeared in GW veterans, were 5-year periods. VA determined that it was appropriate to extend the period again by 5 years consistent with the extensions that have occurred in the past. Therefore, VA makes no change based on this comment.

VA also notes that the rule does not ''close enrollment.'' The time limit prescribes when the claimed illness must become manifest. The rule does not impose a limit on when a claim may be filed. For example, a future claimant will be allowed to present evidence showing manifestation that occurred within the time limit even if the claim is filed after the time limit has passed.

IV. More Presumptive Conditions

Two comments stated that VA should add more presumptive conditions to the list, but did not mention specific conditions. As scientific and medical research continues, VA will consider this issue for future regulatory updates. However, because VA regulations must be evidence-based in accordance with available scientific and medical research, it cannot amend the current list based on these comments. Therefore, VA makes no change to this rule based on these comments.

V. More Research

Several comments discussed the need for additional research. One such commenter discussed a study that is currently underway in regards to ''biomarkers associated with the conditions linked to service in the Gulf War'' and stated, ''[M]ore must be done.'' Another commenter discussed other current studies and stated, ''[F]ollow-on research is needed to further develop findings.'' VA recognizes the need for further investigation, inclusive of scientific and medical research. To allow time for further research, this rulemaking finalizes an extension of the period in which manifestations of undiagnosed illnesses and medically unexplained chronic multi-symptom illnesses must appear in GW veterans to be presumed as service-connected diseases. VA, therefore, makes no change based on these comments.

VI. General Comments

VA received general comments that were not associated with the extension of the period for VA to continue to evaluate undiagnosed illnesses and medically unexplained chronic multi-symptom illnesses in GW veterans. One commenter requested VA move the elements of 38 CFR 3.317(c) to 38 CFR 3.307 and 3.309. This commenter also expressed concerns that private physicians completing GW General Medical Disability Benefits Questionnaire (DBQ) examinations will not know that GW undiagnosed illness and medically unexplained chronic multi-symptom illness do not apply to Afghanistan service; he was concerned that they would not know that only GW infectious disease presumptions apply to Afghanistan service. VA understands and agrees with this concern. For this reason, VA does not accept DBQs from private doctors for initial GW examinations; a Veterans Health Administration (VHA) clinician must perform the initial GW examination. This commenter also expressed concerns that Afghanistan was being included in the definition of the Southwest Asia theater of operations. In accordance with 38 U.S.C. 1117(f), VA acknowledges that the term '''Persian Gulf veteran' means a veteran who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War,'' and as reflected in 38 CFR 3.317(e)(2), ''[t]he Southwest Asia theater of operations refers to Iraq, Kuwait, Saudi Arabia, the neutral zone between Iraq and Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Arabian Sea, the Red Sea, and the airspace above these locations.'' As such, VA requires the claims processors to verify qualifying locations of service prior to requesting a GW examination. Any concerns unrelated to extending the date for manifestation of undiagnosed illness or medically unexplained chronic multi-symptom illness are beyond the scope of this rulemaking. Therefore, VA makes no changes based on these comments.

Another comment requested ''clarity and consistency'' concerning the definitions of GW undiagnosed illness and medically unexplained chronic multi-symptom illness. Although the medical community has not settled on standardized case definitions, VA applies the legal definitions of these conditions, which are outlined in 38 U.S.C. 1117(a)(2) and (g). Another comment discussed historical events regarding the Agent Orange Act of 1991. One commenter expressed concerns regarding the definition of ''presumptive'' and provided personal testimony. Another commenter expressed concerns that her children (parented by an affected GW veteran) may have been biologically affected. These comments are not relevant to the

current rule amendment; therefore, VA makes no changes to the rule based on these comments.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' which requires review by the Office of Management and Budget (OMB), as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.'' The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

The Secretary hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule will not affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any year. This rule will have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program number and title affected by this rule is 64.109, Veterans Compensation for Service-Connected Disability.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on September 25, 2017, for publication.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Veterans

The interim rule amending 38 CFR part 3, published October 17, 2016, at 81 FR 71382, is adopted as final without change.

Dated: September 25, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2017–22970 Filed 10–23–17; 8:45 am]

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POSTAL SERVICE

39 CFR Part 111

Address Quality Census Measurement and Assessment Process

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®), to include a new method of Move Update verification and assessment procedure for evaluating address quality, the ''Address Quality Census Measurement and Assessment Process.'' This new procedure is applicable to mailers who enter eligible letter- and flat-size pieces of First-Class Mail® and USPS Marketing Mail™ that meet the requirements for Basic or Full Service mailings. In addition, the Postal Service is extending no-fee Address Correction Service (ACS™) to mailers who enter qualifying mailpieces.

DATES: Effective January 21, 2018.

FOR FURTHER INFORMATION CONTACT: Heather Dyer, USPS Mail Entry, Phone: (207) 482–7217, Email: *heather.l.dyer@usps.gov*.

SUPPLEMENTARY INFORMATION: On June 30, 2017, the Postal Service filed a notice of price adjustment with the Postal Regulatory Commission (PRC) seeking approval of price and classification changes related to the Address Quality Measurement and Assessment Process, and the extension of no-fee ACS to mailers who enter qualifying mailpieces.

On August 23, 2017, the PRC approved the price and classification changes related to the Address Quality Assessment and Measurement Assessment Process, including the 0.5 percent error threshold, and Move Update assessment charge. In addition, the PRC approved extending no-fee ACS to certain Basic automation and non-automation mailpieces that are submitted by qualifying mailers. The prices approved by the PRC are available under Docket Number R2017–7 on the PRC's Web site at *www.prc.gov,* and these changes will take effect on January 21, 2018. This final rule adopts the conforming changes to the DMM, which were previously noticed for public comment in a proposed rule (79 FR 76930–76931) and two subsequent revisions.

The Postal Service issued its first revised proposed rule on July 6, 2016 (81 FR 43965–43971). Subsequently, on February 27, 2017, the Postal Service elected to issue a second, revised proposed rule (82 FR 11871–11878) in order to further clarify the proposal, more thoroughly respond to mailer comments, and clearly outline the ways in which the proposal had changed since the previous proposed rule. In response, the Postal Service received valuable feedback from the mailing industry. Although the substance of the Address Quality Census Measurement and Assessment Process has not changed since the proposed rule of February 27, 2017, the Postal Service has buttressed the level of detail

provided on the mechanics of the Address Quality Census Measurement and Assessment Process in DMM 602.5.3, given that it now has obtained regulatory approval.

The following subheadings are intended to provide a snapshot of the forthcoming Address Quality Census Measurement and Assessment Process.

Terms

For purposes of clarification, the Postal Service provides the following definitions of several terms used in this document:

▪ *eDoc Submitter:* The electronic documentation (eDoc) Submitter is determined using the Customer Registration IDentifier (CRID) number that is used to upload the eDoc to the Postal Service for processing. The eDoc submitter most often is the Mail Preparer but can also be the Mail Owner. All results of the Address Quality Measurement will be displayed on the scorecards for the eDoc Submitter and Mail Owner; however, any additional postage assessments will be presented to the eDoc submitter.

▪ *Legal Restraint:* Mailers of First-Class Mail pieces who assert that they are restricted by law from incorporating Postal Service change of address (COA) information onto their mailpieces without permission from addressees; these mailers may request Postal Service approval to meet the requirements for Move Update by using the Legal Restraint alternate method. Such mailers must be able to clearly demonstrate how the use of a primary Move Update method would violate the law. For details, consult *Guide to Move Update* at: *http://beta.postalpro.usps.com/node/1116.* Pieces that meet the requirements for the Legal Restraint method will be excluded from the Mailer Scorecard and the Address Quality Census Measurement and Assessment Process, as long as the mailpieces use the appropriate CRID or Mailer IDentifier (MID).

▪ *Mailer:* The term *mailer* within this document encompasses Mail Owners, Mail Preparers, and Mail Service Providers (MSPs).

▪ *Mailer Scorecard:* This is an electronic report that contains mail quality measurements and assessments on mailings over a calendar month for Move Update, Full Service Intelligent Mail, eInduction® and Seamless Acceptance. The Scorecard is accessible through the Business Customer Gateway (BCG) and provides views for eDoc submitters, MSPs, and Mail Owners.

▪ *Non-qualifying Mailings:* The non-qualifying mailpieces listed below will be excluded from the Address Quality Census Measurement and Assessment Process and the Mailer Scorecard:

• Mailpieces that are undeliverable due to an address change that is Temporary, Foreign, Moved Left No Address (MLNA), and Box Closed No Order (BCNO).

• Mailpieces that are priced as single-piece.

• Mailpieces that qualify for the Legal Restraint method.

• Mailpieces without the documentation submitted electronically.

▪ *Qualifying Mailings:* An eDoc submitter is eligible for the Address Quality Census Measurement and Assessment Process when at least one of its mailings qualifies for Full Service in a calendar month. Thereafter, when mailers enter eligible mailings of letter- and flat-size pieces of First-Class Mail and USPS Marketing Mail that meet the requirements for Basic or Full Service mailings in a subsequent calendar month, the Address Quality Census Measurement and Assessment Process will be used, if the postage statement and supporting documentation are submitted electronically and a unique Intelligent Mail barcode (IMb®) is included in the eDoc.

Summary of Industry Comments and Postal Service Responses

The Postal Service appreciates all of the comments that were provided by the mailing industry in response to the revised proposal of February 27, 2017. These comments and replies can serve as frequently asked questions (FAQs) to help clarify the Address Quality Census Measurement and Assessment Process. The mailers' comments and corresponding Postal Service responses are outlined as follows:

Mailer Comment

Mailers are unable to effectively determine the success of the new measurement and assessment process, because the Postal Service has not provided sufficient information (*i.e.*, statistical analysis) regarding how the error threshold will be set or modified. Therefore, mailers are not confident that mailings will be measured appropriately. Additionally, the determination of the assessment charge is not clearly outlined. We feel that the PRC should review both the proposed assessment charge along with the error threshold percentage and prior to the Postal Service publishing a final rule, then revisit the requirements of the proposed rule in light of the determinations made in that docket.

USPS Response

As previously stated, on August 23, 2017, the PRC approved the 0.5 percent error threshold and Move Update assessment charge under the Address Quality Census Measurement and Assessment Process. The Postal Service will implement the changes on January 21, 2018, which provides mailers nearly five months to adopt a USPS-approved Move Update method pursuant to the Move Update standard. In addition, this lead time will enable mailers to monitor COA errors via the Mailer Scorecard before the assessment process begins.

Mailer Comment

Why are mailers required to adhere to specific approved Move Update methods? If the USPS decides this is a necessary requirement, can they enact ''safe harbor'' provisions that protect mailers who are consistently meeting the criteria for the Address Quality Census Measurement and Assessment Process from further liability resulting from United States Postal Inspection Service (USPIS) investigations?

USPS Response

The DMM provides that certain commercial mailings must comply with the Move Update standard, regardless of whether the mail is verified for Move Update compliance presently under the Mail Evaluation Readability Lookup Instrument (MERLIN®) method, or will be subject to the Address Quality Census Measurement and Assessment Process when it takes effect on January 21, 2018. Failure to meet the Move Update standard may result in an additional postage assessment. The purpose of the Move Update standard is to correct mailpieces bearing an old address for which the Postal Service has a new address on record to help ensure that such mailpieces reach their intended recipients. Move Update requirements aim to bring down the incidence of UAA mail, which is costly to both the Postal Service and its customers.

As noted in the proposed rule of July 6, 2016, there are three USPS-approved methods for satisfying the Move Update requirement, and mailers must use one of those approved methods unless a USPS-approved alternate method is used. There are two USPS-approved alternative methods (99 Percent Accuracy and Legal Restraint), which are available under very limited circumstances for mailers who enter First-Class Mail. By contacting the USPS National Customer Support Center (NCSC), eligible mailers may apply for

the following USPS-approved alternative methods:

- *99 Percent Accuracy:* This method is available to mailers who enter First-Class Mail and demonstrate that their internal list management maintains address quality at 99 percent or greater accuracy for COAs. Mailpieces that meet the criteria for the USPS-approved 99 Percent Accuracy method are subject to the new Address Quality Census Measurement and Assessment Process.
- *Legal Restraint:* This method is available to mailers who enter First-Class Mail and First-Class Mail Package Service pieces and demonstrate that a legal restriction prevents them from updating their customer's address without direct contact from the customer. Mailpieces that meet the conditions of the USPS-approved Legal Restraint method are excluded from the Address Quality Census Measurement and Assessment Process.

For more information related to Move Update alternative methods, see the *Guide to Move Update* at *https://postalpro.usps.com/node/1116*.

Mailer Comment

Why is the Postal Service measuring compliance and applying assessments at the eDoc submitter and CRID level rather than at the Mail Owner level? The Postal Service requires by/for and Mail Owner information with all eDoc for Full Service mailings, which means that they have the necessary information to determine the Mail Owners with whom any identified address quality errors are associated. Therefore, Mail Owners with less volume are concerned that they will be overshadowed by larger Mail Owners who dominate the MSP's volume.

USPS Response

The Postal Service will measure compliance and apply assessments at the eDoc submitter and CRID level, because it is the eDoc submitter who submits the mail to the Postal Service; this allows USPS to remain consistent with the current verification process. As previously stated in the proposed rule of February 27, 2017, the Postal Service is providing specific data to assist eDoc submitters with identifying the Mail Owners who exceed the Census error threshold and contribute to the assessment charge. These data are provided throughout the calendar month to allow eDoc submitters and Mail Owners to discuss assessments before and during the 10-day mailer review period.

Mailer Comment

It would be beneficial if USPS would provide sufficient notice to eDoc submitters who are at risk of losing free ACS so that they can take action to avoid disruption and continue to use the program.

USPS Response

Once the extension of the no-fee ACS proposal takes effect on January 21, 2018, the Postal Service will monitor Full Service compliance for these mailers on a quarterly basis. If a mailer's average Full Service volume drops below the 95 percent threshold for a given quarter, that mailer will receive a notification of its removal from receiving no-fee ACS in the next billing cycle.

Mailer Comment

How many locations, if any, will still be using MERLIN once this new Address Quality Census Measurement and Assessment Process is implemented? What is the transition plan to convert any remaining MERLIN sites?

USPS Response

As stated in the proposed rule of February 27, 2017, upon implementation of the Address Quality Census Measurement and Assessment Process, the MERLIN Move Update verification process will terminate for all sites.

Mailer Comment

When the new Address Quality Census Measurement and Assessment Process becomes effective, will USPIS, USPS, and mailers all be using the exact same, transparent Move Update compliance data for proof of Move Update compliance?

USPS Response

All mailings using postage prices that require compliance with the Move Update standard, regardless of whether they qualify for verification under the Address Quality Census Measurement and Assessment Process, may be subject to a separate assessment in the event that they do not comply with the Move Update standard pursuant to DMM 602.5. A mailer has not complied with the Move Update standard if a USPS-approved Move Update method (DMM 602.5.2) was not used to update the mailer's address list with correct addresses (unless the mail bears an alternative address format under DMM 602.3). In those circumstances, the mailer did not qualify for the Presort or Automation price claimed on the postage statement or eDoc. The separate assessment could be applied to every mailpiece in a mailing for which the mailer did not comply with the Move update standard, and would be limited to the difference between the postage previously paid (including the Move Update assessment charge, if applicable) and the applicable First-Class Mail single-piece price.

Mailer Comment

The Postal Service should further clarify how it will reconcile different results from NCOA^{Link}, MPE NCOA^{Link}, and ACS. Those systems do not always return the same results.

USPS Response

As clarified in the proposed rule of February 27, 2017, the COA data for NCOA^{Link} and ACS are from the same source, the moving customer, and are in sync. If the mailer has a record with a name or address that cannot be matched to the addressee's COA request, the update may not be provided via NCOA^{Link} but may be available through ACS. These scenarios are encompassed within the threshold.

Mailer Comment

We disagree with the 95 percent Full Service threshold required to access the free ACS data. When free ACS data for non-Full Service mail was proposed several years ago, USPS representatives promised to provide free ACS for the non-Full Service portion of all Full Service mailings. Additionally, the proposed threshold is applied to a MSP vs. the actual mail owner, which may result in a Mail Owner losing out on ACS data through no fault and no control of their own.

USPS Response

In order to further encourage the adoption of Full Service and to increase the number of mailers who receive address quality information, the Postal Service is extending no-fee ACS to mailers who enter qualifying Basic automation and non-automation mailpieces that meet the criteria of the Address Quality Census Measurement and Assessment Process and to mailers who meet a Full Service threshold of 95 percent along with other requirements. As consistent with all other program measurements, this is determined at the eDoc submitter and CRID level.

Mailer Comment

When the new process is implemented, the **Federal Register** indicated that all mail would be scanned through the MPE and not just randomly sampled. Therefore, if the Move Update percentage falls below the threshold, will any charges be assessed at the time of the mailing like it's

currently done or will the penalties simply be assessed on the scorecard?

USPS Response

Effective January 21, 2018, mailings will no longer be assessed at the time of mailing. For qualifying mailers all mailpieces will be measured and aggregated across a calendar month, and any mailpieces exceeding the threshold will be assessed under the new Address Quality Census Measurement and Assessment Process.

Mailer Comment

When an address list is processed through a third-party, USPS-licensed software system and the USPS later determines that the mail is UAA with corresponding COA information is on file, the COA error should be charged against the software vendor. Such errors should be tracked, reported by the software vendor, and be a factor in the renewal of a software vendor's certification. This would allow mailers to make informed decisions regarding the accuracy of the software vendor and put responsibility for the software accuracy and COA errors where it belongs.

USPS Response

NCOA^{Link} Software Developers are responsible for programming NCOA^{Link} Software so that it adheres to specific USPS performance requirements for name and address matching rules. Developers are tested on a periodic bases using an NCOA^{Link} test address file similar to the one for CASS/MASS certification. The Postal Service is providing specific data to mailers to assist with identifying errors exceeding the established threshold and contributing to the assessment fee. Mailers who submit eDoc are encouraged to use this data to identify root causes for failures and related fees. The Postal Service is providing specific data to mailers to assist with identifying errors that exceed the established threshold and contribute to the assessment fee. Mailers who submit eDoc are encouraged to use this data to identify root causes for failures and related fees.

Mailer Comment

The Postal Service should provide additional detail with respect to the appeals process. The revised proposed rule references *the Guide to Postage Assessments,* but does not provide specific guidance on the type of information that the Postal Service would require to rescind or revise an assessment or audit result. Further certainty in this area would help Mailers, MSPs, and the Postal Service by setting clear advance guidelines as to what would be considered reasonable and acceptable evidence when appealing an assessment.

USPS Response

As in the past, the Postal Service will continue to work with mailers in relations to the appeal process, fee assessments, and to obtain supporting documentation. For example, if a mailer is using NCOA^{Link} to update addresses, a summary/acknowledgement report could be provided to show that NCOA^{Link} was performed on the mailpieces.

Address Quality Census Measurement and Assessment Process Overview

The Postal Service will replace the existing MERLIN Move Update verification process with the Address Quality Census Measurement and Assessment Process on January 21, 2018. In other words, MERLIN Move Update verification will terminate upon implementation of the Address Quality Census Measurement and Assessment Process. The new method will apply to First-Class Mail and USPS Marketing Mail letter- and flat-size pieces that meet the requirements for Basic and Full Service mailings.

Once the Address Quality Census Measurement and Assessment Process is in place, mailers will still be required to document Move Update compliance methods on a postage statement, *mail.dat,* or *mail.xml.* Documents demonstrating the method used should be available upon request by the Postal Service.

Mailers who enter Periodicals will be provided with address quality data, but Periodicals mailpieces will not be verified under the Address Quality Census Measurement and Assessment Process. The Postal Service is emphasizing that the Move Update standards in DMM 602.5 do apply to Periodicals, because the proposed rule published on February 27, 2017 (82 FR 11871–11878) inaccurately stated that Periodicals are not subject to the Move Update standard.

The Address Quality Census Measurement and Assessment Process will generate several benefits, including enhanced mailing visibility and improved mail quality metrics on all mailings entered within a calendar month, rather than sampled mailings. Under the Address Quality Census Measurement and Assessment Process, qualifying mailpieces within a calendar month will be measured according to the following process:

- Mailpieces will be scanned on MPE.
- Address information captured from mailpieces identified as UAA will be evaluated to determine if COA information is on file.
- The address information for mailpieces matching an active COA will be sent electronically to NCSC.
- NCSC will forward COA information to the Address Quality Census Measurement and Assessment Process for evaluation.
- Move Update validations will be performed by comparing the MID + Serial Number of the IMb from the COA-related mailpiece data. If the COA is between 95 days and 18 months old, and the address has not been updated, then a COA error for the associated IMb will be logged and allocated under the CRID of the eDoc submitter.
- All qualifying mailpieces entered by an eDoc submitter in a calendar month are subject to the proposed error threshold for the Address Quality Census Measurement and Assessment Process. The error threshold is 0.5 percent.
- The Move Update Assessment Charge is assessed by Postal Service to the relevant eDoc submitter at the CRID level for each mailpiece with a COA percentage that exceeds the error threshold.
- The data will be collected and reported on the Mailer Scorecard under the eDoc submitter CRID.

Move Update Assessment Charge

When the ratio of qualifying mailpieces with COA errors to total qualifying mailpieces submitted in the calendar month by the eDoc submitter exceeds the Address Quality Census Measurement and Assessment Process error threshold, the Move Update assessment charge will apply to the mailpieces with COA errors above the threshold.

Mailer Scorecard

The Mailer Scorecard is currently available to mailers, and provides data that allow mailers to gauge address quality on their mailpieces. Mailers will be charged only for mailpieces above the errors threshold.

Criteria

Mailers will be verified under the Address Quality Census Measurement and Assessment Process when they:

- Have submitted any mailpieces as Full Service in the current month or any previous month.
- Use a unique Basic or Full Service IMb on mailings of letter- and flat-size pieces for First-Class Mail and USPS Marketing Mail.
- Use eDoc to submit mailing information.

Specifications

The Postal Service has retained the proposed specifications for assessing address quality. Once the Postal Service implements the proposed process, address quality will be measured as follows:

- Analysis will be performed on all pieces in the mailing, rather than on a sample.
- The assessment will be determined by the number of COA errors in a calendar month, divided by the total number of pieces mailed that were subject to analysis. The resulting percentage will be compared to the Address Quality Census Measurement and Assessment Process error threshold of 0.5 percent.
- There are a number of exclusions to the measurement and assessment process. Generally, mailpieces with addresses that have the following COA characteristics will not be included in the assessment: Temporary moves, MLNA, BCNO, and COA data for foreign addresses.
- Mailpieces authorized for the Legal Restraint alternate Move Update method (See *Guide to Move Update*) will be excluded.

Mailpiece Results

Once qualifying mailings are processed on MPE, the data from mailpieces will be reconciled with eDoc. These results will be available on the BCG and displayed on the Electronic Verification tab of the Mailer Scorecard, which will be easily accessible at *https://gateway.usps.com/eAdmin/view/signin.* Mailers will be able to review the Mailer Scorecard and corresponding detailed reports to identify any anomalies or issues.

To resolve Mailer Scorecard irregularities, mailers should contact the *PostalOne!* Help Desk at 800–522–9085 or their local Business Mail Entry Unit (BMEU).

Address Change Service and Correction Notifications

The Postal Service will extend no-fee Full Service ACS to qualifying Basic automation and non-automation mailpieces for mailers who enter at least 95 percent of their mail as Full Service in a calendar month.

The Basic mailpieces must be prepared as follows:

- Bear a unique IMb printed on the mailpiece.
- Include a Full Service ACS or OneCode ACS® STID in the IMb.
- Include the unique IMb in eDoc.
- Be sent by an eDoc submitter providing accurate By/For identification in eDoc.

As clarification, if mailers meet the 95 percent threshold during a calendar month, they will be enrolled to receive free Full Service ACS for all Basic automation and non-automation mailpieces in the following month. The Postal Service will monitor Full Service compliance for these mailers on a quarterly basis. If an enrolled mailer's average Full Service volume dropped below the 95 percent threshold for a given quarter, that mailer will receive notification of its removal from receiving free ACS in the next billing cycle. If the 95 percent threshold is met in a subsequent month, the removed mailer will be re-enrolled to receive free Full Service ACS for Basic automation and non-automation mailpieces for the next billing cycle.

Address change information will be provided through Full Service ACS feedback to the Mail Owner identified in eDoc or its delegate. ACS information will continue to be distributed through SingleSource to the Mail Owner identified in the IMb or its delegate.

Regarding Periodicals, mailers who enter mailings of Full Service Periodicals will no longer be required to receive and pay for manual address corrections when a Full Service ACS STID is used. However, these mailers may elect to receive and pay for manual address correction notifications by including the appropriate STID within the IMb.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. *See* 39 CFR 111.1.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

507 Mailer Services

1.0 Treatment of Mail

* * * * *

1.5 Treatment for Ancillary Services by Class of Mail

* * * * *

1.5.2 Periodicals

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[Revise 507.1.5.2c by changing the last word of the sentence to ''received'' as follows:]

c. Address correction service is mandatory for all Periodicals publications, and the address correction service fee must be paid for each notice received.

* * * * *

4.0 Address Correction Services

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4.2 Address Change Service (ACS)

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4.2.2 Service Options

[Revise 507.4.2.2 by modifying the introductory sentence and adding a new item ''d'' as follows:]

ACS offers four levels of service, as follows:

* * * * *

d. A Full Service option available to mailings of First-Class Mail automation cards, letters, and flats; USPS Marketing Mail automation letters and flats; USPS Marketing Mail Carrier Route, High Density, and Saturation letters; Periodicals Outside County barcoded or Carrier Route letters and flats; Periodicals In-County automation or Carrier Route letters and flats; and Bound Printed Matter Presorted, non-DDU barcoded flats. Mailers who present at least 95 percent of their eligible First-Class Mail and USPS Marketing Mail volume as Full Service in a calendar month would receive electronic address correction notices for their qualifying Basic automation and non-automation First-Class Mail and USPS Marketing Mail pieces, at the address correction fee for pieces eligible for the Full Service Intelligent Mail option as described in DMM 705.23.0 for future billing cycles. The Basic First-Class Mail and USPS Marketing Mail mailpieces must:

1. Bear a unique IMb printed on the mailpiece;
2. Include a Full Service or OneCode ACS STID in the IMb;
3. Include the unique IMb in eDoc;
4. Be sent by an eDoc submitter providing accurate Mail Owner identification in eDoc, and;

5. Be sent by an eDoc submitter maintaining 95 percent Full Service compliance to remain eligible for this service and undergo periodic Postal Service re-evaluation.

* * * * *

4.2.8 Address Correction Service Fee

[Revise 507.4.2.8 by deleting the old language and replacing with new language as follows:]

ACS fees would be assessed as follows:

a. The applicable fee for address correction is charged for each separate notification of address correction or the reason for nondelivery provided, unless an exception applies.

b. Once the ACS fee charges have been invoiced, any unpaid fees for the prior invoice cycle (month) would be assessed an annual administrative fee of 10 percent for the overdue amount.

c. Mailers who present at least 95 percent of their eligible First-Class Mail and USPS Marketing Mail volume as Full Service in a calendar month would receive electronic address correction notices for their qualifying Basic automation and non-automation First-Class Mail and USPS Marketing Mail mailpieces, as specified in 4.2.2. The electronic address correction notices are charged at the applicable Full Service address correction fee for all future billing cycles.

* * * * *

600 Basic Mailing Standards for All Mailing Services

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602 Addressing

* * * * *

5.0 Move Update Standards

* * * * *

[Revise 602.5.3 by deleting former contents and replacing with new title and contents as follows:]

5.3 Move Update Verification

Mailers who submit any Full Service volume in a calendar month will be verified pursuant to the Address Quality Census Measurement and Assessment Process beginning in the next calendar month. First-Class Mail and USPS Marketing Mail letter and flat-size mailpieces with addresses that have not been updated in accordance with the Move Update Standard will be subject to the Move Update assessment charge, if submitted via eDoc with unique Basic or Full Service IMbs. The Move Update assessment charge will be assessed if:

a. The percent of all qualifying mailpieces submitted in a calendar month that have a COA error is greater than the 0.5 percent error threshold, as determined by an analysis of the data captured by mail processing equipment.

b. Each mailpiece with addresses containing COA errors in excess of the error threshold will be assessed the Move Update assessment charge.

c. Supporting details are described in Publication 685, *Publication for Streamlined Mail Acceptance for Letters and Flats,* available at *www.postalpro.usps.com.*

[Revise 602.5.4 as follows:]

5.4 Mailer Certification

The mailer's signature on the postage statement or electronic confirmation during eDoc submission certifies that the Move Update standard has been met for the address records including each address in the corresponding mailing presented to the USPS.

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700 Special Standards

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705 Advanced Preparation and Special Postage Payment Systems

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23.0 Full Service Automation Option

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23.5 Additional Standards

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23.5.2 Address Correction Notices

* * * * *

[Revise 705.23.5.2a as follows:]

a. Address correction notices would be provided at the applicable Full Service address correction fee for letters and flats eligible for the Full Service option, except for USPS Marketing Mail ECR flats, BPM flats dropshipped to DDUs, or BPM carrier route flats. Mailers who present at least 95 percent of their eligible First-Class Mail and USPS Marketing Mail volume as Full Service in a calendar month would receive electronic address correction notices for their qualifying Basic automation and non-automation First-Class Mail and USPS Marketing mailpieces charged at the applicable Full Service address correction fee for future billing cycles. The Basic automation and non-automation First-Class Mail and USPS Marketing Mail mailpieces must:

1. Bear a unique IMb printed on the mailpiece.

2. Include a Full Service or OneCode ACS STID in the IMb.

3. Include the unique IMb in eDoc.

4. Be sent by an eDoc submitter providing accurate Mail Owner identification in eDoc.

5. Be sent by an eDoc submitter maintaining 95 percent Full Service compliance to remain eligible for this service and undergo periodic USPS re-evaluation.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–22962 Filed 10–23–17; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0342; FRL–9969–83–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pennsylvania's Adoption of Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the Commonwealth of Pennsylvania's state implementation plan (SIP). The revision includes the addition to the SIP of amendments to the Pennsylvania Department of Environmental Protection's (PADEP) regulations and addresses the requirement to adopt reasonably available control technology (RACT) for sources covered by EPA's control techniques guidelines (CTG) standards for automobile and light-duty assembly coatings. This action is being taken under the Clean Air Act (CAA).

DATES: This rule is effective on December 26, 2017 without further notice, unless EPA receives adverse written comment by November 24, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0342 at *https://www.regulations.gov,* or via email to *stahl.cynthia@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from

Regulations.gov. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Joseph Schulingkamp, (215) 814–2021, or by email at *schulingkamp.joseph@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Ground level ozone is formed in the atmosphere by photochemical reactions between volatile organic compounds (VOCs), nitrogen oxides (NO_X), and carbon monoxide (CO) in the presence of sunlight. In order to reduce ozone concentrations in the ambient air, the CAA requires all nonattainment areas to apply control on VOC and NO_X emission sources to achieve emission reductions. Among effective control measures, RACT controls significantly reduce VOC and NO_X emissions from major stationary sources. NO_X and VOC are referred to as ozone precursors and are emitted by many types of pollution sources, including motor vehicles, power plants, industrial facilities, and area wide sources, such as consumer products and lawn and garden equipment. Scientific evidence indicates that adverse public health effects occur following exposure to ozone. These effects are more pronounced in children and adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases.

RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53761 at 53762, September 17, 1979). Section 182 of the CAA sets forth two separate RACT requirements for ozone nonattainment areas. The first requirement, contained in section 182(a)(2)(A) of the CAA, and referred to as RACT fix-up, requires the correction of RACT rules for which EPA identified deficiencies before the CAA was amended in 1990. Pennsylvania previously corrected its deficiencies under the 1-hour ozone standard and has no further deficiencies to correct under this section of the CAA. The second requirement, set forth in section 182(b)(2) of the CAA, applies to moderate (or worse) ozone nonattainment area as well as to marginal and attainment areas in ozone transport regions (OTRs) established pursuant to section 184 of the CAA, and requires these areas to implement RACT controls on all major VOC and NO_X emission sources and on all sources and source categories covered by a CTG issued by EPA.[1] *See* CAA section 182(b)(2) and 184(b).

On November 18, 2016, the Pennsylvania Department of Environmental Protection (PADEP) submitted a formal revision to the Commonwealth of Pennsylvania's SIP. The SIP revision consists of the adoption of EPA's CTG for automobile and light duty assembly coatings. The new regulation reflecting this adoption can be found under 25 *Pa. Code* Chapter 129—Standards for Sources. Specifically, this revision adds to the SIP 25 *Pa. Code* § 129.52e which adopts the RACT requirements for automobile and light-duty assembly coatings and covers heavier vehicle coating operations as well. The revision also includes changes to 25 *Pa. Code* § 129.51 to accommodate alternative compliance methods for the adopted CTG.

Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM), including RACT, for sources of emissions. Section 182(b)(2)(A) provides that for certain nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emissions covered by a CTG issued after November 15, 1990 and prior to the area's date of attainment. EPA defines RACT as ''the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' (44 FR 53761, Sept. 17, 1979). In subsequent **Federal Register** notices, EPA has addressed how states can meet the RACT requirements of the CAA. In June 1977, EPA published a CTG for automobile and light-duty truck assembly coatings (EPA–450/2–77–008). This CTG discusses the nature of VOC emissions from this industry, available control technologies for addressing such emissions, the costs of available control options, and other items. EPA also published a national emission standard for hazardous air pollutants (NESHAP) for surface coating of automobiles and light-duty trucks in 2004 (40 CFR part 63, subpart IIII).

In 2008, after conducting a review of currently existing state and local VOC emission reduction approaches for this industry, reviewing the 1977 CTG and the NESHAP for this industry, and considering the information that has become available since then, EPA developed a new CTG for automobile and light-duty truck assembly coatings, entitled Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings (Publication No. EPA 453/R–08–006). Pennsylvania's SIP revision submittal addresses the adoption of EPA's 2008 CTG for automobile and light-duty truck assembly coatings.

II. Summary of SIP Revision and EPA Analysis

EPA's CTG for automobiles and light-duty truck assembly coatings includes recommendations to reduce VOC emissions. These recommendations include VOC emissions limits for coating operations; work practices for storage and handling of coatings, thinners, and coating waste materials; and work practices for the handling and use of cleaning materials. The emission limits for coating processes covered by this CTG are found in Table 1 of the technical support document (TSD) which EPA prepared supporting this

[1] CTGs are documents issued by EPA intended to provide state and local air pollution control authorities information to assist them in determining RACT for VOC from various sources. The recommendations in the CTG are based upon available data and information and may not apply to a particular situation based upon the circumstances. States can follow the CTG and adopt state regulations to implement the recommendations contained therein, or they can adopt alternative approaches. In either case, states must submit their RACT rules to EPA for review and approval as part of the SIP process. Pursuant to section 184(b)(1)(B) of the CAA, all areas in the OTR must implement RACT with respect to sources of VOCs in the state covered by a CTG issued before or after November 15, 1990.

rulemaking.[2] Table 1, includes emission limits expressed in kilograms of VOC per liter (kg VOC/liter) and pounds of VOC per gallon (lbs VOC/gal). The emission limits for the miscellaneous materials used at coating facilities are found in Table 2 of the TSD. Table 2 includes emission limits expressed in grams of VOC per liter (g VOC/liter). Additional information regarding this CTG can be found in the TSD found in the docket for this rulemaking and available online at *www.regulations.gov.*

PADEP's submittal presented the regulatory revisions undertaken to adopt EPA's CTG for automobile and light-duty truck coatings. PADEP revised 25 Pa. Code Chapter 129—Standards for Sources to adopt the aforementioned CTG. The revisions include the addition of § 129.52e which adopts the RACT requirements for automobile and light-duty truck assembly coatings as stated by EPA in the relevant CTG for this category of sources. The revision also includes updates to 25 *Pa. Code* § 129.51 to accommodate alternative compliance methods for the adopted CTG. Additional information regarding PADEP's submittal can be found within the TSD and state submittal which are both located in this docket and available online at *www.regulations.gov.*

EPA reviewed PADEP's submittal and found that the regulatory changes reflect EPA's CTG for automobile and light-duty trucks. The emission limits for the coating processes as well as the emission limits for the miscellaneous materials used during coating processes are consistent with those recommended in EPA's CTG. Additionally, the regulatory changes address EPA's recommended work practices.

EPA notes that under 25 *Pa. Code* § 129.52e(c), *Existing RACT permit,* PADEP is allowing the provisions of § 129.52e to supersede the requirements of a RACT permit previously issued under 25 *Pa. Code* §§ 129.91–129.95 if the permit was issued prior to January 1, 2017 and to the extent that the RACT permit contains less stringent requirements than those in 25 *Pa. Code* § 129.52e. EPA further notes that the RACT permits issued under §§ 129.91–129.95 were issued for previous RACT determinations on a case-by-case basis; these permits would then have been submitted to EPA as source-specific SIP revisions and would likely have been approved by EPA for inclusion into the Pennsylvania SIP. If EPA approved those source-specific RACT determinations as meeting the requirements of RACT under the CAA, then the permits associated with those determinations were approved into the SIP and would have been identified at 40 CFR 52.2020(d). To the extent that the provisions of § 129.52e are more stringent than those of a previous SIP-approved permit, PADEP may make a source-specific determination as to whether the requirements of the previous RACT permit apply, or those of § 129.52e. If PADEP chooses to make such a determination to remove prior case-by-case RACT limits from the SIP, such revision must be submitted to EPA as a SIP revision in order to remove the previously approved permit from the SIP and must meet requirements under CAA section 110(l). Otherwise, the previously approved RACT limits (even if less stringent) remain applicable requirements for sources subject now to the more stringent CTG also. Until such a SIP revision is made, the requirements of 25 *Pa. Code* 129.52e and the SIP-approved case by case RACT requirements both apply and EPA cannot remove the source-specific permits from the SIP. EPA is not taking any such action in this rulemaking to remove previously approved RACT permits and thus the requirements of a previously SIP-approved permit still apply until such permit is removed from the SIP even if the new limits, reflected in this CTG that Pennsylvania has adopted, are more stringent.

III. Final Action

EPA is approving the revision to Pennsylvania's SIP which adopts EPA's CTG for automobile and light-duty truck coatings because Pennsylvania's regulation incorporates the requirements of the CTG and thus meets requirements in CAA sections 110 and 184(b). EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on *December 26, 2017* without further notice unless EPA receives adverse comment by *November 24, 2017.* If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of 25 Pa. Code Chapter 129—Standards for Sources, Sections 129.51 and 129.52e. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update of the SIP compilation.[3]

V. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities

[2] The TSD is available in the docket for this proposed rulemaking and available online at *www.regulations.gov.*

[3] 62 FR 27968 (May 22, 1997).

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

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

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

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

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

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 26, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action. This action, in which Pennsylvania adopts EPA's CTG for automobile and light-duty truck assembly coatings, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: September 26, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (c)(1) is amended by revising the entry for ''Section 129.51'' and adding an entry for ''Section 129.52e'' after ''Section 129.52d'' to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(1) * * *

State citation	Title/subject	State effective date	EPA approval date	Additional explanation/ § 52.2063 citation
Title 25—Environmental Protection Article III—Air Resources				
*	*	*	*	*
Section 129.51	General	10/22/16	10/24/17 [Insert **Federal Register** citation].	Amendments add alternative compliance methods for the requirements of Section 129.52e. Previous approval dated 6/25/2015.
*	*	*	*	*
Section 129.52e	Control of VOC emissions from automobile and light-duty truck assembly coating operations and heavier vehicle coating operations.	10/22/16	10/24/17 [Insert **Federal Register** citation].	New section is added. This section does not remove or replace any permits approved under 52.2020(d).
*	*	*	*	*

* * * * *

[FR Doc. 2017–22942 Filed 10–23–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2010–1042; FRL–9970–08–OAR]

RIN 2060–AT58

National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because the Environmental Protection Agency (EPA) received adverse comment, we are withdrawing the direct final rule for the National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines, published on July 27, 2017.

DATES: Effective October 24, 2017, the EPA withdraws the direct final rule published at 82 FR 34858, on July 27, 2017.

FOR FURTHER INFORMATION CONTACT: For questions about this action, contact Mr. Brian Storey, Sector Policies and Programs Division (D243–04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1103; fax number: (919) 541–4991; and email address: *storey.brian@epa.gov.*

SUPPLEMENTARY INFORMATION: On July 27, 2017, the EPA published a direct final rule (82 FR 34858) and parallel proposal (82 FR 34910) to amend the National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing to provide affected sources a 1-year extension to comply with the emission limits for flame attenuation lines. We stated in that direct final rule that if we received adverse comment by August 28, 2017, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comment on that direct final rule and are withdrawing it. We will address those comments in any subsequent final action, which will be based on the parallel proposed rule also published on July 27, 2017. As stated in the direct final rule and parallel proposed rule, we will not institute a second comment period on this action.

Dated: October 18, 2017.

E. Scott Pruitt,

Administrator.

■ Accordingly, the amendments to the rule published on July 27, 2017 (82 FR 34858), are withdrawn as of October 24, 2017.

[FR Doc. 2017–23054 Filed 10–23–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 593

[Docket No. NHTSA–2017–0061]

List of Nonconforming Vehicles Decided To Be Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2016, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the **Federal Register**.

DATES: Effective October 24, 2017.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA, (202) 366–5308.

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for sale in the United States, certified under 49 U.S.C. 30115, of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as the Secretary of Transportation decides to be adequate.

Under 49 U.S.C. 30141(a)(1), import eligibility decisions may be made ''on the initiative of the Secretary of Transportation or on petition of a manufacturer or importer registered under [49 U.S.C. 30141(c)].'' The Secretary's authority to make these decisions has been delegated to NHTSA. The agency publishes notices of eligibility decisions as they are made.

Under 49 U.S.C. 30141(b)(2), a list of all vehicles for which import eligibility decisions have been made must be published annually in the **Federal Register**. On October 1, 1996, NHTSA added the list as an appendix to 49 CFR part 593, the regulations that establish procedures for import eligibility decisions (61 FR 51242). As described in the notice, NHTSA took that action to ensure that the list is more widely disseminated to government personnel who oversee vehicle imports and to interested members of the public. See 61 FR 51242–43. In the notice, NHTSA expressed its intention to annually revise the list as published in the appendix to include any additional vehicles decided by the agency to be eligible for importation since the list was last published. See 61 FR 51243. The agency stated that issuance of the document announcing these revisions will fulfill the annual publication requirements of 49 U.S.C. 30141(b)(2). *Ibid.*

Regulatory Analyses and Notices

A. Executive Order 12866, Regulatory Planning and Review

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations about whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Executive Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. This rule will not have any of these effects and was not reviewed under Executive Order 12866. It is not significant within the meaning of the DOT Regulatory Policies and Procedures. The effect of this rule is not to impose new requirements. Instead it provides a summary compilation of decisions on import eligibility that have already been made and does not involve new decisions. This rule will not impose any additional burden on any person. Accordingly, the agency believes that the preparation of a regulatory evaluation is not warranted for this rule.

B. Environmental Impacts

We have not conducted an evaluation of the impacts of this rule under the National Environmental Policy Act. This rule does not impose any change that would result in any impacts to the quality of the human environment. Accordingly, no environmental assessment is required.

C. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, we have considered the impacts of this rule on small entities (5 U.S.C. 601 *et seq.*). I certify that this rule will not have a significant economic impact upon a substantial number of small entities within the context of the Regulatory Flexibility Act. The following is our statement providing the factual basis for the certification (5 U.S.C. 605(b)). This rule will not have any significant economic impact on a substantial number of small businesses because the rule merely furnishes information by revising the list in the Code of Federal Regulations of vehicles for which import eligibility decisions have previously been made. Accordingly, we have not prepared a Final Regulatory Flexibility Analysis.

D. Executive Order 13132, Federalism

Executive Order 13132 requires NHTSA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' Executive Order 13132 defines the term ''Policies that have federalism implications'' to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, NHTSA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or NHTSA consults with State and local officials early in the process of developing the regulation.

This rule will have no 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 as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. The Unfunded Mandates Reform Act

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 more than $100 million annually. This rule will not result in additional expenditures by State, local or tribal governments or by any members of the private sector. Therefore, the agency has not prepared an economic assessment pursuant to the Unfunded Mandates Reform Act.

F. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This rule does not impose any new collection of information requirements for which a 5 CFR part 1320 clearance must be obtained. DOT previously submitted to OMB and OMB approved the collection of information associated with the vehicle importation program in OMB Clearance No. 2127–0002. An extension of this information collection is awaiting approval.

G. Civil Justice Reform

Pursuant to Executive Order 12988, ''Civil Justice Reform,'' we have considered whether this rule has any retroactive effect. We conclude that it will not have such an effect.

H. Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

—Have we organized the material to suit the public's needs?
—Are the requirements in the rule clearly stated?
—Does the rule contain technical language or jargon that is not clear?
—Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
—Would more (but shorter) sections be better?
—Could we improve clarity by adding tables, lists, or diagrams?
—What else could we do to make the rule easier to understand?

If you wish to do so, please comment on the extent to which this final rule effectively uses plain language principles.

I. National Technology Transfer and Advancement Act

Under the National Technology and Transfer and Advancement Act of 1995 (Pub. L. 104–113), ''all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.'' This rule does not require the use of any technical standards.

J. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

K. Executive Order 13045, Economically Significant Rules Disproportionately Affecting Children

This rule is not subject to Executive Order 13045 because it is not ''economically significant'' as defined under Executive Order 12866, and does not concern an environmental, health, or safety risk that NHTSA has reason to believe may have a disproportionate effect on children.

L. Notice and Comment

NHTSA finds that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B) because this action does not impose any regulatory requirements. This rule merely revises the list of vehicles not originally manufactured to conform to the FMVSS that NHTSA has decided to be eligible for importation into the United States since the last list was published in October, 2016.

In addition, so that the list of vehicles for which import eligibility decisions have been made may be included in the next edition of 49 CFR parts 572 to 999, which is due for revision on October 1, 2017, good cause exists to dispense with the requirement in 5 U.S.C. 553(d) for the effective date of the rule to be delayed for at least 30 days following its publication.

List of Subjects in 49 CFR Part 593

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, part 593 of Title 49 of the Code of Federal Regulations is amended as follows:

PART 593—[AMENDED]

■ 1. The authority citation for part 593 continues to read as follows:

Authority: 49 U.S.C. 322 and 30141(b); delegation of authority at 49 CFR 1.95.

■ 2. Appendix A to part 593 is revised to read as follows:

Appendix A to Part 593—List of Vehicles Determined To Be Eligible for Importation

(a) Each vehicle on the following list is followed by a vehicle eligibility number. The importer of a vehicle admissible under any eligibility decision must enter that number on the HS–7 Declaration Form accompanying entry to indicate that the vehicle is eligible for importation.

(1) ''VSA'' eligibility numbers are assigned to all vehicles that are decided to be eligible for importation on the initiative of the Administrator under § 593.8.

(2) ''VSP'' eligibility numbers are assigned to vehicles that are decided to be eligible under § 593.7(f), based on a petition from a manufacturer or registered importer submitted under § 593.5(a)(1), which establishes that a substantially similar U.S.-certified vehicle exists.

(3) ''VCP'' eligibility numbers are assigned to vehicles that are decided to be eligible under § 593.7(f), based on a petition from a manufacturer or registered importer submitted under § 593.5(a)(2), which establishes that the vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

(b) Vehicles for which eligibility decisions have been made are listed alphabetically, first by make, then by model, then by model year.

(c) All hyphens used in the Model Year column mean ''through'' (for example, ''1995–1999'' means ''1995 through 1999'').

(d) The initials ''MC'' used in the Make column mean ''Motorcycle.''

(e) The initials ''SWB'' used in the Model Type column mean ''Short Wheel Base.''

(f) The initials ''LWB'' used in the Model Type column mean ''Long Wheel Base.''

(g) For vehicles with a European country of origin, the term ''Model Year'' ordinarily means calendar year in which the vehicle was produced.

(h) All vehicles are left-hand-drive (LHD) vehicles unless noted as RHD. The initials ''RHD'' used in the Model Type column mean ''right-hand-drive.''

(i) For vehicle models that have been determined to be eligible for importation based on a petition submitted under § 593.5(a)(1), which establishes that a substantially similar U.S.-certified vehicle exists, and no specific body style(s) are listed, only the body style(s) of that vehicle model that were U.S.-certified by the original manufacturer are eligible for importation. For example, if the original manufacturer manufactured both sedan and wagon body styles for the described model, but only certified the sedan for the U.S. market, the wagon body style would not be eligible for importation under that determination.

VEHICLES CERTIFIED BY THEIR ORIGINAL MANUFACTURER AS COMPLYING WITH ALL APPLICABLE CANADIAN MOTOR VEHICLE SAFETY STANDARDS

(a) All passenger cars less than 25 years old manufactured before September 1, 1996, that, as originally manufactured, are equipped with an automatic restraint system that complies with Federal Motor Vehicle Safety Standard (FMVSS) No. 208	VSA-80
(b) All passenger cars manufactured on or after September 1, 1996, and before September 1, 2002, that, as originally manufactured, are equipped with an automatic restraint system that complies with FMVSS No. 208, and that comply with FMVSS No. 214;	
(c) All passenger cars manufactured on or after September 1, 2002, and before September 1, 2007, that, as originally manufactured, are equipped with an automatic restraint system that complies with FMVSS No. 208, and that comply with FMVSS Nos. 201, 214, 225, and 401;	
(d) All passenger cars manufactured on or after September 1, 2007, and before September 1, 2008, that, as originally manufactured, comply with FMVSS Nos. 110, 118, 138, 201, 208, 213, 214, 225, and 401;	
(e) All passenger cars manufactured on or after September 1, 2008 and before September 1, 2009 that, as originally manufactured, comply with FMVSS Nos. 110, 118, 138, 201, 202a, 206, 208, 213, 214, 225, and 401;	
(f) All passenger cars manufactured on or after September 1, 2009 and before September 1, 2010 that, as originally manufactured, comply with FMVSS Nos. 118, 138, 201, 202a, 206, 208, 213, 214, 225, and 401;	
(g) All passenger cars manufactured on or after September 1, 2010 and before September 1, 2011 that, as originally manufactured, comply with FMVSS Nos. 118, 138, 201, 202a, 206, 208, 213, 214, and 225;	
(h) All passenger cars manufactured on or after September 1, 2011 and before September 1, 2017 that, as originally manufactured, comply with FMVSS Nos. 138, 201, 206, 208, 213, 214, and 225.	
(i) All passenger cars manufactured on or after September 1, 2017, and before May 1, 2018, that as originally manufactured, comply with FMVSS Nos. 138, 201, 206, 208, 213, 214, 225, and insofar as it is applicable, 226.	
(j) All passenger cars manufactured on or after May 1, 2018, and before September 1, 2022, that as originally manufactured, comply with FMVSS Nos. 111, 138, 201, 206, 208, 213, 214, 225, and insofar as it is applicable, with FMVSS No. 226.	
(a) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less that were manufactured on and after September 1, 1991, and before September 1, 1993 and that, as originally manufactured, comply with FMVSS Nos. 202 and 208	VSA-81
(b) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less that were manufactured on or after September 1, 1993, and before September 1, 1998, and that, as originally manufactured, comply with FMVSS Nos. 202, 208, and 216;	
(c) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less that were manufactured on or after September 1, 1998, and before September 1, 2002, and that, as originally manufactured, comply with FMVSS Nos. 202, 208, 214, and 216;	
(d) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less that were manufactured on or after September 1, 2002, and before September 1, 2007, and that, as originally manufactured, comply with FMVSS Nos. 201, 202, 208, 214, and 216, and, insofar as it is applicable, with FMVSS No. 225;	

VEHICLES CERTIFIED BY THEIR ORIGINAL MANUFACTURER AS COMPLYING WITH ALL APPLICABLE CANADIAN MOTOR VEHICLE SAFETY STANDARDS—Continued

(e) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2007 and before September 1, 2008, that, as originally manufactured, comply with FMVSS Nos. 110, 118, 201, 202, 208, 213, 214, and 216, and insofar as they are applicable, with FMVSS Nos. 138 and 225;	
(f) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2008 and before September 1, 2009, that, as originally manufactured, comply with FMVSS Nos. 110, 118, 201, 202a, 206, 208, 213, 214, and 216, and insofar as they are applicable, with FMVSS Nos. 138 and 225;	
(g) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2009 and before September 1, 2011, that, as originally manufactured, comply with FMVSS Nos. 118, 201, 202a, 206, 208, 213, 214, and 216, and insofar as they are applicable, with FMVSS Nos. 138 and 225;	
(h) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2011 and before September 1, 2012, that, as originally manufactured, comply with FMVSS Nos. 201, 202a, 206, 208, 213, 214, and 216, and insofar as they are applicable, with FMVSS Nos. 138 and 225;	
(i) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2012 and before September 1, 2017, that, as originally manufactured, comply with FMVSS Nos. 201, 206, 208, 213, 214, and 216, and insofar as they are applicable, with FMVSS Nos. 138 222, and 225;	
(j) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2017, and before May 1, 2018, that as originally manufactured, comply with FMVSS Nos. 138, 201, 206, 208, 213, and 214, and insofar as they are applicable, with FMVSS Nos. 222, 225, and, 226;	
(k) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after May 1, 2018, and before September 1, 2022, that as originally manufactured, comply with FMVSS Nos. 111, 138, 201, 206, 208, 213, and 214, and insofar as they are applicable, with FMVSS Nos. 222, 225, and 226.	
(a) All multipurpose passenger vehicles, trucks, and buses with a GVWR greater than 4,536 kg (10,000 lb) manufactured before August 1, 2019	VSA–82
(b) All multipurpose passenger vehicles, trucks, and buses with a GVWR greater than 4,536 kg (10,000 lb) manufactured on or after August 1, 2019, and before September 1, 2022, that as originally manufactured, comply with FMVSS 136 insofar as it is applicable.	
All trailers and motorcycles less than 25 years old	VSA–83

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET

Make	Model type(s)	Body/chassis	Model years(s)	VSP	VCP
AHLM	SPT 16–25 trailer		2012		55
Alfa Romeo	164		1994	156	
Alfa Romeo	8C Spider		2010		61
Alfa Romeo	8C SPIDER		2008–2009	580	
Alpina	B10 Series		1993–1996		54
Alpina	B11	Sedan	1993–1994		48
Alpina	B12	Coupe	1993–1996		43
Alpina	B12 5.0	Sedan	1993–1994		41
Alpina	B5 series (manufactured before 9/1/06).		2005–2007		53
Al-Spaw	EMA Mobile Stage Trailer		2009		42
Aston Martin	Vanquish		2002–2004	430	
Aston Martin	Vantage		2006–2007	530	
Aston Martin	Vantage V8		2008	582	
Audi	100		1993	244	
Audi	A4		1996–2000	352	
Audi	A4, RS4, S4	8D	2000–2001	400	
Audi	A6		1998–1999	332	
Audi	A8		2000	424	
Audi	A8		1997–2000	337	
Audi	A8 Avant Quattro		1996	238	
Audi	RS6 & RS Avant		2003	443	
Audi	S6		1996	428	
Audi	S8		2000	424	
Audi	TT		2000–2001	364	
Bentley	Arnage (manufactured 1/1/01–12/31/01)		2001	473	
Bentley	Azure (LHD & RHD)		1998	485	
Bentley	Flying Spur	4-door Saloon 2-door Continental.	2014	588	
Bimota (MC)	DB4		2000	397	
Bimota (MC)	SB6		1994–1999	523	
Bimota (MC)	SB8		1999–2000	397	
BMW	3 Series		1998	462	
BMW	3 Series		1999	379	
BMW	3 Series		2000	356	
BMW	3 Series		2001	379	
BMW	3 Series		1993–1994	550	
BMW	3 Series		1995–1997	248	
BMW	3 Series		2003–2004	487	

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Make	Model type(s)	Body/chassis	Model years(s)	VSP	VCP
BMW	325i		1993–1996	197	
BMW	5 Series		2000	345	
BMW	5 Series		1993–1995	194	
BMW	5 Series		1995–1997	249	
BMW	5 Series		1998–1999	314	
BMW	5 Series		2000–2002	414	
BMW	5 Series		2003–2004	450	
BMW	5 Series (manufactured prior to 9/1/2006)		2005–2007	555	
BMW	7 Series		1993–1994	299	
BMW	7 Series		1995–1999	313	
BMW	7 Series		1999–2001	366	
BMW	760i		2004	559	
BMW	8 Series		1993–1995	361	
BMW	850 Series		1997	396	
BMW	M3		2006–2010	571	
BMW	M3 (manufactured prior to 9/1/06)		2006	520	
BMW	X5 (manufactured 1/1/03–12/31/04)		2003–2004	459	
BMW	Z3		2002	568	
BMW	Z3		1996–1998	260	
BMW	Z3 (European market)		1999	483	
BMW	Z4		2010	553	
BMW	Z8		2002	406	
BMW	Z8		2000–2001	350	
BMW (MC)	C1		2000–2003		40
BMW (MC)	K1		1993	228	
BMW (MC)	K1100, K1200		1993–1998	303	
BMW (MC)	K1200 GT		2003	556	
BMW (MC)	K75		1996		36
BMW (MC)	K75S		1993–1995	229	
BMW (MC)	R1100		1994–1997	231	
BMW (MC)	R1100		1998–2001	368	
BMW (MC)	R1100 S		2002	557	
BMW (MC)	R1100RS		1994	177	
BMW (MC)	R1150GS		2000	453	
BMW (MC)	R1200 GS Adventure series		2013	592	
BMW (MC)	R1200C		1998–2001	359	
BMW (MC)	R80, R100		1993–1995	295	
BMW (MC)	S1000RR		2011–2012	563	
Buell (MC)	1125R, Ulysses XB, Lightning XB, and Blast.		2009	579	
Buell (MC)	All Models		1995–2002	399	
Cadillac	DeVille		1994–1999	300	
Cadillac	DeVille (manufactured 8/1/99–12/31/00)		2000	448	
Cadillac	Escalade		2008	572	
Cagiva (MC)	Gran Canyon 900		1999	444	
Carrocerias	Cimarron trailer		2006–2007		37
Chevrolet	400SS		1995	150	
Chevrolet	Astro Van		1997	298	
Chevrolet	Blazer (plant code of "K" or "2" in the 11th position of the VIN).		1997	349	
Chevrolet	Blazer (plant code of "K" or "2" in the 11th position of the VIN).		2001	461	
Chevrolet	Camaro		1999	435	
Chevrolet	Camaro		2010	591	
Chevrolet	Cavalier		1997	369	
Chevrolet	Corvette	Coupe	1999	419	
Chevrolet	Corvette		2007	544	
Chevrolet	Silverado		2008	590	
Chevrolet	Suburban		2005	541	
Chevrolet	Tahoe		2000	504	
Chevrolet	Tahoe		2001	501	
Chevrolet	Trailblazer (manufactured prior to 9/1/07 for sale in the Kuwaiti market).		2007	514	
Chevy	Impala		1996	561	
Chrysler	Grand Voyager		1998	373	
Chrysler	LHS (Mexican market)		1996	276	
Chrysler	Town and Country		1993	273	
Dodge	Durango		2007	534	
Dodge	Ram		1994–1995	135	
Dodge	Ram 1500 Laramie Crew Cab		2009	535	
Ducati (MC)	600SS		1993–1996	241	

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Make	Model type(s)	Body/chassis	Model years(s)	VSP	VCP
Ducati (MC)	748		1999–2003	421	
Ducati (MC)	748 Biposto		1996–1997	220	
Ducati (MC)	888		1993	500	
Ducati (MC)	900		2001	452	
Ducati (MC)	900SS		1993–1996	201	
Ducati (MC)	916		1999–2003	421	
Ducati (MC)	996 Biposto		1999–2001	475	
Ducati (MC)	996R		2001–2002	398	
Ducati (MC)	MH900E		2001–2002	524	
Ducati (MC)	Monster 600		2001	407	
Ducati (MC)	Multistrada		2011	585	
Ducati (MC)	ST4S		1999–2005	474	
E. Lancashine Coachbuilders Limited.	Double Decker Bus	Volvo B7L chassis	2000		59
Eagle	Vision		1994	323	
EMU	Camper trailer, 4x4 Extreme Adventure		2014		63
Ferrari	360		2001	376	
Ferrari	360	Spider & Coupe	2003	410	
Ferrari	360 (manufactured after 9/31/02)		2002	433	
Ferrari	360 (manufactured before 9/1/02)		2002	402	
Ferrari	360 Modena		1999–2000	327	
Ferrari	360 Series		2004	446	
Ferrari	456		1995	256	
Ferrari	456 GT & GTA		1999	445	
Ferrari	456 GT & GTA		1997–1998	408	
Ferrari	512 TR		1993	173	
Ferrari	550		2001	377	
Ferrari	550 Marinello		1997–1999	292	
Ferrari	575		2002–2003	415	
Ferrari	575		2004–2005	507	
Ferrari	599		2008–2011	587	
Ferrari	599 (manufactured prior to 9/1/06)		2006	518	
Ferrari	599 GTB (Manufactured September 1, 2006 through August 31, 2007).		2006–2007	576	
Ferrari	612 Scagletti (Manufactured before 9/1/06)		2006	573	
Ferrari	612 Scaglietti		2005	545	
Ferrari	California (Manufactured for the European Market).		2010	570	
Ferrari	Enzo		2003–2004	436	
Ferrari	F355		1995	259	
Ferrari	F355		1999	391	
Ferrari	F355		1996–1998	355	
Ferrari	F430 (manufactured prior to 9/1/06)		2005–2006	479	
Ferrari	F50		1995	226	
Ferrari	F50 (Manufactured before 9/1/07)		1996–1997		62
Fisker	Karma		2012	577	
Ford	Bronco (Venezuelan market)		1995–1996	265	
Ford	Escape (manufactured prior to 9/1/2006)		2007	551	
Ford	Escort (Nicaraguan market)		1996	322	
Ford	Escort RS Cosworth		1994–1995		9
Ford	Explorer (Venezuelan market)		1993–1998	268	
Ford	F150		2000	425	
Ford	F–150		2009	575	
Ford	F–150 Crew Cab (manufactured for sale in the Mexican market).		2004	548	
Ford	Mustang		1993	367	
Ford	Mustang		1997	471	
Ford	Windstar		1995–1998	250	
Freightliner	FLD12064ST		1993–1996	179	
Freightliner	FTLD112064SD		1993–1996	178	
Gemala	Saranaupaya 1600 Double Axle trailer		2001		58
GMC	Suburban		1993–1994	134	
Harley-Davidson (MC)	FL Series		2010	528	
Harley-Davidson (MC)	FX, FL, XL & VR Series		2004	422	
Harley-Davidson (MC)	FX, FL, XL & VR Series		2008	517	
Harley-Davidson (MC)	FX, FL, XL & VR Series		2009	522	
Harley-Davidson (MC)	FX, FL, XL & VR Series		2011–2014	567	
Harley-Davidson (MC)	FX, FL, XL Series		1998	253	
Harley-Davidson (MC)	FX, FL, XL Series		1999	281	
Harley-Davidson (MC)	FX, FL, XL Series		2000	321	

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Make	Model type(s)	Body/chassis	Model years(s)	VSP	VCP
Harley-Davidson (MC)	FX, FL, XL Series		2001	362	
Harley-Davidson (MC)	FX, FL, XL Series		2002	372	
Harley-Davidson (MC)	FX, FL, XL Series		2003	393	
Harley-Davidson (MC)	FX, FL, XL Series		2005	472	
Harley-Davidson (MC)	FX, FL, XL Series		2006	491	
Harley-Davidson (MC)	FX, FL, XL Series		1993–1997	202	
Harley-Davidson (MC)	FX, FL, XL, & VR Series		2007	506	
Harley-Davidson (MC)	FX, XL & VR Series		2010	578	
Harley-Davidson (MC)	FXSTC Soft Tail Custom		2007	499	
Harley-Davidson (MC)	VRSCA		2002	374	
Harley-Davidson (MC)	VRSCA		2003	394	
Harley-Davidson (MC)	VRSCA		2004	422	
Hatty	45 ft double axle trailer		1999–2000		38
Heku	750 KG boat trailer		2005		33
Hobby	Exclusive 650 KMFE Trailer		2002–2003		29
Honda	Accord		1993–1999	319	
Honda	Accord (RHD)	Sedan & Wagon	1994–1997	451	
Honda	CRV		2002	447	
Honda	CR–V		2005	489	
Honda	Prelude		1994–1997	309	
Honda (MC)	CB 750 (CB750F2T)		1996	440	
Honda (MC)	CBR 250		1993–1994		22
Honda (MC)	NT700V (Deauville)		2006–2013		57
Honda (MC)	RVF 400		1994–2000	358	
Honda (MC)	VF750		1994–1998	290	
Honda (MC)	VFR 400		1994–2000	358	
Honda (MC)	VFR 400, RVF 400		1993		24
Honda (MC)	VFR750		1993–1997	315	
Honda (MC)	VFR800		1998–1999	315	
Honda (MC)	VT600		1993–1998	294	
Hyundai	Elantra		1993–1995	269	
Hyundai	XG350		2004	494	
Ifor Williams	LM85G trailer		2005		49
Jaguar	Sovereign		1993	78	
Jaguar	S-Type		2000–2002	411	
Jaguar	XJ8		2002	536	
Jaguar	XJS		1994–1996	195	
Jaguar	XK–8		1998	330	
Jaguar	XKR		2005	560	
Jeep	Cherokee		1993	254	
Jeep	Cherokee (LHD & RHD)		1994	493	
Jeep	Cherokee (LHD & RHD)		1995	180	
Jeep	Cherokee (LHD & RHD)		1996	493	
Jeep	Cherokee (LHD)		1997–1998	516	
Jeep	Cherokee (RHD)		1997–2001	515	
Jeep	Compass		2009	589	
Jeep	Grand Cherokee		1994	404	
Jeep	Grand Cherokee		1997	431	
Jeep	Grand Cherokee		2001	382	
Jeep	Grand Cherokee (LHD—Japanese market)		1997	389	
Jeep	Liberty		2002	466	
Jeep	Liberty		2005	505	
Jeep	Liberty (Mexican market)		2004	457	
Jeep	Wrangler		1993	217	
Jeep	Wrangler		1995	255	
Jeep	Wrangler		1998	341	
Jeep	Wrangler (manufactured for sale in the Mexican market).		2003	547	
Jeep	Wrangler (manufactured for sale in the Mexican market).		2012	584	
Jeep	Wrangler (RHD)		2000–2003		50
Kawasaki (MC)	EL250		1993–1994	233	
Kawasaki (MC)	Ninja ZX–6R		2002		44
Kawasaki (MC)	VN1500–P1/P2 series		2003	492	
Kawasaki (MC)	ZR750		2000–2003	537	
Kawasaki (MC)	ZX400		1993–1997	222	
Kawasaki (MC)	ZX6, ZX7, ZX9, ZX10, ZX11		1993–1999	312	
Kawasaki (MC)	ZX600		1993–1998	288	
Kawasaki (MC)	ZZR1100		1993–1998	247	
Ken-Mex	T800		1993–1996	187	
Komet	Standard, Classic & Eurolite trailer		2000–2005	477	

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Make	Model type(s)	Body/chassis	Model years(s)	VSP	VCP
KTM (MC)	Duke II		1995–2000	363	
Lamborghini	Diablo	Coupe	1997		26
Lamborghini	Diablo (except 1997 Coupe)		1996–1997	416	
Lamborghini	Diablo SE30		1994–1995	586	
Lamborghini	Gallardo (manufactured 1/1/04–12/31/04)		2004	458	
Lamborghini	Gallardo (manufactured 1/1/06–8/31/06)		2006	508	
Lamborghini	Murcielago	Roadster	2005	476	
Land Rover	Defender 110		1993	212	
Land Rover	Defender 90	VIN & Body Limited	1994–1995	512	
Land Rover	Defender 90 (manufactured before 9/1/97) and VIN. “SALDV224*VA” or “SALDV324*VA”		1997	432	
Land Rover	Discovery		1994–1998	338	
Land Rover	Discovery (II)		2000	437	
Land Rover	Range Rover		2004	509	
Land Rover	Range Rover		2006	538	
Lexus	GS300		1998	460	
Lexus	GS300		1993–1996	293	
Lexus	RX300		1998–1999	307	
Lexus	SC300		1993–1996	225	
Lexus	SC400		1993–1996	225	
M&V	Type NS4G31 trailer		2008–2010		46
Magni (MC)	Australia, Sfida		1996–1999	264	
Mazda	MPV		2000	413	
Mazda	MX–5 Miata		1993	184	
Mazda	RX–7		1993–1995	279	
Mazda	Xedos 9		1995–2000	351	
McLaren	MP4–12C		2012	569	
Mercedes-Benz	190 E		1993	454	
Mercedes-Benz	200 E	124.019	1993	75	
Mercedes-Benz	220 E		1993	168	
Mercedes-Benz	220 TE	Station Wagon	1993–1996	167	
Mercedes-Benz	230 E	124.023	1993	127	
Mercedes-Benz	250 E		1993	245	
Mercedes-Benz	280 E		1993	166	
Mercedes-Benz	300 CE	124.061	1993	94	
Mercedes-Benz	300 E 4-Matic		1993	192	
Mercedes-Benz	320 CE		1993	310	
Mercedes-Benz	320 SL		1993	142	
Mercedes-Benz	350 CLS		2004		45
Mercedes-Benz	400 SE		1993–1994	296	
Mercedes-Benz	420 E		1993	169	
Mercedes-Benz	600 SEC	Coupe	1993	185	
Mercedes-Benz	600 SEL	140.057	1993–1998	271	
Mercedes-Benz	C 320	203	2001–2002	441	
Mercedes-Benz	C Class		1994–1999	331	
Mercedes-Benz	C Class	203	2000–2001	456	
Mercedes-Benz	C Class (manufactured prior to 9/1/2006)	W203	2003–2006	521	
Mercedes-Benz	CL 500		1998	277	
Mercedes-Benz	CL 500		1999–2001	370	
Mercedes-Benz	CL 600		1999–2001	370	
Mercedes-Benz	CLK 320		1998	357	
Mercedes-Benz	CLK Class		1999–2001	380	
Mercedes-Benz	CLK Class	209	2002–2005	478	
Mercedes-Benz	CLS Class (manufactured prior to 9/1/06)		2006	532	
Mercedes-Benz	E 200		1994	207	
Mercedes-Benz	E 200		1995–1998	278	
Mercedes-Benz	E 220		1994–1996	168	
Mercedes-Benz	E 250		1994–1995	245	
Mercedes-Benz	E 280		1994–1996	166	
Mercedes-Benz	E 320		1994–1998	240	
Mercedes-Benz	E 320	Station Wagon	1994–1999	318	
Mercedes-Benz	E 320	211	2002–2003	418	
Mercedes-Benz	E 420		1994–1996	169	
Mercedes-Benz	E 500		1994	163	
Mercedes-Benz	E 500		1995–1997	304	
Mercedes-Benz	E Class	W210	1996–2002	401	
Mercedes-Benz	E Class	211	2003–2004	429	
Mercedes-Benz	E Series		1993–1995	354	
Mercedes-Benz	G Class	463 Chassis, LWB	2005	549	

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Make	Model type(s)	Body/chassis	Model years(s)	VSP	VCP
Mercedes-Benz	G Class	463 Chassis, LWB	2009	583	
Mercedes-Benz	G Class LWB	463 Chassis	2006–2007	527	
Mercedes-Benz	G-Wagon	463	1996		11
Mercedes-Benz	G-Wagon	463	1997		15
Mercedes-Benz	G-Wagon	463	1998		16
Mercedes-Benz	G-Wagon	463	1999–2000		18
Mercedes-Benz	G-Wagon 300 GE LWB	463.228	1993		3
Mercedes-Benz	G-Wagon 300 GE LWB	463.228	1994		5
Mercedes-Benz	G-Wagon 320 LWB	463	1995		6
Mercedes-Benz	G-Wagon 5 DR LWB	463	2001		21
Mercedes-Benz	G-Wagon LWB	463 5 DR	2002	392	
Mercedes-Benz	G-Wagon LWB V–8	463	1993–1996		13
Mercedes-Benz	G-Wagon SWB	463 Cabriolet & 3DR	2004		28
Mercedes-Benz	G-Wagon SWB	463	2005		31
Mercedes-Benz	G-Wagon SWB	463	1993–1996		14
Mercedes-Benz	G-Wagon SWB	463 Cabriolet & 3DR	2001–2003		25
Mercedes-Benz	G-Wagon SWB (manufactured before 9/1/06).	463 Cabriolet & 3DR	2006		35
Mercedes-Benz	Maybach		2004	486	
Mercedes-Benz	S 280	140.028	1994	85	
Mercedes-Benz	S 320		1994–1998	236	
Mercedes-Benz	S 420		1994–1997	267	
Mercedes-Benz	S 500		1994–1997	235	
Mercedes-Benz	S 500		2000–2001	371	
Mercedes-Benz	S 600	Coupe	1994	185	
Mercedes-Benz	S 600		1995–1999	297	
Mercedes-Benz	S 600		2000–2001	371	
Mercedes-Benz	S 600L		1994	214	
Mercedes-Benz	S Class		1993	395	
Mercedes-Benz	S Class		2012	565	
Mercedes-Benz	S Class	140	1993–1994	423	
Mercedes-Benz	S Class		1995–1998	342	
Mercedes-Benz	S Class		1998–1999	325	
Mercedes-Benz	S Class	W220	1999–2002	387	
Mercedes-Benz	S Class	220	2002–2004	442	
Mercedes-Benz	S Class		2007–2010	566	
Mercedes-Benz	S Class (manufactured prior to 9/1/2006)		2005–2006	525	
Mercedes-Benz	SE Class		1993–1994	343	
Mercedes-Benz	SEL Class	140	1993–1994	343	
Mercedes-Benz	SL (Manufactured before 9/1/06)		2006	574	
Mercedes-Benz	SL Class		1993–1996	329	
Mercedes-Benz	SL Class	W129	1997–2000	386	
Mercedes-Benz	SL Class	R230	2001–2002		19
Mercedes-Benz	SL Class (European market)	230	2003–2005	470	
Mercedes-Benz	SLK		1997–1998	257	
Mercedes-Benz	SLK		2000–2001	381	
Mercedes-Benz	SLK Class		2014	581	
Mercedes-Benz	SLK Class (manufactured between 8/31/04 and 8/31/06).	171 Chassis	2005–2006	511	
Mercedes-Benz	SLR (manufactured prior to 9/1/2006)		2005–2006	558	
Mercedes-Benz	Sprinter	Truck	2001–2005	468	
Mini	Cooper (European market)	Convertible	2005	482	
Mitsubishi	Outlander		2011	564	
Moto Guzzi (MC)	California		2000–2001	495	
Moto Guzzi (MC)	California EV		2002	403	
Moto Guzzi (MC)	Daytona		1993	118	
Moto Guzzi (MC)	Daytona RS		1996–1999	264	
MV Agusta (MC)	F4		2000	420	
Nissan	GTS & GTR (RHD), a.k.a. "Skyline," manufactured 1/96–6/98.	R33	1996–1998		32
Nissan	Pathfinder		2002	412	
Nissan	Pathfinder		1993–1995	316	
Plymouth	Voyager		1996	353	
Pontiac	Firebird Trans Am		1995	481	
Pontiac	Trans Sport	MPV	1993	189	
Porsche	911	997	2009	542	
Porsche	911		1997–2000	346	
Porsche	911 (996) Carrera		2002–2004	439	
Porsche	911 (996) GT3		2004	438	
Porsche	911 Carrera		1993	165	
Porsche	911 Carrera		1994	103	

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Make	Model type(s)	Body/chassis	Model years(s)	VSP	VCP
Porsche	911 Carrera		1995–1996	165	
Porsche	911 Carrera (manufactured prior to 9/1/06)	Cabriolet	2005–2006	513	
Porsche	911 Carrera (manufactured prior to 9/1/06)		2005–2006	531	
Porsche	911 Turbo		2001	347	
Porsche	928		1993–1996	266	
Porsche	928		1993–1998	272	
Porsche	946 Turbo		1994	116	
Porsche	Boxster		1997–2001	390	
Porsche	Boxster (manufactured before 9/1/02)		2002	390	
Porsche	Carrera GT		2004–2005	463	
Porsche	Cayenne		2003–2004	464	
Porsche	Cayenne (manufactured prior to 9/1/06)		2006	519	
Porsche	Cayenne S		2009	543	
Porsche	GT2		2001		20
Porsche	GT2		2002	388	
Porsche	GT3 RS		2012	552	
Rolls Royce	Bentley Brooklands		1993	186	
Rolls Royce	Bentley Continental R		1993	258	
Rolls Royce	Bentley Turbo R		1993	291	
Rolls Royce	Bentley Turbo R		1995	243	
Rolls Royce	Phantom		2004	455	
Saab	9.3		2003	426	
Saab	900 SE		1995	213	
Saab	900 SE		1993–1994	219	
Saab	900 SE		1996–1997	219	
Saab	9000		1994	334	
Smart Car	Fortwo coupe & cabriolet (incl. trim levels passion, pulse, & pure).		2005		30
Smart Car	Fortwo coupe & cabriolet (incl. trim levels passion, pulse, & pure).		2002–2004		27
Smart Car	Fortwo coupe & cabriolet (incl. trim levels passion, pulse, & pure) manufactured before 9/1/06.		2006		34
Smart Car	Fortwo coupe & cabriolet (incl. trim levels passion, pulse, & pure) manufactured before 9/1/06.		2007		39
Subaru	Forester		2006–2007	510	
Suzuki (MC)	GSF 750		1996–1998	287	
Suzuki (MC)	GSX1300R, a.k.a. ''Hayabusa''		1999–2006	484	
Suzuki (MC)	GSX1300R, a.k.a. ''Hayabusa''		2007–2011	533	
Suzuki (MC)	GSX–R 1100		1993–1997	227	
Suzuki (MC)	GSX–R 750		1993–1998	275	
Suzuki (MC)	GSX–R 750		1999–2003	417	
Thule	3008BL boat trailer		2011		52
Toyota	4-Runner		1998	449	
Toyota	Avalon		1995–1998	308	
Toyota	Land Cruiser		1993–1996	218	
Toyota	Land Cruiser (manufactured prior to 9/1/2006).	IFS 100 series	1999–2006	539	
Toyota	Previa		1993–1997	302	
Toyota	RAV4		1996	328	
Toyota	RAV4		2005	480	
Triumph (MC)	Thunderbird		1995–1999	311	
Vespa (MC)	ET2, ET4		2001–2002	378	
Vespa (MC)	LX and PX		2004–2005	496	
Volkswagen	Bora		1999	540	
Volkswagen	Eurovan		1993–1994	306	
Volkswagen	Golf		2005	502	
Volkswagen	Golf III		1993	92	
Volkswagen	Jetta		1994–1996	274	
Volkswagen	Passat	Wagon & Sedan	2004	488	
Volvo	850 Turbo		1995–1998	286	
Volvo	940 GL		1993	95	
Volvo	945 GL	Wagon	1994	132	
Volvo	960	Sedan & Wagon	1994	176	
Volvo	C70		2000	434	
Volvo	S70		1998–2000	335	
Westfalia	14ft Double Axle Cargo trailer		1994–1997		56
Yamaha (MC)	Drag Star 1100		1999–2007	497	
Yamaha (MC)	FJR 1300		2002		23
Yamaha (MC)	R1		2000	360	

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Make	Model type(s)	Body/chassis	Model years(s)	VSP	VCP
Yamaha (MC)	Virago		1993–1998	301	

Authority: 49 U.S.C. 30141(b); 49 CFR 593.9; delegations of authority at 49 CFR 1.95 and 501.8.

Jack Danielson,

Executive Director.

[FR Doc. 2017–22692 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140501394–5279–02]

RIN 0648–XF758

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Re-Opening of the Commercial Sector for Blueline Tilefish

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

ACTION: Temporary rule; re-opening.

SUMMARY: NMFS announces the re-opening of the commercial sector for blueline tilefish in the exclusive economic zone (EEZ) of the South Atlantic through this temporary rule. The most recent commercial landings data for blueline tilefish indicate the commercial annual catch limit (ACL) for the 2017 fishing year has not yet been reached. Therefore, NMFS re-opens the commercial sector for blueline tilefish in the South Atlantic EEZ for 8 days to allow the commercial ACL to be caught, while minimizing the risk of the commercial ACL being exceeded.

DATES: This rule is effective 12:01 a.m., local time, October 24, 2017 until 12:01 a.m., local time, November 1, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov*.

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

As specified at 50 CFR 622.193(z)(1)(i), the blueline tilefish commercial ACL is 87,521 lb (39,699 kg), round weight.

NMFS is required to close the commercial sector for blueline tilefish when the commercial ACL specified at 50 CFR 622.193(z)(1)(i) is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS previously projected that the commercial ACL for South Atlantic blueline tilefish for the 2017 fishing year would be reached by July 18, 2017. Therefore, NMFS published a temporary rule to close the commercial sector for South Atlantic blueline tilefish effective on July 18, 2017, through the end of the 2017 fishing year (82 FR 31924; July 11, 2017). However, a recent landings update indicates that the commercial ACL for blueline tilefish was not met as of July 18, 2017.

In accordance with 50 CFR 622.8(c), NMFS temporarily re-opens the commercial sector for blueline tilefish on October 24, 2017. The commercial sector will remain open for 8 days to allow for the commercial ACL to be reached. The commercial sector will close 8 days later, at 12:01 a.m., local time, November 1, 2017, and remain closed until January 1, 2018, the start of the next fishing year. NMFS has determined that this re-opening will allow for an additional opportunity to commercially harvest blueline tilefish while minimizing the risk of exceeding the commercial ACL.

The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper having blueline tilefish onboard must have landed and bartered, traded, or sold such blueline tilefish prior to 12:01 a.m., local time, November 1, 2017. During the subsequent commercial closure, all sale or purchase of blueline tilefish is prohibited. The recreational sector for blueline tilefish in South Atlantic Federal waters is closed from January 1 through April 30, and from September 1 through December 31, each year, and the bag and possession limits for blueline tilefish in or from South Atlantic Federal waters are zero through December 31, 2017. Additionally, these bag and possession limits apply to the harvest of blueline tilefish in both state and Federal waters in the South Atlantic on board a vessel with a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper.

Classification

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

This action is taken under 50 CFR 622.8(c) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action to temporarily re-open the commercial sector for blueline tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the commercial ACL and AMs has been subject to notice and comment, and all that remains is to notify the public of the re-opening. Such procedures are contrary to the public interest because of the need to immediately implement this action to allow commercial fishers to harvest the commercial ACL of blueline tilefish from the EEZ, while minimizing the risk of exceeding the commercial ACL. Prior notice and opportunity for public comment would be contrary to the public interest because it would not allow for the re-opening of the commercial sector before the end of the fishing season.

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: October 19, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–23026 Filed 10–19–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

RIN 0648–XF156

Pacific Island Pelagic Fisheries; 2017 U.S. Territorial Longline Bigeye Tuna Catch Limits for the Commonwealth of the Northern Mariana Islands

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

ACTION: Announcement of a valid specified fishing agreement.

SUMMARY: NMFS announces a valid specified fishing agreement that allocates up to 1,000 metric tons (t) of the 2017 bigeye tuna limit for the Commonwealth of the Northern Mariana Islands (CNMI) to identified U.S. longline fishing vessels. The agreement supports the long-term sustainability of fishery resources of the U.S. Pacific Islands, and fisheries development in the CNMI.

DATES: October 23, 2017.

ADDRESSES: NMFS prepared environmental analyses that describe the potential impacts on the human environment that would result from the action. Copies of those analyses, identified by NOAA–NMFS–2017–0004, are available from *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0004,* or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

Copies of the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (Pelagic FEP) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or *www.wpcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIRO Sustainable Fisheries, 808–725–5176.

SUPPLEMENTARY INFORMATION: In a final rule published on October 13, 2017, NMFS specified a 2017 limit of 2,000 t of longline-caught bigeye tuna for the U.S. Pacific Island territories of American Samoa, Guam and the CNMI (82 FR 47642). Of the 2,000 t limit, NMFS allows each territory to allocate up to 1,000 t to U.S. longline fishing vessels identified in a valid specified fishing agreement.

On October 6, 2017, NMFS received from the Council a specified fishing agreement between the CNMI and Quota Management, Inc. (QMI). In the transmittal memorandum, the Council's Executive Director advised that the specified fishing agreement was consistent with the criteria set forth in 50 CFR 665.819(c)(1). On October 10, 2017, NMFS reviewed the agreement and determined that it is consistent with the Pelagic FEP, the Magnuson-Stevens Fishery Conservation and Management Act, implementing regulations, and other applicable laws.

In accordance with 50 CFR 300.224(d) and 50 CFR 665.819(c)(9), vessels identified in the agreement may retain and land bigeye tuna in the western and central Pacific Ocean under the CNMI limit. NMFS began attributing bigeye tuna caught by vessels identified in the agreement to the CNMI starting on October 10, 2017. If NMFS determines that the fishery will reach the attribution limit of 1,000 t, we will restrict the retention of bigeye tuna caught by vessels identified in the agreement, unless the vessels are included in a subsequent specified fishing agreement with another U.S. territory.

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

Dated: October 19, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–23028 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 204
Tuesday, October 24, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0993; Product Identifier 2017–CE–026–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Regional Aircraft Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2007–08–06 for British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the need for airworthiness limitations for critical components in the main and nose landing gear assemblies. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 8, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone: +44 1292 675207; fax: +44 1292 675704; email: *RApublications@baesystems.com;* Internet: *http://www.baesystems.com/Businesses/RegionalAircraft/.* You may review copies of the referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0993; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0993; Product Identifier 2017–CE–026–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We issued AD 2007–08–06, Amendment 39–15023 (72 FR 18565; April 13, 2007) (''AD 2007–08–06''). That AD required actions intended to address an unsafe condition on British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 airplanes and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country.

Since we issued AD 2007–08–06, new part numbers have been introduced into service that allow for a change in the life limits requirements in the airworthiness limitations.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2017–0157, dated August 25, 2017 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The airworthiness limitations for critical Main Landing Gear and Nose Landing Gear components installed on Jetstream 3100 and 3200 aeroplanes, which are approved by EASA, are currently defined and published in BAE Systems (Operations) Ltd Service Bulletin (SB) 32–JA981042. These instructions have been identified as mandatory actions for continued airworthiness. Failure to accomplish these instructions could result in an unsafe condition.
>
> Previously, EASA issued AD 2006–0087 to require implementation of the airworthiness limitations for critical landing gear components as specified in BAE Systems (Operations) Ltd SB 32–JA981042 at Revision 5.
>
> Since that AD was issued, two new Part Numbers (P/N) were introduced into service (alternative port and starboard axles P/N AIR141958 and P/N AIR141959 specific to Jetstream 3200). Consequently, BAE Systems (Operations) Ltd published SB 32–JA981042 Revision 7 (later revised) to introduce the associated life limits, and to introduce a life limit for the steering jack piston, which was found missing in the SB at Revision 5.

For the reason described above, this [EASA] AD retains the requirements of AD 2006–0087, which is superseded, and requires implementation of the airworthiness limitations as specified in BAE Systems (Operations) Ltd SB 32–JA981042 at Revision 9 (hereafter referred to as 'the SB' in this AD).

Related Service Information Under 1 CFR Part 51

BAE Systems (Operations) Limited has issued British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–JA981042, Revision No. 9, dated July 11, 2017, which contains instructions for replacing main landing gear components within specified life limits. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 26 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $4,420, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 6 work-hours and require parts costing $5,000, for a cost of $5,510 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–15023 (72 FR 18565; April 13, 2007), and adding the following new AD:

British Aerospace Regional Aircraft: Docket No. FAA–2017–0993; Product Identifier 2017–CE–026–AD.

(a) Comments Due Date

We must receive comments by December 8, 2017.

(b) Affected ADs

This AD replaces AD 2007–08–06, Amendment 39–15023 (72 FR 18565; April 13, 2007) (''2007–08–06'').

(c) Applicability

This AD applies to British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 airplanes, all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the need for airworthiness limitations for critical components in the main and nose landing gear assemblies. We are issuing this AD to introduce new replacement part numbers and incorporate new limitations for the replacement part numbers to prevent failure of the main and nose landing gear, which could result in loss of control.

(f) Actions and Compliance

Unless already done, do the following actions listed in paragraphs (f)(1) through (4) of this AD:

(1) *For all affected airplane models:* Before further flight after the effective date of this AD, replace each component part in the main and nose landing gear assemblies as applicable to airplane model and configuration before exceeding the applicable life limit, following the Accomplishment Instructions in BAE Systems British Aerospace Jetstream Series 3100 and 3200 Service Bulletin 32–JA981042 Rev 9, dated July 11, 2017.

(2) *For the affected Model Jetstream 3201 airplanes:* Within 50 hours after the effective date of this AD, replace alternative port and starboard axles part numbers (P/N) AIR141958 and P/N AIR141959 that have exceeded the applicable life limits as shown in table 5 of BAE Systems British Aerospace Jetstream Series 3100 and 3200 Service

Bulletin 32–JA981042 Rev 9, dated July 11, 2017.

(3) *For all affected airplane models:* Before further flight after the effective date of this AD, revise the FAA-approved maintenance program (instructions for continued airworthiness) on the basis of which the operator or the owner ensures the continuing airworthiness of each operated airplane, as applicable to the airplane model, by incorporating the limitations described in BAE Systems British Aerospace Jetstream Series 3100 and 3200 Service Bulletin 32–JA981042 Rev 9, dated July 11, 2017, as applicable to the airplane model and depending on the airplane configuration.

(4) *For all airplanes:* The compliance times in paragraphs (f)(1) and (2) of this AD are presented in flight cycles (landings). If the total flight cycles have not been kept, multiply the total number of airplane hours time-in-service (TIS) by 0.75 to calculate the cycles. For the purposes of this AD:

(i) 100 hours TIS × .75 = 75 cycles; and

(ii) 1,000 hours TIS × .75 = 750 cycles.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, Small Airplane Standards Branch, FAA; or the European Aviation Safety Agency (EASA).

(h) Related Information

(1) Refer to MCAI EASA AD 2017–0157, dated August 25, 2017, and BAE Systems British Aerospace Jetstream Series 3100 and 3200 Service Bulletin 32–JA981042 Rev 9, dated July 11, 2017, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0993. For service information related to this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone: +44 1292 675207; fax: +44 1292 675704; email: *RApublications@baesystems.com;* Internet: *http://www.baesystems.com/Businesses/RegionalAircraft/.* You may review copies of the referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on October 12, 2017.

Melvin J. Johnson,

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

[FR Doc. 2017–22708 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1020; Product Identifier 2017–NM–114–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A318–111 and –112 airplanes; Model A319–111, –112, –113, –114, and –115 airplanes; Model A320–211, –212, –214, and –216 airplanes; and Model A321–111, –112, –211, –212, and –213 airplanes. This proposed AD was prompted by a review of maintenance instructions for a blend repair of the snout diameter of the main beam assembly of the forward engine mount that would create an excessive gap between the bearing mono-ball and the snout. This proposed AD would require modifying the main beam assembly of the forward engine mount. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 8, 2017.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* 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 to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus, Airworthiness Office–EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* Internet: *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1020; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–1020; Product Identifier 2017–NM–114–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0132, dated July 27, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A318–111 and –112 airplanes; Model A319–111, –112,

–113, –114, and –115 airplanes; Model A320–211, –212, –214, and –216 airplanes; and Model A321–111, –112, –211, –212, and –213 airplanes. The MCAI states:

A review of maintenance instructions revealed that the Goodrich Aerospace CFM56–5B, Forward Engine Mount Component Maintenance Manual (CMM) 71–21–08, revision (rev.) 1 up to 46 (inclusive), repair 10 (Blend Repair-Beam Assembly Snout Diameter), provides instructions to blend the wear on the forward engine mount assembly, Part Number (P/N) 642–2000–9, 642–2000–13, or 642–2000–25, creating an excessive gap between the bearing mono-ball and the snout of the forward engine mount main beam assembly, P/N 642–2006–501, or P/N 642–2006–503.

This condition, if not detected and corrected, could lead to in-flight failure of a forward engine mount and consequent detachment of an engine, possibly resulting in reduced control of the aeroplane and injury to persons on the ground.

To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A320–71–1065 and SB A320–71–1066, and Goodrich Aerospace issued SB RA32071–159, providing instructions for an in-shop inspection(s) for the main beam snout and, depending on findings, applicable corrective action(s) and re-identification.

For the reason described above, this [EASA] AD requires replacement of the affected forward engine mount main beam assemblies. As the same main beam assemblies are certified for CFM56–5A engine installation, this [EASA] AD also applies to aeroplanes with that engine.

Required actions include modifying the main beam assembly of the forward engine mount. The modification includes repairing, replacing, or reworking the main beam assembly. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1020.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–71–1065, Revision 01, dated July 28, 2017. This service information describes procedures for modifying the main beam assembly of the forward engine mount. The modification includes, among other things, repair or replacement of the main beam assembly.

Airbus has also issued Service Bulletin A320–71–1066, dated December 1, 2016. This service information describes procedures for modifying the main beam assembly of the forward engine mount. The modification includes, among other things, rework of the main beam assembly.

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

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 500 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	Up to 76 work-hours × $85 per hour = $6,460 ...	$778	Up to $7,238	Up to $3,619,000.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2017–1020; Product Identifier 2017–NM–114–AD.

(a) Comments Due Date

We must receive comments by December 8, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Model A318–111 and –112 airplanes; Model A319–111, –112, –113, –114, and –115 airplanes; Model A320–211, –212, –214, and –216 airplanes; and Model A321–111, –112, –211, –212, and –213 airplanes; certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Reason

This AD was prompted by a review of maintenance instructions for a blend repair of the diameter of the snout of the main beam assembly of the forward engine mount that would create an excessive gap between the bearing mono-ball and the snout. We are issuing this AD to prevent in-flight failure of a forward engine mount, and consequent detachment of an engine, which could result in reduced controllability of the airplane.

(f) Compliance

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

(g) Definition of Affected Parts

For the purposes of this AD: An ''affected main beam'' is any main beam assembly of the forward engine mount, part number (P/N) 642–2006–501 or P/N 642–2006–503, identified in paragraph (g)(1) or (g)(2) of this AD.

(1) Any part for which no maintenance records are available to confirm the part has never been repaired.

(2) Any part that was repaired as specified in the instructions of Goodrich Aerospace component maintenance manual (CMM) 71–21–08, Revision 1 through 46, repair 10, except for parts identified in paragraphs (g)(2)(i), (g)(2)(ii), and (g)(2)(iii) of this AD.

(i) Any part on which a qualifying inspection identified in paragraph (h) of this AD has been done and there were no findings (the inspection was passed).

(ii) Any part on which a qualifying inspection identified in paragraph (h) of this AD has been done and that part has been repaired as specified in the instructions of Goodrich Aerospace Service Bulletin RA32071–159.

(iii) Any part that has been repaired in accordance with other instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(h) Definition of Qualifying Inspection

For the purposes of this AD: ''A qualifying inspection'' is an inspection done as specified in the instructions of Goodrich Aerospace Service Bulletin RA32071–159; or for CFM56–5B engines, an inspection done as specified in the instructions of Goodrich Aerospace CMM 71–21–08, Revision 47, repair 10; or for CFM56–5A engines, an inspection done as specified in the instructions of Goodrich Aerospace CMM 71–21–06, Revision 59, repair 21.

(i) Definition of Airplane Groups

For the purposes of this AD: ''Group 1 airplanes'' are airplanes on which an affected main beam has been installed as of the effective date of this AD. ''Group 2 airplanes'' are airplanes on which an affected main beam has not been installed as of the effective date of this AD; this includes airplanes with an original certificate of airworthiness or original export certificate of airworthiness that was issued after the effective date of this AD.

(j) Modification of Affected Main Beam Assemblies

For Group 1 airplanes as identified in paragraph (i) of this AD: At the earliest of the compliance times specified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD, modify each affected main beam identified in paragraph (g) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–71–1065, Revision 01, dated July 28, 2017; and Airbus Service Bulletin A320–71–1066, dated December 1, 2016; as applicable, except as required by paragraph (k) of this AD.

(1) Within 48 months after the effective date of this AD.

(2) Within 10,000 flight cycles after the effective date of this AD.

(3) Within 15,000 flight hours after the effective date of this AD.

(k) Exception to Service Information

Where Airbus Service Bulletin A320–71–1065, Revision 01, dated July 28, 2017, specifies to contact a manufacturer for appropriate action, and specifies that action as ''RC'' (Required for Compliance): Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (n)(2) of this AD.

(l) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (j) of this AD involving Airbus Service Bulletin A320–71–1065, Revision 01, dated July 28, 2017, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–71–1065, dated December 1, 2016.

(m) Parts Installation Prohibition

As of the effective date of this AD, no person may install an affected main beam identified in paragraph (g) of this AD or a forward engine mount assembly equipped with an affected main beam identified in paragraph (g) of this AD, on any airplane.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Section, send it to the attention of the person identified in paragraph (o)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (k) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0132, dated July 27, 2017, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1020.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office–EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* Internet: *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on October 17, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–23014 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0909; Product Identifier 2017–NM–081–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Dassault Aviation Model MYSTERE–FALCON 900, FALCON 900EX, FALCON 2000, and FALCON 2000EX airplanes. This proposed AD was prompted by reports of a loose screw on certain slat mechanical stop assemblies, and punctures in certain fuel caps. This proposed AD would require a one-time inspection, and corrective action if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 8, 2017.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* 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 to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0909; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0909; Product Identifier 2017–NM–081–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0106, dated June 19, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Dassault Aviation Model MYSTERE–FALCON 900, FALCON 900EX, FALCON 2000, and FALCON 2000EX airplanes. The MCAI states:

On some aeroplanes in-service, the screw of the slat mechanical stop assembly on slat tracks #6, #7 and #8 was found loose. In some cases, a puncture was found in the fuel cap. The results of the technical investigations concluded that the most probable reason for these events was improper installation of the lock washers on the screws during production or maintenance.

This condition, if not detected and corrected, could lead to structural damage to the wing front spar, and consequent fuel leakage, possibly resulting in an uncontrolled fire.

To address this potential unsafe condition, Dassault issued [Service Bulletin] SB F900–460 Revision 1, SB F900EX–508 Revision 3, SB F2000–433 Revision 1, and SB F2000EX–386 Revision 3 (hereafter collectively referred as 'the applicable SB' in this [EASA] AD), as applicable to aeroplane type/model, to provide inspection instructions.

For the reasons described above, this [EASA] AD requires a one-time [general visual] inspection of the slat tracks #6, #7 and #8 to verify the tightening torque of the screw and proper lock washer installation and, depending on findings, accomplishment of applicable corrective action(s).

Applicable corrective actions include replacement, if necessary. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0909.

Related Service Information Under 1 CFR Part 51

Dassault Aviation has issued the following service information.

- Dassault Service Bulletin F900–460, Revision 1, dated February 10, 2017
- Dassault Service Bulletin F900EX–508, Revision 3, dated February 10, 2017
- Dassault Service Bulletin F2000–433, Revision 1, dated February 10, 2017
- Dassault Service Bulletin F2000EX–386, Revision 3, dated February 10, 2017

This service information describes procedures for doing a one-time general visual inspection of the screw on the affected slat tracks, and replacement if necessary. These documents are distinct since they apply to different airplane models. The service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified

of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 65 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	4 work-hours × $85 per hour = $340	$0	$340	$22,100

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	6 work-hours × $85 per hour = $510	$15	$525

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dassault Aviation: Docket No. FAA–2017–0909; Product Identifier 2017–NM–081–AD.

(a) Comments Due Date

We must receive comments by December 8, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation airplanes, certificated in any category, and identified in paragraphs (c)(1) through (c)(4) of this AD.

(1) MYSTERE–FALCON 900, serial numbers as specified in Dassault Service Bulletin F900–460, Revision 1, dated February 10, 2017.

(2) FALCON 900EX, serial numbers as specified in Dassault Service Bulletin F900EX–508, Revision 3, dated February 10, 2017.

(3) FALCON 2000, serial numbers as specified in Dassault Service Bulletin F2000–433, Revision 1, dated February 10, 2017.

(4) FALCON 2000EX, serial numbers as specified in Dassault Service Bulletin F2000EX–386, Revision 3, dated February 10, 2017.

(d) Subject

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

(e) Reason

This AD was prompted by reports of a loose screw on certain slat mechanical stop assemblies, and punctures in certain fuel caps. We are issuing this AD to detect and correct loose screws that could lead to structural damage to the wing front spar, and consequent fuel leakage, possibly resulting in an uncontrolled fire.

(f) Compliance

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

(g) Required Actions

(1) Within 9 months or 440 flight hours, whichever occurs first after the effective date of this AD, do a general visual inspection of slat tracks #6, #7, and #8 for proper screw and lockwasher installation, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (c)(1) through (c)(4) of this AD.

(2) If, during the inspection required by paragraph (g)(1) of this AD, the tightening torque of the screw and/or the lockwasher installation is incorrect, before further flight, accomplish the applicable corrective action(s) in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (c)(1) through (c)(4) of this AD.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Dassault Service Bulletin F900EX–508, dated January 5, 2016, as applicable; or Dassault Service Bulletin F2000EX–386, dated January 5, 2016, as applicable.

(i) No Reporting Requirement

Although the service information identified in paragraphs (c)(1) through (c)(4) of this AD specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0106, dated June 19, 2017, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0909.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on October 17, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–23006 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0908; Product Identifier 2017–NM–103–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES D, E, F, and G airplanes; and certain Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes. This proposed AD was prompted by reports of the collapse of the main landing gear on touchdown. This proposed AD would require an electrical modification of the landing gear sequence logic. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 8, 2017.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* 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 to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0908; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0908; Product Identifier 2017–NM–103–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0130, dated July 26, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES D, E, F, and G airplanes; and certain Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes. The MCAI states:

An incident occurred in January 2016 on a Falcon 20–5 aeroplane where, upon touchdown, one main landing gear (MLG) collapsed, due to a sequence anomaly.

This condition, if not corrected, could lead to additional events of MLG collapse, possibly resulting in damage to the aeroplane and injury to the occupants.

Prompted by previous similar events, Dassault developed a modification, ensuring that hydraulic pressure of circuit #1 of the landing gear actuators is maintained after the extension sequence is completed. As a result, in the unlikely case of having one of the legs not properly mechanically locked down, the pressure maintained in the landing gear bracing devices will prevent landing gear from collapsing. Dassault published Service Bulletin (SB) F20–676 in 1981 (later revised in 1998) which contains the necessary instructions to modify in-service aeroplanes.

For the reasons described above, this [EASA] AD requires an electrical modification of the landing gear sequence logic.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0908.

Related Service Information Under 1 CFR Part 51

Dassault Aviation has issued Dassault Service Bulletin F20–676, Revision 1, dated March 4, 1998. This service information describes an electrical modification of the MLG sequence logic to prevent landing gear collapse on touchdown. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Costs of Compliance

We estimate that this proposed AD affects 308 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	21 work-hours × $85 per hour = $1,785	$912	$2,697	$830,676

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dassault Aviation: Docket No. FAA–2017–0908; Product Identifier 2017–NM–103–AD.

(a) Comments Due Date

We must receive comments by December 8, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) All Model FAN JET FALCON, FAN JET FALCON SERIES D, E, F, and G airplanes.

(2) Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes, except serial numbers (S/Ns) 478 and 485.

(d) Subject

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

(e) Reason

This AD was prompted by reports of the collapse of the main landing gear (MLG) on touchdown. We are issuing this AD to prevent MLG collapse, which could result in damage to the airplane and injury to the occupants.

(f) Compliance

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

(g) Modification

Within 74 months after the effective date of this AD, accomplish an electrical modification in accordance with the Accomplishment Instructions of Dassault Service Bulletin F20–676, Revision 1, dated March 4, 1998.

(h) No Reporting Requirement

Although the service information identified in paragraph (g) of this AD specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0130, dated July 26, 2017, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0908.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on, October 17, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–23008 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0868]

RIN 1625–AA09

Drawbridge Operation Regulation; Isthmus Slough, Coos Bay, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating schedule that governs the Oregon State secondary highway bridge (Isthmus Slough Bridge), across Isthmus Slough, mile 1.0, at Coos Bay, OR. To accommodate Oregon Department of Transportation's (ODOT) preservation, painting and replacement of the bridge equipment, the Coast Guard proposes to operate half the double bascule span (single leaf). Additionally, during the period of this work, the non-functioning leaf of the span's vertical clearance will be reduced.

DATES: Comments and related material must reach the Coast Guard on or before November 24, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0868 using Federal eRulemaking Portal at *http://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Steven M. Fischer, Bridge Administrator, Thirteenth Coast Guard District Bridge Program Office, telephone 206–220–7282; email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose and Legal Basis

The United States Coast Guard proposes the following rulemaking change under statutory authority 33 U.S.C. 499. Oregon Department of Transportation (ODOT), owns and operates the double bascule Isthmus Slough Bridge, across Isthmus Slough, mile 1.0, at Coos Bay, OR, and has requested a temporary change to the existing operating regulation to accommodate the bridge's painting, and preservation and upgrading of the electrical systems. The subject bridge operates in accordance with 33 CFR 117.879. Isthmus Slough provides no alternate routes to pass around the Isthmus Slough Bridge. To facilitate this event, ODOT requests the double bascule bridge operate in single leaf mode (half of the span), and reduce the vertical clearance of the non-functioning leaf. Isthmus Slough Bridge provides a vertical clearance of 28 feet in the closed-to-navigation position referenced to the vertical clearance above mean high water tide level. Up to ten feet of containment would be installed under the closed-to-navigation leaf only, and would reduce the vertical clearance to 18 feet. Vessels that do not require an opening would be allowed to transit under the bridge at any time. We approved a temporary deviation on August 4, 2017 (82 FR 36332), with the same change in bridge operations as this NPRM. We have not received any reports of problems or complaints with the subject bridge operating under the temporary deviation.

III. Discussion of Proposed Rule

We propose a temporary change to 33 CFR 117.879 to be in effect from 6 a.m. on February 26, 2018, through 6 p.m. on July 31, 2019. This temporary rule would suspend the current paragraph regarding the Oregon State secondary highway bridge (Isthmus Slough Bridge), and add a temporary new paragraph which would amend the operating schedule of the Isthmus Slough Bridge by authorizing one half of the draw to open on signal, and would reduce the horizontal clearance and vertical clearance of the bridge. The temporary rule is necessary to accommodate painting, and preservation and upgrading of its electrical systems. This bridge provides a vertical clearance approximately 28 feet above mean high water when in the closed-to-navigation position. One half of the bascule bridge would have a containment system installed on the non-functioning half of the span, which would reduce the vertical clearance by ten feet to 18 feet. The horizontal clearance with a full opening is 140 feet, therefore, in single leaf operation; a temporary rule change would reduce the horizontal clearance to approximately 70 feet.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analysis based on 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 NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM 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 ability for mariners to transit under the bridge because the Isthmus Bridge would open half the draw allowing for the reasonable needs of navigation.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A. above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Government

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 proposed 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 proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this proposed rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your

message can be received without jeopardizing the safety or security of people, places or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacynotice.*

Documents mentioned in this NPRM as being available in this docket and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Suspend § 117.879 from 6 a.m. on February 26, 2018, through 6 p.m. on July 31, 2019.

■ 3. Add a new temporary § 117.T879, from 6 a.m. on February 26, 2018, through 6 p.m. on July 31, 2019, to read as follows:

§ 117.T879 Isthmus Slough.

The draw of the Oregon State secondary highway bridge, mile 1.0, at Coos Bay, shall operate in single leaf, and open half the draw on signal if at least 24 hours notice is given. The vertical clearance of the non-functioning leaf will be reduced up to ten feet.

Dated: October 13, 2017.

Brendan C. McPherson,

Captain, U.S. Coast Guard, Acting Commander, Thirteenth Coast Guard District.

[FR Doc. 2017–23052 Filed 10–23–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Parts 668, 674, 682, and 685

[Docket ID ED–2017–OPE–0112]

RIN 1840–AD28

Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to further delay, until July 1, 2019, the effective date of selected provisions of the final regulations entitled Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan (FFEL) Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program (the final regulations), published in the **Federal Register** on November 1, 2016. The Secretary proposes this further delay to ensure that there is adequate time to conduct negotiated rulemaking and, as necessary, develop revised regulations. The provisions for which we propose to further delay the effective date are listed in the **SUPPLEMENTARY INFORMATION** section of this document. The current effective date of selected provisions of the final regulations is July 1, 2018, in accordance with the interim final rule (IFR) published elsewhere in this issue of the **Federal Register**.

DATES: We must receive your comments on or before November 24, 2017.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

If you are submitting comments electronically, we strongly encourage you to submit any comments or attachments in Microsoft Word format. If you must submit a comment in Portable Document Format (PDF), we strongly encourage you to convert the PDF to print-to-PDF format or to use some other commonly used searchable text format. *Please do not submit the PDF in a scanned format.* Using a print-to-PDF format allows the Department to electronically search and copy certain portions of your submissions.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Help.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about the notice of proposed rulemaking, address them to Jean-Didier Gaina, U.S. Department of Education, 400 Maryland Ave. SW., Mail Stop 6W248, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Barbara Hoblitzell, U.S. Department of Education, 400 Maryland Ave. SW., Mail Stop 6W248, Washington, DC 20202. Telephone: (202) 453–7583 or by email at: *Barbara.Hoblitzell@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation To Comment: We invite you to submit comments regarding this notice of proposed rulemaking. We will consider comments on the further delayed effective date only and will not consider comments on the wording or substance of the final regulations. See

ADDRESSES for instructions on how to submit comments.

During and after the comment period, you may inspect all public comments about this notice of proposed rulemaking by accessing *Regulations.gov*. You may also inspect the comments in person in room 6W245, 400 Maryland Avenue SW., Washington, DC, between 8:30 a.m. and 4:00 p.m. Washington, DC time, Monday through Friday of each week, except Federal holidays. If you want to schedule time to inspect comments, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public-rulemaking record for this notice of proposed rulemaking. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Elsewhere in this issue of the **Federal Register**, the Department is publishing an IFR delaying until July 1, 2018, the effective date of selected provisions of the final regulations. The original effective date of the final regulations published November 1, 2016 (81 FR 75926) was July 1, 2017. On June 16, 2017, the Department published in the **Federal Register** a notification of the partial delay of effective dates under section 705 of the Administrative Procedure Act (5 U.S.C. 705) (82 FR 27621) (705 Notice), to delay the effectiveness of certain provisions of the final regulations until a legal challenge by the California Association of Private Postsecondary Schools is resolved. *See* Complaint and Prayer for Declaratory and Injunctive Relief, *California Association of Private Postsecondary Schools* v. *DeVos,* Civil Action No. 1:17–cv–00999 (D.D.C. May 24, 2017). As explained in the IFR, because the final regulations have been postponed by the 705 Notice beyond July 1, 2017, they must become effective no earlier than July 1, 2018, to comply with section 482 of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1089), also known as the ''master calendar requirement.''

Also on June 16, 2017, the Department announced its intent to convene a committee to develop proposed regulations to revise the regulations on borrower defense to repayment of Federal student loans and other matters. Given that the first negotiated rulemaking session is scheduled for November 13–15, 2017, we cannot complete the negotiated rulemaking process and the development of revised regulations by November 1, 2018. Under the master calendar, a regulatory change that has been published in final form on or before November 1 prior to the start of an award year—which begins on July 1 of any given year—may take effect only at the beginning of the next award year, or in other words, on July 1 of the next year. In light of this requirement, the regulations resulting from negotiated rulemaking could not be effective before July 1, 2019.

As noted previously, elsewhere in this issue of the **Federal Register**, the Department is publishing an IFR delaying the effective date of the final regulations until July 1, 2018. The Department could implement the final regulations on July 1, 2018, pursuant to the IFR, or, through notice and comment rulemaking, we could delay the effective date until July 1, 2019, or a future July 1. We propose to further delay the effective date of the final regulations, to continue to preserve the regulatory status quo, until July 1, 2019. The Department would continue to process borrower defense claims under the existing regulations that will remain in effect during the delay so that borrowers may continue to apply for the discharge of all or a part of their loans.

Based on the above considerations, the Department is proposing to delay until July 1, 2019, the effective date of the following provisions of the final regulations in title 34 of the Code of Federal Regulations (CFR):

- § 668.14(b)(30), (31), and (32) Program participation agreement.
- § 668.41(h) and (i) Reporting and disclosure of information.
- § 668.71(c) Scope and special definitions.
- § 668.90(a)(3) Initial and final decisions.
- § 668.93(h), (i), and (j) Limitation.
- § 668.171 General.
- § 668.175(c), (d), (f), and (h) Alternative standards and requirements.
- Part 668 subpart L, Appendix C.
- § 674.33(g)(3) and (g)(8) Repayment.
- § 682.202(b)(1) Permissible charges by lenders to borrowers.
- § 682.211(i)(7) Forbearance.
- § 682.402(d)(3), (d)(6)(ii)(B)(*1*) and (*2*), (d)(6)(ii)(F) introductory text, (d)(6)(ii)(F)(*5*), (d)(6)(ii)(G), (d)(6)(ii)(H) through (K), (d)(7)(ii) and (iii), (d)(8), and (e)(6)(iii) Death, disability, closed school, false certification, unpaid refunds, and bankruptcy payments.
- § 682.405(b)(4)(ii) Loan rehabilitation agreement.
- § 682.410(b)(4) and (b)(6)(viii) Fiscal, administrative, and enforcement requirements.
- § 685.200(f)(3)(v) and (f)(4)(iii) Borrower eligibility.
- § 685.205(b)(6) Forbearance.
- § 685.206(c) Borrower responsibilities and defenses.
- § 685.212(k) Discharge of a loan obligation.
- § 685.214(c)(2) and (f)(4) through (7) Closed school discharge.
- § 685.215(a)(1), (c)(1) through (c)(8), and (d) Discharge for false certification of student eligibility or unauthorized payment.
- § 685.222 Borrower defenses.
- Part 685 subpart B, Appendix A Examples of borrower relief.
- § 685.300(b)(11), (b)(12), and (d) through (i) Agreements between an eligible school and the Secretary for participation in the Direct Loan Program.
- § 685.308(a) Remedial actions.

As noted in the IFR, the Department interprets all references to ''July 1, 2017'' in the text of the above-referenced regulations to mean the effective date of those regulations. The regulatory text included references to the specific July 1, 2017, date in part to provide clarity to readers in the future as to when the regulations had taken effect. Because the regulations did not take effect on July 1, 2017, we would, in connection with this proposed additional delay of effective date, read those regulations as referring to the new effective date established by this further delay, *i.e.,* July 1, 2019.

This proposed delay of the final regulations will not delay the effective dates of the following regulatory provisions published in 81 FR 75926 which: (1) Expand the types of documentation that may be used for the granting of a discharge based on the death of the borrower; (2) amend the regulations governing the consolidation of Nursing Student Loans and Nurse Faculty Loans so that they align with the statutory requirements of section 428C(a)(4)(E) of the HEA; (3) amend the regulations governing Direct Consolidation Loans to allow a borrower to obtain a Direct Consolidation Loan regardless of whether the borrower is also seeking to consolidate a Direct Loan Program or FFEL Program loan, if the borrower has a loan type identified in 34 CFR 685.220(b); (4) address severability; and (5) make technical corrections. As established in 81 FR 75926, 34 CFR 682.211(i)(7) and 682.410(b)(6)(viii) would remain designated for early implementation, at the discretion of each lender or guaranty agency.

Waiver of Negotiated Rulemaking: Under section 492 of the HEA (20 U.S.C. 1098a), all regulations proposed by the Department for programs authorized under title IV of the HEA are subject to negotiated rulemaking requirements. However, section 492(b)(2) of the HEA provides that negotiated rulemaking may be waived for good cause when doing so would be ''impracticable, unnecessary, or contrary to the public interest.'' Section 492(b)(2) of the HEA also requires the Secretary to publish the basis for waiving negotiations in the **Federal Register** at the same time as the proposed regulations in question are first published.

For the reasons stated above, it would not be practicable, before the July 1, 2018 effective date specified in the IFR, to engage in negotiated rulemaking and publish final regulations. There is, therefore, good cause to waive negotiated rulemaking pertaining to this delay.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive Order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

The Department estimates the quantified annualized economic and net budget impacts of the delay of the effective date to be -$26.9 million in reduced costs to institutions and the Federal government. These reduced costs result from the delay of the borrower defense provisions of the final regulations as they would apply to the 2017 to 2019 loan cohorts, as well as from the delayed paperwork burden on institutions, and the delayed execution of the closed school automatic discharge. This proposed regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed rule under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed rule only on a reasoned determination that its benefits justify its costs. Based on the analysis that follows, the Department believes that this proposed rule is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, or Tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action.

The quantified economic effects and net budget impact associated with the delayed effective date are not expected to be economically significant.

Effects of One-Year Delay

As indicated in the Regulatory Impact Analysis (RIA) published with the final regulations on November 1, 2016, the final regulations were economically significant with a total estimated net budget impact of $16.6 billion over the 2017–2026 loan cohorts in the primary estimate scenario, including a cost of $381 million for cohorts 2014–2016 attributable to the provisions for a three-year automatic closed school discharge. As the net budget impact is based on the net present value of the cash flows of the relevant cohorts over 40 years, delaying the final regulations for an additional year will have limited effect, as discussed below. This analysis is limited to the effect of delaying the effective date of the final regulations an additional year from July 1, 2018 to July 1, 2019, and does not account for any potential changes in the final regulations.

Even with the further delayed effective date, borrowers will still be able to submit claims. The provisions of the final regulations pertaining to the process for review and determination of claims were not limited to specific cohorts designated by the effective date so the delay will not result in specific cohorts of borrowers being excluded from the process reflected in the final regulations, when implemented. Once in effect, the protection generated by the financial protection provisions will be available to be applied to claims from loans originated earlier, including the period from July 1, 2018 to June 30, 2019. Loans made before July 1, 2017, were always subject to the State-based standard and borrowers' ability to bring claims under that standard is unchanged by the delay. For claims filed after the effective date of the regulations, for loans made on or after July 1, 2019, the Federal standard established in the final regulations would apply. As discussed previously, the Department interprets all references to ''July 1, 2017'' in the text of the final regulations to mean the effective date of the final regulations. As a result, the further delay in the effective date means that loans made between July 1, 2018 and June 30, 2019, will be subject to the

current State-based standard. As we noted in the final regulations, the Federal standard was designed to address much of the conduct already covered by the State-based standard, so the vast majority of claims associated with loans made between July 1, 2017, and the delayed effective date could be made under the current, State-based standard as well.

In addition to borrowers, institutions are also affected by the delayed effective date. As indicated in the RIA for the final regulations, institutions bear the major costs of compliance, paperwork burden, and providing financial protection. The financial protection provisions of the final regulations depend on the effective date, so institutions will not incur these costs until the final regulations are in effect. In terms of cost savings for institutions, the estimated annual paperwork burden was approximately $9.4 million in the initial year of the final regulations. In the revised scenario developed to estimate the effect of the additional one-year delay in the effective date, transfers from institutions to students, via the Federal government, would be reduced by approximately $9.3 million for the 2017 and 2018 loan cohorts. The costs of providing financial protection were not quantified in the RIA for the final regulations, and the Department has no additional data to estimate costs institutions may avoid from the delayed effective date of the financial protection provisions.

Net Budget Impact

In order to estimate the net budget impact of the additional one-year delay in the effective date to July 1, 2019, the Department developed a scenario that revised the primary estimate assumptions from the final regulations for the affected 2017 to 2019 loan cohorts, as was done for the one-year delay described in the IFR. As before, the Department applies an assumed level of school misconduct, borrower claims success, and recoveries from institutions (respectively labeled as Conduct Percent, Borrower Percent, and Recovery Percent in Table 1) to the President's Budget 2018 (PB2018) loan volume estimates to generate the estimated net borrower defense claims for each cohort, loan type, and sector. The assumptions for the primary scenario from the 2016 final regulation were the basis for the President's Budget 2018 (PB2018) baseline that assumed the final regulations would go into effect on July 1, 2017. The scenario developed for this NPRM is designed to capture the incremental change from the one-year delay in the IFR associated with the further one-year delay in the effective date to July 1, 2019. Compared to the scenario developed for the IFR, recoveries are reduced by an additional two percent for the 2017 and 2018 cohorts, all of the 2018 cohort is subject to the State-based standard, and the affected portion of the 2019 cohort is subject to the current, State-based standard and reduced recoveries at the five percent level used for the one-year delay in the IFR. Table 1 presents assumptions for the primary estimate from the final regulations and the revised estimate for the further one-year delay, from July 1, 2018 to July 1, 2019, in the effective date. In this scenario, the conduct percent is 90 percent of the primary scenario from the final regulations and the borrower percent is the same. The financial protection provided was always expected to increase over time, so the delayed effective date in the near term is not expected to significantly affect the amount of recoveries over the life of any particular loan cohort, limiting any net budget impact from the delay. To estimate the potential reduction in recoveries related to the proposed delayed effective date, we reduced recoveries for the affected portion of the 2017 and 2018 cohorts by seven percent for the private not-for-profit and proprietary sectors and by five percent for the 2019 cohort. As in the final regulations and the IFR, recoveries from public institutions were held constant at 75 percent across scenarios.

TABLE 1—REVISED ASSUMPTIONS FOR ONE-YEAR DELAY FROM JULY 1, 2018 TO JULY 1, 2019

Cohort	2017		2018		2019	
	Pub/Priv NFP	Prop	Pub/Priv NFP	Prop	Pub/Priv NFP	Prop
Conduct Percent:						
Final Primary	3.0	20	2.4	16	2.0	13.6
Delay to 2019	2.7	18	2.16	14.4	1.8	12.24
Borrower Percent:						
Final Primary	35	45	36.8	47.3	36.8	47.3
Delay to 2019	35	45	36.8	47.3	36.8	47.3
	Public	Priv/Prop	Public	Priv/Prop	Public	Priv/Prop
Recovery Percent:						
Final Primary	75	23.8	75	23.8	75	23.8
Delay to 2019	75	22.134	75	22.134	75	24.871

The net budget impact associated with these effects of the additional one-year delay in the effective date on the borrower defense provisions only is approximately -$46.1 million from the 2017 to 2019 loan cohorts.

As the amount and composition of borrower defense claims and estimated recoveries over the lifetime of the relevant loan cohorts are not expected to change greatly due to the delayed effective date, the Department does not estimate an economically significant net budget impact from the delay itself, with a potential net budget impact related to borrower defense claims of -$46.1 million in reduced costs for the affected cohorts. This represents the incremental change associated with the additional one-year delay from July 1, 2018 to July 1, 2019. If compared to the PB2018 baseline, the savings would be approximately -$78.8 million.

The closed school automatic discharge provisions were the other significant source of estimated net budget impact in the final regulations. Under credit reform scoring, the modification to older cohorts for the automatic discharge provision estimated to cost $364 million was expected to occur in fiscal year (FY) 2017 in the President's Budget for FY 2018 (PB2018). As a result of the delay in the effective date, the Department will not execute the modification in FY 2017.

As indicated in the IFR, the Department does expect to incur the costs associated with the three-year

automatic discharge after the delayed effective date, but moving the execution of the modification beyond FY 2017 will require a new cost analysis with economic assumptions from the fiscal year of the execution. This will result in a change of cost, but at this point it is not possible to know the discount rates in future fiscal years, so the cost of the modification will be determined in the year that it is executed. While the actual cost of the future modification cannot be determined at this time, the Department did approximate the effect of the delay by shifting the timing of the relevant discharges back by a year and recalculating a modification using the discount rates and economic assumptions used for the calculation of the PB2018 modification. When calculated in this manner, the delay in the modification to July 2018 described in the IFR resulted in estimated savings of less than $10 million. Using the same approach, the further delay to July 2019 is expected to save approximately $15 million above the savings from the initial one-year delay.

As the delay does not change the substance of the automatic discharge, we would expect the amount and composition of loans affected by the automatic discharge not to change significantly. The closed school three-year automatic discharge provisions were applicable to loans made on or after November 1, 2013, and were not linked to the effective date of the final regulations. Therefore, delaying the effective date of those provisions will not change the set of loans eligible for this automatic discharge. Additionally, borrowers would have the ability to apply for a closed school discharge before July 1, 2019, if they did not want to wait for the automatic discharge to be implemented. For future cohorts, the delay is not significant as the three-year period will fall beyond the delayed effective date. Any significant change to the estimated net budget impact associated with the closed school automatic discharge depends on any substantive changes made to the provisions as a result of the upcoming rulemaking and changes to economic assumptions when the modification is executed.

Consistent with Executive Order 13771 (82 FR 9339, February 3, 2017), we have estimated that this proposed rule will result in cost savings. Therefore, this proposed rule would be considered an Executive Order 13771 deregulatory action.

Accounting Statement

In evaluating whether a regulation is economically significant, a key consideration is whether the annual effect in any given year is over $100 million. To evaluate this, the Department looked at the difference in the undiscounted cashflows related to the death, disability, and bankruptcy (DDB) claims in which borrower defense claims are included for the one-year delay established in the IFR and the further one-year delay scenario described under *Net Budget Impacts.* The difference from subtracting the further delay scenario from the IFR one-year delay scenario for the 2017 to 2019 cohorts is summarized in Table 2.

TABLE 2—DIFFERENCE IN UNDISCOUNTED NET CASHFLOWS FOR THE 2017 TO 2019 LOAN COHORTS FROM THE FURTHER ONE-YEAR DELAY IN 2016 BORROWER DEFENSE RULE TO JULY 1, 2019

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Change in DDB Cashflow	159	7,489	496,637	637,361	538,468
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Change in DDB Cashflow	6,004,802	9,525,520	4,668,143	2,156,009	3,003,657

Table 3 shows the effects when those differences in the DDB cashflows are discounted at 7 and 3 percent and annualized.

Category	Benefits	
Institutions may not incur compliance costs or costs of obtaining financial protection until the rule is in effect.	Not Quantified	
Category	Costs	
	7%	3%
Continued use of State-law based standard Delay in providing consumer information about institution's performance and practices Potential decreased awareness and usage of closed school and false certification discharges	Not Quantified	
Savings associated with delay in compliance with paperwork requirements.	−9.5	−9.51
Category	Transfers	
	7%	3%
Reduction in transfers from the Federal Government to affected borrowers in the 2017 to 2019 cohorts that would have been partially borne by affected institutions via reimbursements.	−3.5	−3.8
Reduced reimbursements from affected institutions to affected students, via the Federal government as loan cohorts 2017 to 2019 are subject to the existing borrower defense regulation.	−1.2	−1.3
Delay in closed school automatic discharge implementation from 2018 to 2019	−14.8	−14.8

Paperwork Reduction Act of 1995

As indicated in the Paperwork Reduction Act section published in the final regulations, the assessed estimated burden was 253,136 hours, affecting both institutions and individuals, with an estimated annual cost of $9,458,484. The table below identifies the regulatory sections, OMB Control Numbers, estimated burden hours, and estimated costs of the final regulations.

Regulatory section	OMB Control No.	Burden hours	Estimated cost $36.55/hour institution $16.30/hour individual
668.14	1845–0022	1,953	71,382
668.41	1845–0004	5,346	195,396
668.171	1845–0022	3,028	110,673
668.175	1845–0022	60,560	2,213,468
682.211	1845–0020	5,784	211,405
682.402	1845–0020	1,838	67,179
685.222	1845–0142	249 (Individuals)	4,059
685.222	1845–0142	800 (Institutions)	29,240
685.300	1845–0143	179,362	6,555,681
Total		258,920	9,458,484
Cost savings due to delayed effective date excluding 682.211 early implementation allowed.		253,136	9,247,079
Burden remaining		5,784	211,405

This notice of proposed rulemaking delays the effective date of the implementation of all of the cited regulations and would result in a cost savings of the total amount of $9,458,484. However, § 682.211(i)(7) of the final regulations, regarding mandatory forbearance based on a borrower defense claim, with an estimated 5,784 hours and $211,405 cost, as would continue to be designated for early implementation. Lenders may have elected early implementation and, therefore, those specific costs and hours remain applicable and have been subtracted from the overall estimated cost saving. Based on the delayed effective date of July 1, 2019, the revised estimated annual cost savings to institutions and individuals is $9,247,079 ($9,458,484 − $211,405) with an estimated burden hours savings of 253,136 (258,920 − 5,784).

Accessible Format: Individuals with disabilities may obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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List of Subjects

34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

34 CFR Part 674

Loan programs—education, Reporting and recordkeeping requirements, Student aid.

34 CFR Parts 682 and 685

Administrative practice and procedure, Colleges and universities, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: October 16, 2017.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2017–22850 Filed 10–20–17; 4:15 pm]

BILLING CODE 4000–01–P

POSTAL SERVICE

39 CFR Part 20

International Mailing Services: Proposed Product and Price Changes—CPI

AGENCY: Postal Service™.

ACTION: Proposed rule with a request for comments.

SUMMARY: The Postal Service proposes to revise *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM®), to reflect changes in the prices, product features, and classification changes to Mailing Services. These changes would also implement a restriction on the contents of First-Class Mail International® to documents only, to comply with standards established by the Universal Postal Union (UPU).

DATES: We must receive your comments on or before November 24, 2017.

ADDRESSES: Mail or deliver comments to the manager, Product Classification, U.S. Postal Service®, 475 L'Enfant Plaza SW., RM 4446, Washington, DC 20260–5015. You may inspect and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington, DC by appointment only between the hours of 9 a.m. and 4 p.m., Monday through Friday by calling 1–202–268–2906 in advance. Email comments, containing the name and address of the commenter, to: *ProductClassification@usps.gov,* with a subject line of ''January 2018 International Mailing Services Price Change—CPI.'' Faxed comments are not accepted.

FOR FURTHER INFORMATION CONTACT: Paula Rabkin at 202–268–2537.

SUPPLEMENTARY INFORMATION:

Compliance With UPU Standards

On May 31, 2017 (82 FR 24913), the Postal Service filed an advance notice of rulemaking with a request for comments, providing notification of our intention to limit the contents of First-Class Mail International to documents only, in accordance with recent Universal Postal Union (UPU) deliberations. We received one set of comments, requesting that the Postal Service clearly define the difference between documents and merchandise and also requesting that we continue to permit ''goods of nominal value'' in First-Class Mail International. As we move forward with this initiative, with the anticipated effective date of January 21, 2018, to fulfill our commitments under the Universal Postal Union (UPU) Acts, we are clearly defining the difference between documents and merchandise in our revisions to the International Mail Manual; however, we are unable to continue to permit ''goods of nominal value'' sent by known mailers in First-Class Mail International items because, to be consistent with the UPU requirements, we must eliminate goods of any kind from First-Class Mail International letters and flats. Commercial mailers may continue to mail ''goods of nominal value'' in First-Class Package International® Service packages (small packets), International Priority Airmail® (IPA®) service packages (small packets) and International Surface Airlift® (ISAL®) service packages (small packets).

International Price and Service Adjustments

On October 6, 2017, the Postal Service filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective on January 21, 2018. The Postal Service proposes to revise Notice 123, *Price List,* available on Postal Explorer® at *http://pe.usps.com,* to reflect these new price changes. Proposed prices are or will be available under Docket Number R2018–1 on the Postal Regulatory Commission's Web site at *www.prc.gov.*

This proposed rule describes the price and classification changes and the corresponding mailing standards changes for the following market dominant international services:

- First-Class Mail International service.
- International extra services and fees.

First-Class Mail International

We propose no increase in prices for single-piece First-Class Mail International letters, postcards, and flats. The price for a single-piece 1-ounce letter remains $1.15. The First-Class Mail International letter nonmachinable surcharge remains $0.21.

In this filing we are proposing a change, conforming to the requirements of the Universal Postal Convention, limiting the contents of First-Class Mail International postcard, letter, and large envelope (flat) mail to personal correspondence and non-dutiable documents. Merchandise that was formerly carried in First-Class Mail International service will instead be eligible to be contained in First-Class Package International Service pieces or another available service. Because International Priority Airmail (IPA) service, including IPA M-bags, and International Surface Airlift (ISAL) service, including ISAL M-bags, are commercial services designed for volume mailings of all First-Class Mail International postcards, letters, and large envelopes (flats) and First-Class Package International Service packages (small packets), the limiting of the contents of First-Class Mail International postcard, letter, and large envelope (flat) mail discussed above will also apply to International Priority Airmail (IPA) postcard, letter, and large envelope (flat) mail and International Surface Air Lift (ISAL) postcard, letter, and large envelope (flat) mail. (See notice concerning International Competitive Services Product and Prices Changes, Final Rule, concerning new prices posted under Docket CP2018–8 on the Postal Regulatory Commission's Web site, published contemporaneously with this filing.)

International Extra Services and Fees

The Postal Service proposes to increase prices for certain market dominant international extra services including:

- Certificate of Mailing
- Registered Mail™
- Return Receipt
- Customs Clearance and Delivery Fee
- International Business Reply™ Mail Service

Extra Services

CERTIFICATE OF MAILING

	Fee
Individual pieces	
Individual article (PS Form 3817)	$1.40
Duplicate copy of PS Form 3817 or PS Form 3665 (per page)	1.40
Firm mailing sheet (PS Form 3665), per piece (minimum 3) First-Class Mail International only	0.40
Bulk quantities	
For first 1,000 pieces (or fraction thereof)	8.25
Each additional 1,000 pieces (or fraction thereof)	1.03
Duplicate copy of PS Form 3606	1.40

Registered Mail

Fee: $15.50.

Return Receipt

Fee: $4.00.

Customs Clearance and Delivery

Fee: per piece $6.25.

International Business Reply Service

Fee: Cards $1.40; Envelopes up to 2 ounces $1.90

List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

Following the completion of Docket No. R2018–1, the Postal Service will adjust the prices for products and services covered by the International Mail Manual. These prices will be on Postal Explorer at *pe.usps.com.*

Accordingly, although exempt from the notice and comment requirements of the Administrative Procedure Act (5

U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed changes to *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM®), which is incorporated by reference in the *Code of Federal Regulations* in accordance with 39 CFR 20.1, and to associated changes to Notice 123, *Price List.*

PART 20—[AMENDED]

■ 1. The authority citation for 39 CFR Part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM), as follows:

Mailing Standards of the United States Postal Service, International Mail Manual (IMM)

* * * * *

1 International Mail Services

* * * * *

120 Preparation for Mailing

* * * * *

123 Customs Forms and Online Shipping Labels

123.6 Required Usage

123.61 Conditions

* * * * *

Exhibit 123.61

Customs Declaration Form Usage by Mail Category

* * * * *

[Revise the heading and text for the First-Class Mail International section to read as follows:]

Type of item	Declared value, weight, or physical characteristic	Required PS form	Comment (if applicable)
*	*	*	*
First-Class Mail International Letters and Large Envelopes (Flats), as well as International Priority Airmail (IPA) Letters and Large Envelopes (Flats) and International Surface Air Lift (ISAL) Envelopes (Flats)		
All letter-size and flat-size items, as defined in *241.2,* containing only nondutiable documents.	Under 16 ounces 16 ounces or more	None 2976	See *123.63* for additional information concerning ''documents.'' Items containing merchandise must be mailed using Global Express Guaranteed service, Priority Mail Express International service, Priority Mail International service, or First-Class Package International Service; commercial mailers may also use IPA packages (small packets) and ISAL packages (small packets) to mail merchandise. Certain documents controlled by export regulatory agencies may also require customs documentation. See 510–590 and Publication 699 for additional information.
All items containing any goods, regardless of weight.	Prohibited	Prohibited	See *123.63* for additional information concerning ''documents'' and merchandise. Items containing merchandise must be mailed using Global Express Guaranteed service, Priority Mail Express International service, Priority Mail International service, or First-Class Package International Service; commercial mailers may also use IPA packages (small packets) and ISAL packages (small packets) to mail merchandise.
*	*	*	*

[Delete the footnote]

* * * * *

[Revise the heading of 123.63 to read as follows (indicating a separation of documents and merchandise):]

123.63 Separation of Documents and Merchandise

[Revise the text to read as follows (dividing the section into subsections, with 123.631 containing new text that explains the separation between documents and merchandise, 123.632 based on the first part of the previous 123.63, and 123.633 based on the second part of the previous 123.63):]

[Insert a new subheading 123.631 to read as follows:]

123.631 Explanation of Separation

Merchandise consists of items other than documents that are considered potentially dutiable, as well as documents that may be subject to customs duties. Mailers must declare a value and place a customs form on each merchandise item. If any item (merchandise or document) weighs more than 16 ounces, a mailer must place a customs form on it, regardless of the content.

[Insert a new subheading 123.632 to read as follows:]

123.632 Documents

In Exhibit 123.61, the ''Type of Item'' column has several references to ''documents.'' For this purpose, ''documents'' refers only to any piece of written, drawn, or printed information, excluding objects of merchandise. Documents do not include digital and electronic storage media or devices such as CDs, DVDs, or flash drives. Examples of documents include the following:

a. Audit and business records.

b. Personal correspondence.

c. Circulars.

d. Pamphlets.

e. Advertisements.

f. Written instruments not intended to be resold.

g. Money orders, checks, and similar items that cannot be negotiated or converted into cash without forgery.

[Insert a new subheading 123.633 to read as follows:]

123.633 Merchandise

The following are examples of items that are required to bear a customs declaration form and to declare a:

a. CDs, DVDs, flash drives, video and cassette tapes, and other digital and electronic storage media—regardless of whether they are blank or contain electronic documents or other prerecorded media.

b. Artwork.

c. Collector or antique document items.

d. Books.

e. Periodicals.

f. Printed music.

g. Printed educational or test material.

h. Player piano rolls.

i. Commercial engineering drawings.

j. Commercial blueprints.

k. Film.

l. Negatives.

m. X-rays.

n. Separation negatives.

o. Commercial photographs.

* * * * *

141.5 First-Class Mail International

[Revise the first two sentences to read as follows:]

First-Class Mail International is a generic term for mailpieces that are postcard size, letter-size or flat-size and weigh 4 pounds or less. First-Class Mail International items may contain any letter-size or flat-size mailable correspondence or non-dutiable documents that are not prohibited by the destination country.* * *

* * * * *

141.6 First-Class Package International Service

[Revise the second sentence to replace ''registry'' with ''Registered Mail,'' to read as follows:]

At the sender's option, extra services, such as Registered Mail and return receipt, may be added on a country-specific basis.

* * * * *

240 First-Class Mail International

* * * * *

242 Eligibility

242.1 Content Eligibility

[Revise text to read as follows (indicating that only correspondence and non-dutiable documents may be sent by FCMI):]

Subject to applicable weight and size limits, only correspondence and non-dutiable documents that are otherwise acceptable and not prohibited by the Postal Service or the country of destination may be mailed at the First-Class Mail International price.

[Revise the heading of 242.2 to read as follows:]

242.2 Merchandise

[Replace subsections 242.21 and 242.22 with text to read as follows (because no merchandise, neither dutiable as in the previous 242.21 nor non-dutiable as in the previous 242.22, may be mailed with First-Class Mail International service):]

No merchandise, whether dutiable or non-dutiable, may be mailed using First-Class Mail International Service. Items containing merchandise may be sent by Global Express Guaranteed service, Priority Mail Express International service, Priority Mail International service, or First-Class Package International Service; commercial mailers may also use IPA packages (small packets) and ISAL packages (small packets).

* * * * *

243 Prices and Postage Payment Methods

* * * * *

243.3 Permit Imprint —General

[Revise the fourth sentence to read as follows (specifying that the only First-Class Mail International items that require customs forms are letters and flats that weigh more than 16 ounces):]

Mailers may use a permit imprint for mailing identical- or nonidentical-weight First-Class Mail International items. Any of the First-Class Mail International permit imprint formats shown in Exhibit 152.64 is acceptable. Permit imprints must not denote ''bulk mail,'' ''nonprofit,'' or other domestic or special mail markings. For items requiring a customs form (First-Class Mail International letter-size and flat-size mailpieces weighing more than 16 ounces), mailers must also meet the following requirements:* * *

* * * * *

Individual Country Listings

* * * * *

[For every country that accepts Free Matter for the Blind service, revise the first paragraph of the ''Free Matter for the Blind'' text to read as follows (noting that First-Class Mail International service is limited to documents only):]

Free Matter for the Blind (270)

Free when sent as First-Class Mail International (documents only), First-Class Package International Service, Priority Mail International Flat Rate Envelopes, or Priority Mail International Small Flat Rate Priced Boxes. Weight limit: 4 pounds.

* * * * *

[For the following countries, revise the applicable text as noted:]

Afghanistan

* * * * *

Restrictions

[Revise the entry to read as follows:]

Traveler's checks, precious stones, jewelry, and other valuable articles are admitted only in registered First-Class Package International Service shipments.

* * * * *

Aruba

Prohibitions (130)

[Revise the first entry to read as follows:]

Coins; banknotes; currency; securities of any kind payable to bearer; traveler's checks; platinum, gold, and silver (manufactured or not); precious stones; jewelry; and other valuable articles, unless they are sent by First-Class Package International Service with Registered Mail Service.

* * * * *

Benin

* * * * *

Observations

[Revise the first entry to read as follows:]

1. First-Class Package International Service items containing dutiable articles must be registered.

* * * * *

Bonaire, Sint Eustatius, and Saba

Prohibitions (130)

[Revise the first entry to read as follows:]

Coins; banknotes; currency; securities of any kind payable to bearer; traveler's checks; platinum, gold, and silver (manufactured or not); precious stones; jewelry; and other valuable articles, unless they are sent in First-Class Package International Service with Registered Mail service.

* * * * *

Brazil

* * * * *

Restrictions

[Revise the second entry to read as follows:]

Postage stamps are admitted only in First-Class Package International Service with Registered Mail service shipments.

* * * * *

Burkina Faso

* * * * *

Observations

[Revise the entry to read as follows:]

1. First-Class Package International Service items containing dutiable articles must be registered.

* * * * *

Burma

(Myanmar)

* * * * *

Observations

[Revise the first entry to read as follows;]

1. The following may not be sent as merchandise with First-Class Package International Service if they are liable to customs duty: Works of art (including photographs), printed forms, account books, manuscript books, labels, advertising matter (except trade catalogs and circulars), picture books, almanacs, maps, old paper, and old newspapers serving as packing paper.

* * * * *

Cameroon

* * * * *

Restrictions

[Revise the entry to read as follows:]

Banknotes; currency notes; and securities payable to bearer may be sent only as First-Class Package International Service with Registered Mail service.

* * * * *

Canada

Restrictions

[Revise the first entry to read as follows:]

Coins; banknotes; currency notes; securities payable to bearer; traveler's checks; gold, silver, platinum, manufactured or not; jewelry; and other valuable articles may be sent only by First-Class Package International Service with Registered Mail service.

Exceptions:

Coins sent to or from collectors or dealers may be mailed in ordinary (uninsured) parcels.

* * * * *

Cote d'Ivoire (Ivory Coast)

* * * * *

Observations

[Revise the first entry to read as follows:]

1. First-Class Package International Service items containing dutiable articles must be registered.

* * * * *

Curacao

Prohibitions (130)

[Revise the first entry to read as follows:]

Coins; banknotes; currency; securities of any kind payable to bearer; traveler's checks; platinum, gold, and silver (manufactured or not); precious stones; jewelry; and other valuable articles, unless they are sent in registered First-Class Package International Service.

* * * * *

Faroe Islands

* * * * *

Restrictions

[Revise the first entry to read as follows:]

Coins; banknotes; currency notes (paper money); securities payable to bearer; traveler's checks; manufactured and unmanufactured platinum, gold, silver; precious stones; jewelry; and other valuable articles, may only be sent in registered First-Class Package International Service or insured parcels.

* * * * *

French Guiana

* * * * *

Restrictions

[Revise the first entry to read as follows:]

Coins; banknotes; currency notes (paper money); securities payable to bearer; traveler's checks; manufactured and unmanufactured platinum, gold, silver; precious stones; jewelry; and other valuable articles, may only be sent in registered First-Class Package International Service shipments.

* * * * *

French Polynesia (Includes Tahiti)

* * * * *

Restrictions

[Revise the entry to read as follows:]

Banknotes admitted only in registered First-Class Package International Service.

* * * * *

Gambia

* * * * *

Restrictions

[Revise the entry to read as follows:]

Banknotes; currency notes; securities payable to bearer; traveler's checks; manufactured and unmanufactured platinum, gold, silver; precious stones; jewelry; and other valuable articles may be sent only in registered First-Class Package International Service shipments.

* * * * *

Ghana

* * * * *

Restrictions

[Revise the entry to read as follows:]

Banknotes, treasury notes, currency notes, and coins may only be sent in registered First-Class Package International Service shipments from one bank to another.

* * * * *

Greece

Prohibitions

* * * * *

[Revise the third entry to read as follows:]

Coins; traveler's checks; platinum, gold or silver, manufactured or not; precious stones; jewelry; and other valuable articles, except banknotes, currency notes (paper money), and securities payable to bearer may be sent in registered First-Class Package International Service shipments.

* * * * *

Restrictions

[Revise the first entry to read as follows:]

Banknotes, currency notes; and securities payable to bearer may only be sent in registered First-Class Package International Service shipments.

* * * * *

Guadeloupe (Includes Saint Bartholomew and Saint Martin)

* * * * *

Restrictions

[Revise the first entry to read as follows:]

Coins; banknotes; currency notes; securities payable to bearer; traveler's checks; manufactured and unmanufactured platinum, gold, and silver; precious stones; jewels; expensive jewelry; and other valuable articles may only be sent in registered First-Class Package International Service shipments.

* * * * *

Israel

* * * * *

Restrictions

[Revise the first entry to read as follows:]

Coins; banknotes; currency notes (paper money); securities payable to bearer; traveler's checks; platinum, gold or silver, manufactured or not; precious

stones; jewelry; and other valuable articles may only be sent in registered First-Class Package International Service shipments.

* * * * *

[Revise the fifth entry to read as follows:]

Records, films, recording wire, computer cards, QSL cards, and magnetic film are admitted only if sent in First-Class Package International Service shipments.

* * * * *

Italy

* * * * *

Restrictions

* * * * *

[Revise the second entry to read as follows:]

Postage stamps for philatelic purposes are admitted in registered First-Class Package International Service shipments on condition that the package bears a completed PS Form 2976 and the addressee complies with the Italian financial regulations.

* * * * *

Japan

* * * * *

Restrictions

* * * * *

[Revise the second entry to read as follows:]

Coins; banknotes; currency notes (paper money); securities payable to bearer; traveler's checks; platinum, gold or silver, manufactured or not; precious stones; jewelry; and other valuable articles may only be sent in registered First-Class Package International Service shipments or insured Priority Mail International parcels.

* * * * *

Korea, Republic of (South Korea)

* * * * *

Restrictions

[Revise the first entry to read as follows:]

Coins; paper currency; banknotes; currency notes; securities payable to bearer; jewelry; manufactured and unmanufactured platinum, gold, and silver; precious stones; and other valuable articles are admitted only if sent in registered First-Class Package International Service shipments.

* * * * *

Libya

* * * * *

Observations

* * * * *

[Revise the third entry to read as follows:]

3. In accordance with Executive Order 12543 of January 7, 1986, merchandise is limited to donations of articles of food, clothing, medicines, and medical supplies that are intended strictly for medical purposes. First-Class Package International Service items and International Priority Airmail (IPA) items are subject to the content restriction. ISAL service is suspended because transportation is not available.

* * * * *

Macao

* * * * *

Restrictions

[Revise the entry to read as follows:]

Coins; banknotes; currency notes; traveler's checks; securities payable to bearer; platinum, gold or silver, manufactured or not; precious stones; jewelry; and other valuable articles may only be sent in registered First-Class Package International Service shipments.

* * * * *

Mali

* * * * *

Observations

[Revise the first entry to read as follows:]

1. First-Class Package International Service items and Priority Mail International Flat Rate Envelopes containing dutiable articles must be registered.

* * * * *

Namibia

Prohibitions

* * * * *

[Revise the fourth entry to read as follows:]

Diamonds or precious stones except in registered First-Class Package International Service shipments.

* * * * *

Niger

* * * * *

Observations

[Revise the entry to read as follows:]

First-Class Package International Service items containing dutiable articles must be registered.

* * * * *

Oman

* * * * *

Observations

[Revise the entry to read as follows:]

First-Class Package International Service items containing dutiable articles must be registered.

* * * * *

Reunion

* * * * *

Restrictions

[Revise the first entry to read as follows:]

Banknotes; currency notes; and securities payable to bearer may only be sent in registered First-Class Package International Service shipments.

* * * * *

Rwanda

Prohibitions (130)

[Revise the first entry to read as follows:]

Coins, banknotes, currency notes (paper money), traveler's checks, and securities payable to bearer except in registered First-Class Package International Service shipments.

* * * * *

San Marino

* * * * *

Restrictions

[Revise the entry to read as follows:]

Postage stamps for philatelic purposes are admitted in registered First-Class Package International Service shipments on condition that the package bears a completed PS Form 2976 and the addressee complies with the Italian financial regulations.

* * * * *

Senegal

* * * * *

Observations

[Revise the entry to read as follows:]

First-Class Package International Service items containing dutiable articles must be registered.

* * * * *

Sierra Leone

Prohibitions (130)

[Revise the first entry to read as follows:]

Postage stamps, whether used or not, except in registered First-Class Package International Service shipments.

* * * * *

Restrictions

* * * * *

[Revise the second entry to read as follows:]

Coins or precious metal sent in registered First-Class Package

International Service shipments may not exceed L5 in value.

* * * * *

Singapore

Prohibitions (130)

* * * * *

[Revise the fifth entry to read as follows:]

Coins except coins for purposes of ornament; banknotes; currency notes; traveler's checks; securities payable to bearer; precious stones; jewelry; and other valuable articles. However, unmounted precious stones may be sent in registered First-Class Package International Service shipments if authorization is obtained from the Postmaster General of Singapore.

* * * * *

Sint Maarten

Prohibitions (130)

[Revise the first entry to read as follows:]

Coins; banknotes; currency; securities of any kind payable to bearer; traveler's checks; platinum, gold, and silver (manufactured or not); precious stones; jewelry; and other valuable articles, unless they are sent in registered First-Class Package International Service.

* * * * *

Somalia

Prohibitions (130)

* * * * *

[Revise the second entry to read as follows:]

Coins; banknotes; currency; securities of any kind payable to bearer; traveler's checks; platinum, gold, and silver (manufactured or not); precious stones; jewelry; and other valuable articles.

* * * * *

South Africa

Prohibitions (130)

* * * * *

[Revise the fourth entry to read as follows:]

Diamonds or precious stones except in registered First-Class Package International Service shipments.

* * * * *

Observations

* * * * *

[Revise the third entry to read as follows (specifying that only FCPIS with Registered Mail service may be used):]

3. Coins; banknotes; currency notes (paper money); traveler's checks; platinum, gold, and silver (manufactured or not); precious stones; jewelry; and other valuable articles are admitted only in First-Class Package International Service with Registered Mail service shipments.

* * * * *

Sudan

* * * * *

Restrictions

[Revise the entry to read as follows:]

Banknotes greater than 2 Sudanese pounds in value are admitted ONLY in registered First-Class Package International Service shipments.

* * * * *

Taiwan

* * * * *

Observations

[Revise the first entry to read as follows:]

1. First-Class Package International Service items containing dutiable articles must be registered.

* * * * *

Tanzania

* * * * *

Restrictions

[Revise the entry to read as follows:]

Coins must not exceed 100 shillings in value and must be sent in registered First-Class Package International Service shipments.

* * * * *

Togo

Prohibitions (130)

* * * * *

[Revise the third entry to read as follows:]

Banknotes, currency notes, securities payable to bearer, traveler's checks, may only be sent in registered First-Class Package International Service shipments. * * *

* * * * *

Uganda

* * * * *

Restrictions

[Revise the first entry to read as follows:]

Coins; banknotes; currency notes (paper money); securities payable to bearer; traveler checks; platinum, gold or silver, manufactured or not; precious stones, jewelry; and other valuable articles, may only be sent in registered First-Class Package International Service shipments.

* * * * *

Ukraine

* * * * *

Restrictions

[In the first entry, revise item e to read as follows:]

1. In order to be admissible, the food items listed below must* * * (e) be shipped in quantities not to exceed 2 kilograms (4 pounds) when enclosed in a First-Class Package International Service shipment* * *.

* * * * *

Yemen

* * * * *

Restrictions

* * * * *

[Revise the second entry to read as follows:]

Coins, banknotes, currency notes, securities payable to bearer, and traveler's checks may only be sent in registered First-Class Package International Service shipments.

* * * * *

Zambia

* * * * *

Restrictions

[Revise the first entry to read as follows:]

Coins; paper currency; banknotes; currency notes; securities payable to bearer; jewelry; manufactured and unmanufactured platinum, gold, and silver; precious stones; and other valuable articles are admitted only if sent in registered First-Class Package International Service shipments.

* * * * *

New prices will be listed in the updated Notice 123, *Price List.*

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2017–22749 Filed 10–23–17; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0342; FRL–9969–82–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pennsylvania's Adoption of Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the

state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania (the Commonwealth) for the purpose of adopting EPA's control technique guidelines (CTG) for automobile and light-duty truck assembly coatings. In the Final Rules section of this issue of the **Federal Register**, EPA is approving the Commonwealth's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of the Commonwealth's submittal and EPA's evaluation is included in a technical support document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document or is also available electronically within the Docket for this rulemaking action. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by November 24, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0342 at *http://www.regulations.gov,* or via email to *stahl.cynthia@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the ''For Further Information Contact'' section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Joseph Schulingkamp, (215) 814–2021, or by email at *schulingkamp.joseph@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this issue of the **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: September 26, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2017–22943 Filed 10–23–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 170324313–7313–01]

RIN 0648–BG77

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic Region; Amendment 41

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in Amendment 41 to the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region (Snapper-Grouper FMP), as prepared and submitted by the South Atlantic Fishery Management Council (South Atlantic Council). If implemented, this proposed rule would revise commercial and recreational annual catch limits (ACLs), the minimum size limit, commercial trip limits, and the recreational bag limit for mutton snapper in the South Atlantic based on the results of the most recent stock assessment. The purpose of this proposed rule is to ensure that mutton snapper is managed based on the best scientific information available to achieve optimum yield (OY) and to prevent overfishing, while minimizing adverse social and economic effects to the extent practicable.

DATES: Written comments on the proposed rule must be received by November 24, 2017.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2017–0103,'' by either of the following methods:

- *Electronic submission:* Submit all electronic comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0103, click the ''Comment Now!''* icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Mary Vara, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in required fields if you wish to remain anonymous).

Electronic copies of Amendment 41 may be obtained from *www.regulations.gov* or the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov*. Amendment 41 includes an environmental assessment, regulatory impact review, Regulatory Flexibility Act (RFA) analysis, and fishery impact statement.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *mary.vara@noaa.gov*.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery in the South Atlantic region is managed under the FMP and includes mutton snapper, along with other snapper-grouper species. The Snapper-Grouper FMP was prepared by the South Atlantic Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens

Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Magnuson-Stevens Act requires that NMFS and regional fishery management councils prevent overfishing and achieve, on a continuing basis, the OY from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act requires fishery management councils to minimize bycatch and bycatch mortality to the extent practicable.

Mutton snapper are harvested throughout the Gulf of Mexico (Gulf) and South Atlantic, although harvest predominately occurs around the Florida Keys. In the South Atlantic, mutton snapper are part of the snapper-grouper fishery, and the South Atlantic Council manages this fishery under the Snapper-Grouper FMP. In the Gulf, mutton snapper are part of the reef fish fishery, and the Gulf of Mexico Fishery Management Council (Gulf Council) manages this fishery under the FMP for Reef Fish Resources of the Gulf of Mexico. The jurisdictional boundary between the South Atlantic and Gulf Councils is specified at 50 CFR 600.105(c), and is located approximately in the Florida Keys (Monroe County, FL). The mutton snapper stock in the Gulf and South Atlantic was assessed in 2008 (Southeast Data, Assessment, and Review 15A (SEDAR 15A)), with a single acceptable biological catch (ABC) that covers both councils' areas of jurisdiction. The South Atlantic and Gulf Councils, with the advice of their Scientific and Statistical Committees (SSCs), apportioned this total ABC between the councils' FMPs based on historical landings. The final rules for the South Atlantic Council's Comprehensive ACL Amendment (77 FR 15916, March 16, 2012) and the Gulf Council's Generic ACL Amendment (76 FR 82044, December 29, 2011) allocated the total mutton snapper ABC as 82 percent in the South Atlantic and 18 percent in the Gulf.

In 2015, there was an update to SEDAR 15A for the mutton snapper stock in the South Atlantic and Gulf using data through 2013 (SEDAR 15A Update). The SEDAR 15A Update indicated that in the South Atlantic and Gulf, the mutton snapper stock is neither overfished nor undergoing overfishing. However, improvements to the modeling approach used in the SEDAR 15A Update resulted in smaller population estimates than demonstrated in SEDAR 15A. The South Atlantic and Gulf Councils' SSCs reviewed the SEDAR 15A Update and recommended a reduction in the stock's total ABC. Based on results from the SEDAR 15A Update and recommendations from its SSC, the South Atlantic Council is taking action through Amendment 41 and this proposed rule to revise its management of mutton snapper in the South Atlantic. The Gulf Council is also examining management alternatives for mutton snapper in the Gulf exclusive economic zone (EEZ), through a framework amendment to the FMP for Reef Fish Resources of the Gulf of Mexico.

Management Measures Contained in This Proposed Rule

This proposed rule would revise the mutton snapper ACLs for the commercial and recreational sectors in the South Atlantic, increase the minimum size limit for mutton snapper in the commercial and recreational sectors, and modify the commercial trip limit and the recreational bag limit. Unless otherwise noted, all weights described in this proposed rule are in round weight.

Commercial and Recreational ACLs

The current total ABC for mutton snapper in the South Atlantic and Gulf jurisdictions is 1,130,000 lb (512,559 kg). Based on the South Atlantic and Gulf Councils' agreed apportionment of the mutton snapper ABC between their FMPs, the current ABC for mutton snapper in the South Atlantic is 926,600 lb (420,299 kg), and the South Atlantic Council set the ABC equal to the OY and the total ACL. The South Atlantic Council then further allocated the total ACL between the commercial sector (17.02 percent) and recreational sector (82.98 percent), resulting in the commercial ACL of 157,743 lb (71,551 kg) and the recreational ACL of 768,857 lb (348,748 kg). Amendment 41 and this proposed rule would revise the ABC and the commercial and recreational mutton snapper ACLs in the South Atlantic for the 2017 through the 2020 and subsequent fishing years, consistent with the existing apportionment between the two councils' FMPs and the existing sector allocations.

As described in Amendment 41, the South Atlantic Council's SSC recommended that the ABC be specified in numbers of fish, based on landing projections from the stock assessment. The South Atlantic Council agreed with this recommendation for the ABC, but specified the commercial ACL in pounds and the recreational ACL in numbers of fish because commercial landings are already tracked in pounds, while recreational landings are tracked in numbers of fish. In addition, because Amendment 41 and this proposed rule would increase the minimum size limit for mutton snapper, the South Atlantic Council was concerned that specifying the recreational ACL in pounds could increase the risk of exceeding the recreational ACL if the method for converting the ACL in numbers to pounds does not sufficiently address the change in average weight of larger, heavier fish. Therefore, the South Atlantic Council determined that there would be a reduced risk of exceeding the recreational ACL as a result of an increase in the minimum size limit if the ABC and recreational ACL were specified in numbers of fish. Because the current ABC and recreational ACL are specified in pounds, and the new ABC and recreational ACL are specified in numbers of fish, Appendix J to Amendment 41 includes a detailed account of the methodology used to specify the ABC and recreational ACL for mutton snapper in numbers of fish. As a reference for comparing numbers of fish to pounds of fish, the average weight of a recreationally harvested mutton snapper in 2017 is approximately 4.2 lb (1.9 kg) per fish. The average weight of a commercially harvested mutton snapper is 7.68 lb (3.5 kg) per fish.

To determine the commercial ACL in pounds, the commercial sector allocation of 17.02 percent was applied to the total ACL in pounds (which equals the ABC). The proposed commercial ACLs for mutton snapper are 100,015 lb (45,366 kg) for 2017, 104,231 lb (47,278 kg) for 2018, 107,981 lb (48,979 kg) for 2019, and 111,354 lb (50,509 kg) for 2020 and subsequent fishing years.

To determine the recreational ACL in numbers, the recreational sector ACL of 82.98 percent was applied to the total ACL in pounds. That value was divided by approximately 4.2 lb (1.9 kg) per fish to determine the recreational ACL in numbers of fish. The proposed recreational ACLs for mutton snapper are 116,127 fish for 2017, 121,318 fish for 2018, 124,766 fish for 2019, and 127,115 fish for 2020 and subsequent fishing years.

The ABC (equal to the total ACL for mutton snapper) in numbers of fish is the sum of the commercial and recreational ACLs in numbers of fish. To determine the ABC in numbers of fish, the commercial ACL in pounds was divided by 7.68 lb (3.5 kg) per fish and

added to the recreational ACL in numbers. Based on results from the SEDAR 15A Update and the SSC's recommended ABC, Amendment 41 would decrease the ABC for mutton snapper in the South Atlantic to 129,150 fish for the 2017 fishing year, 134,890 fish for 2018, 138,826 fish for 2019, and 141,614 fish for 2020 and subsequent fishing years.

Minimum Size Limit

The current minimum size limit for the commercial and recreational sectors of mutton snapper is 16 inches (40.6 cm), total length (TL), and this proposed rule would increase the minimum size limit to 18 inches (45.7 cm), TL. Recent scientific information indicates that the size at which 50 percent of mutton snapper are sexually mature is 16 inches (40.6 cm), TL, for males and 18 inches (45.7 cm), TL, for females. Increasing the minimum size limit to 18 inches (45.7 cm), TL, would allow more individual mutton snapper to reach reproductive activity before being susceptible to harvest, and is also projected to increase the average size and the corresponding average weight of fish harvested.

Commercial Trip Limits

Currently, there is no year-round commercial trip limit for mutton snapper in the South Atlantic. However, during May and June of each year, there is a seasonal harvest limitation (equivalent to a commercial trip limit) for the possession of mutton snapper in or from the EEZ on board a vessel that has a Federal commercial permit for South Atlantic snapper-grouper. During these two months, the commercial harvest of mutton snapper is limited to 10 per person per day or 10 per person per trip, whichever is more restrictive (50 CFR 622.184(b)).

Amendment 41 and this proposed rule would replace the current seasonal harvest limitation for the commercial sector each year in May and June, and would implement commercial trip limits for the purposes of maintaining a year-round commercial fishing season and reducing harvest on mutton snapper when they aggregate to spawn. During the mutton snapper spawning months of April through June, this proposed rule would establish a commercial trip limit of five fish per person per day or five fish per person per trip, whichever is more restrictive. For the remainder of the year (January through March and July through December), this proposed rule would establish a 500-lb (227-kg) commercial trip limit.

Recreational Bag Limit

Currently, mutton snapper is part of the 10 snapper combined recreational bag limit in the South Atlantic that applies throughout the fishing year (50 CFR 622.187(b)(4)). Through this proposed rule, mutton snapper would remain within the 10 snapper combined recreational bag limit in the South Atlantic, but a recreational bag limit of 5 mutton snapper per person per day would apply within the overall 10 snapper combined bag limit, year-round. Amendment 41 and this proposed rule would modify the bag limit for the purposes of maintaining a year-round recreational fishing season and reducing harvest on mutton snapper spawning aggregations.

Management Measures Contained in Amendment 41 But Not Codified Through This Proposed Rule

In addition to the management measures codified through this proposed rule, and the ABC that was previously described, Amendment 41 would specify the maximum sustainable yield (MSY), minimum stock size threshold (MSST), and recreational annual catch targets (ACTs) for mutton snapper, as well as designating spawning months.

Maximum Sustainable Yield and Minimum Stock Size Threshold

Currently, the MSY for mutton snapper in the South Atlantic equals the yield produced by the fishing mortality rate at MSY (F_{MSY}) (where F equals fishing mortality that if applied constantly, would achieve MSY under equilibrium conditions). The F_{MSY} proxy is $F_{30\neq SPR}$, or the fishing mortality that will produce a static spawning per recruit. Amendment 41 would change the MSY definition to the yield produced by F_{MSY} or the F_{MSY} proxy, with the MSY and F_{MSY} proxy recommended by the most recent stock assessment. If this MSY definition is implemented, future MSY numerical values could be updated following a stock assessment, SSC review and recommendation, and acceptance of that recommendation by the South Atlantic Council. Currently, MSY numerical values for mutton snapper are not specified because the South Atlantic Council did not specify the MSY estimate from SEDAR 15A. Based on the SEDAR 15A Update and the new MSY definition, the resulting MSY for mutton snapper stock in the South Atlantic would be 912,500 lb (413,903 kg).

Currently, the MSST is equal to the spawning stock biomass at MSY (SSB_{MSY})*(1–M) or 0.5, whichever is greater (where M equals natural mortality). Amendment 41 would change the MSST definition to 75 percent of SSB_{MSY}, which results in an MSST of 3,486,900 lb (1,581,631 kg). The SEDAR 15A Update estimated the natural mortality for mutton snapper at 0.17, and the proposed MSST for mutton snapper in Amendment 41 is consistent with how the South Atlantic Council has defined MSST for other snapper-grouper stocks with similarly low natural mortality estimates.

Recreational ACTs

The current recreational ACT for South Atlantic mutton snapper is 668,906 lb (303,411 kg). Amendment 41 would specify a recreational ACT (equal to 85 percent of the recreational ACL) of 98,708 fish for 2017. The recreational ACT would increase annually from 2017 through 2020, and would remain in effect until modified. The recreational ACT would be 103,121 fish for 2018, 106,051 fish for 2019, and 108,048 fish for 2020 and subsequent fishing years. NMFS notes that the current and proposed recreational ACTs are used only for monitoring purposes and do not trigger a recreational accountability measure.

Spawning Months

Currently, there is no designated spawning season for mutton snapper in the South Atlantic; however, to protect spawning fish, a May through June seasonal harvest limitation applies to vessels with a Federal commercial permit for South Atlantic snapper-grouper, and there are no similar management measures in place to constrain recreational harvest in May and June. Amendment 41 would designate April through June as spawning months, during which the proposed commercial trip limits, would apply. The South Atlantic Council considered additional recreational management measures specific to the proposed spawning months but chose to reduce the bag limit year-round instead.

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 41, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable laws, 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 statutory basis for this proposed

rule. No duplicative, overlapping, or conflicting Federal rules have been identified. A description of this proposed rule and its purpose and need are contained in the preamble and in the **SUMMARY** section of the preamble.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. An RFA analysis and later a supplemental RFA analysis were conducted for this proposed rule and the factual basis for this certification is as follows.

This proposed rule affects commercial and recreational fishing for mutton snapper in the South Atlantic EEZ. Recreational fishermen (anglers) are not considered ''small entities'' as that term is defined in 5 U.S.C. 601(6). Consequently, estimates of the number of anglers directly affected by this proposed rule and the impacts on them are not provided here.

An annual average of 274 federally permitted commercial fishing vessels harvested mutton snapper in the South Atlantic from 2010 through 2014, and it is estimated that 230 businesses own these commercial fishing vessels. During that 5-year period, which represents the best scientific information available for landings and nominal revenues of mutton snapper, the average vessel that harvests mutton snapper lands an average of 217 lb (98 kg), gutted weight, of the species annually with a dockside value of $655 (2015 dollars used throughout this analysis). That average vessel's annual dockside revenue from all landings is $54,078, and mutton snapper landings represent 1.2 percent of the average annual dockside revenue from all landings.

For RFA purposes, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily involved in commercial fishing (NAICS 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts are not in excess of $11 million for all of its affiliated operations worldwide. Based on the above estimate of average annual revenue for a vessel that lands mutton snapper, it is expected that most to all of the 230 businesses are small.

Amendment 41 would specify the MSY, MSST, and OY for mutton snapper. None of these actions would have a direct economic impact on any small business, and any indirect impacts would be dependent on subsequent actions.

The proposed rule would reduce the commercial ACL for mutton snapper from 157,743 lb (71,551 kg) to 100,015 lb (45,366 kg), round weight, in the 2017 fishing year. Subsequently, the commercial ACL would increase annually up to 111,354 lb (50,509 kg), round weight, in the 2020 and subsequent fishing years. Since 2012, annual total commercial landings of mutton snapper have been less than 93,000 lb (42,184 kg), round weight. Therefore, the proposed commercial ACL is expected to have no impact on small businesses.

The proposed rule would increase the minimum size limit for mutton snapper from 16 inches (41 cm) to 18 inches (46 cm), TL. The minimum size limit increase could reduce average annual landings by 3.8 percent. With average annual landings of 217 lb (98 kg), gutted weight, of mutton snapper per vessel, a 3.8 percent reduction in mutton snapper landings would reduce the average vessel's landings of mutton snapper by approximately 8 lb (4 kg), gutted weight, and its dockside revenue by $24.82 annually. That loss represents approximately 0.05 percent of the average vessel's annual dockside revenue from all landings ($54,078).

Amendment 41 would designate April, May, and June as spawning months and the proposed rule would establish a commercial trip limit for each person of 5 mutton snapper per day or per trip, whichever is more restrictive, during those 3 months. There is currently a seasonal harvest limitation (equivalent to a commercial trip limit), for a vessel with a Federal commercial permit for South Atlantic snapper-grouper, for each person of 10 mutton snapper per day or per trip, whichever is more restrictive, during May and June each year, and no commercial trip limit during the rest of the year. Based on the average numbers of 2 crew members and 2 days per commercial trip for those vessels that landed mutton snapper in all months every year from 2010 through 2014, NMFS expects the limit of 5 mutton snapper per person per commercial trip would be the more restrictive limit.

NMFS estimates the maximum number of mutton snapper that could be landed by a vessel during the three designated spawning months with the average number of crew, regardless of gear, would be equal to or greater than the expected number of mutton snapper that would be landed during those months. Therefore, the commercial trip limit during the spawning months is expected to have no impact on small businesses.

The proposed rule would establish a commercial trip limit of 500 lb (227 kg), round weight, of mutton snapper per trip during the 9 non-spawning months of the fishing year. From 2010 through 2014, an annual average of 4 vessels collectively made 7 trips that landed more than 500 lb (227 kg), round weight, of mutton snapper. The four vessels and seven trips represent 1.5 percent of the average annual vessels and 0.5 percent of the average annual trips that landed mutton snapper. The four vessels also represent up to 1.7 percent of the small businesses that could be directly affected by the proposed rule. NMFS estimates these 4 vessels would lose an average weight of mutton snapper landings 425 lb (193 kg), gutted weight, for each trip over the 500 lb (227 kg), round weight, limit, and their combined losses would be 2,975 lb (1,349 kg) gutted weight, annually. The average annual loss for each these 4 vessels would be approximately 744 lb (337 kg), gutted weight, with a dockside value of $2,239. That decrease represents approximately 4.1 percent of the average annual dockside revenue for all vessels that land mutton snapper; however, these four vessels have much higher than average landings and are expected to have annual revenues higher than the average.

In conclusion, NMFS estimates 98.5 percent of the vessels and approximately 99 percent of the small businesses would have a 0.05 percent decrease in average annual total dockside revenue because of this proposed rule. NMFS also estimates 1.5 percent of the vessels and approximately 1 percent of the small businesses that land over 500 lb (227 kg), round weight, of mutton snapper in a trip could experience a decrease in annual revenue of up to 4.1 percent; however, that percentage is based on the average vessel that lands mutton snapper and these 4 vessels have above average landings and revenues.

Because this proposed rule would not have a significant economic effect on a substantial number of small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

No new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule. Accordingly, this proposed rule does not implicate the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Mutton snapper, South Atlantic.

Dated: October 18, 2017.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

§ 622.184 [Amended]

■ 2. In § 622.184, remove and reserve paragraph (b).

■ 3. In § 622.185, revise paragraph (a)(4) to read as follows:

§ 622.185 Size limits.

* * * * *

(a) * * *

(4) *Mutton snapper*—18 inches (45.7 cm), TL.

* * * * *

■ 4. In § 622.187, revise paragraph (b)(4) to read as follows:

§ 622.187 Bag and possession limits.

* * * * *

(b) * * *

(4) *Snappers, combined*—10. (i) Within the 10-fish bag limit, no more than 5 fish may be mutton snapper.

(ii) Excluded from this 10-fish bag limit are cubera snapper, measuring 30 inches (76.2 cm), TL, or larger, in the South Atlantic off Florida, and red snapper and vermilion snapper. (See § 622.181(b)(2) for the prohibitions on harvest or possession of red snapper, except during a limited recreational fishing season, and § 622.181(c)(1) for limitations on cubera snapper measuring 30 inches (76.2 cm), TL, or larger, in or from the South Atlantic EEZ off Florida.)

* * * * *

■ 5. In § 622.191, add paragraph (a)(13) to read as follows:

622.191 Commercial trip limits.

* * * * *

(a) * * *

(13) *Mutton snapper.* The following commercial trip limits apply until the applicable commercial ACL in § 622.193(o)(1)(iii) is reached. See § 622.193(o)(1) for the limitations regarding mutton snapper after the commercial ACL is reached.

(i) From January 1 through March 31, and July 1 through December 31—500 lb (227 kg), round weight.

(ii) From April 1 through June 30—5 fish per person per day or 5 fish per person per trip, whichever is more restrictive.

* * * * *

■ 7. In § 622.193, revise paragraph (o) to read as follows:

§ 622.193 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(o) *Mutton snapper*—(1) *Commercial sector.* (i) If commercial landings for mutton snapper, as estimated by the SRD, reach or are projected to reach the applicable commercial ACL specified in paragraph (o)(1)(iii) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of mutton snapper is prohibited and harvest or possession of mutton snapper in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for mutton snapper, as estimated by the SRD, exceed the applicable commercial ACL specified in paragraph (o)(1)(iii) of this section, and the applicable combined commercial and recreational ACL specified in paragraph (o)(3) of this section is exceeded during the same fishing year, and the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(iii) The commercial ACLs for the following fishing years are given in round weight. For 2017—100,015 lb (45,366 kg); for 2018—104,231 lb (47,278 kg); for 2019—107,981 lb (48,979 kg); for 2020 and subsequent fishing years—111,354 lb (50,509 kg).

(2) *Recreational sector.* (i) If recreational landings for mutton snapper, as estimated by the SRD, reach or are projected to reach the applicable recreational ACL specified in paragraph (o)(2)(iii) of this section, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for mutton snapper in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for mutton snapper, as estimated by the SRD, exceed the applicable recreational ACL specified in paragraph (o)(2)(iii) of this section, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the applicable combined commercial and recreational ACL specified in paragraph (o)(3) of this section is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for mutton snapper in or from the South Atlantic EEZ are zero.

(iii) The recreational ACLs for the following fishing years are given in numbers of fish. For 2017—116,127; for 2018—121,318; for 2019—124,766; for 2020 and subsequent fishing years—127,115.

(3) The combined commercial and recreational ACLs for the following fishing years are given in round weight. For 2017—587,633 lb (266,546 kg); for 2018—612,401 lb (277,780 kg); for 2019—634,435 lb (287,775 kg); for 2020 and subsequent fishing years—654,257 lb (296,766 kg).

* * * * *

[FR Doc. 2017–23002 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 82, No. 204

Tuesday, October 24, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: U.S. Agency for International Development (USAID).

ACTION: Notice of a request for comments regarding a renewal information collection.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, we are seeking comment on the development of the following proposed Generic Information Collection Request (Generic ICR): ''Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' for approval under the Paperwork Reduction Act (PRA). This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection. This option is a fast track for approval to streamline the timing to implement certain types of surveys and related collection of information. USAID uses the approval to cover the instruments of collection (such as a survey, a window pop-up survey, a focus group, or a comment card), which are designed to get customer feedback on USAID service delivery for various programs. This request for approval broadly addresses USAID's need for information about what our customers think of our services so that we can improve service delivery; specific information collection activities will be incorporated into the approval as the need for the information is identified. For example, when we implement a new program and provide information about the services for the program on our Web site, we may provide a voluntary customer service questionnaire about how well the program is working for our customers, specifically within the area of customer service. USAID is requesting to increase the number of respondents in the fast track approval due to an anticipated increase in the number of customer respondents responding to customer service surveys that will be sent to a broader scope and greater number of USAID customers.

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: Submit comments by one of the following methods:

Web site: www.regulations.gov.

Mail comments to: Bureau for Management, Office of Management Services, Information and Records Division M/MS/IRD, by mail to U.S. Agency for International Development, Ronald Reagan Building, Room 2.7 C, 1300 Pennsylvania Ave. NW., Washington, DC 20523–2701, or by email to *recordsinquiry@usaid.gov.*

Comments submitted in response to this notice may be made available to the public through *www.regulations.gov.* For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Sylvia Joyner, Bureau for Management, Office of Management Services, Information and Records Division, U.S. Agency for International Development, Washington, DC 20523–2701: Tel 202–712–5007 or via email *sjoyner@usaid.gov.*

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Needs and Uses: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable. The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary.
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government.
- The collections are noncontroversial and do not raise issues of concern to other Federal agencies.
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future.
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained.
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency.

• Information gathered will not be used for the purpose of substantially informing influential policy decisions.

• Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: Processing Information Collection as Fast Track Generic.

Type of Review: Renewal.

Affected Public: Individuals or Households; Business or Other For-Profit; Not-For-Profit Institutions; Farms; Federal Government; State, Local, or Tribal Government.

Estimated Annual Number of Respondents: 10,000.

Below we provide projected average burden estimates for the next three years:

Average Expected Annual Number of Activities: 100.

Average Number of Respondents per Activity: 1,000.

Responses per Respondent: 1.

Annual Responses: 10,000.

Average Minutes per Response: 10 minutes.

Annual Burden Hours: 10,000 hours.

Frequency: On occasion.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. 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. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov*. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget Control Number.

Dated: October 16, 2017.

Paulette Murray,

Supervisory Records Information Management Specialist, Bureau for Management, Office of Management Services, Information and Records Division.

[FR Doc. 2017–23018 Filed 10–23–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 19, 2017.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by November 24, 2017. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Plan for Estimating Daily Livestock Slaughter under Federal Inspection.

OMB Control Number: 0581–0050.

Summary of Collection: The Agriculture Marketing Act of 1946 (7 U.S.C. 1621–1627) Section 203(g), directs and authorizes the collection and dissemination of marketing information, including adequate outlook information on a market area basis, for the purpose of anticipating and meeting consumer requirements aiding in the maintenance of farm income and to bring about a balance between

production and utilization. Livestock, Poultry, and Grain market news provides a timely exchange of accurate and unbiased information on current marketing conditions (supply, demand, prices, trends, movement, and other information) affecting trade in livestock, poultry, meats, eggs, grain, hay and wool. Administered by the U.S. Department of Agriculture's Agricultural Marketing Service (AMS), this nationwide market news program is conducted in cooperation with approximately 28 State departments of agriculture.

Need and Use of the Information: AMS will collect information on estimation of the current day's slaughter at their plant(s) and the actual slaughter of the previous day. The report is used to make market outlook projections and maintain statistical data. The up-to-the-minute reports collected and disseminated by professional market reporters are intended to provide both buyers and sellers with the information necessary for making intelligent, informed marketing decisions, thus putting everyone in the marketing system in an equal bargaining position. Since the government is a large purchaser of meat, a system to monitor the collection and reporting of data is needed. Collecting this information less frequently would hinder the timely use of this data.

Description of Respondents: Business or other for-profit; Individuals or households; Farms.

Number of Respondents: 58.

Frequency of Responses: Reporting; Weekly; Other: Daily.

Total Burden Hours: 502.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–22991 Filed 10–23–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 19, 2017.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by November 24, 2017. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Honey and Honey Bee Surveys.

OMB Control Number: 0535–0153.

Summary of Collection: The National Agricultural Statistics Service (NASS) primary function is to prepare and issue State and national estimates of crop and livestock production, products, prices and disposition. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. Domestic honeybees are critical to the pollination of U.S. crops, especially fruits, some nuts, vegetables and some specialty crops. Africanized bees, colony collapse disorder, parasites, diseases, and pesticides threaten the survival of bees. Programs are provided by federal, State and local governments to assist in the survival of bees and to encourage beekeepers to maintain bee colonies.

With this renewal NASS is incorporating the two surveys (operations with fewer than 5 colonies and operations with 5 or more colonies) conducted under the 0535–0255 Colony Loss collection with the honey production surveys included in this docket. NASS is also revising the title of this collection to Honey and Honey Bee Surveys.

Need and Use of the Information: NASS will collect information on the number of colonies, honey production, stocks, and prices from beekeepers with five or more honey bee colonies and from a sampling of beekeepers that have less than five colonies. The survey will provide data needed by the Department and other government agencies to administer programs and to set trade quotas and tariffs. Without the information agricultural industry would not be aware of changes at the State and national level.

Description of Respondents: Farms.

Number of Respondents: 19,025.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 10,274.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–22990 Filed 10–23–17; 8:45 am]

BILLING CODE 3410–20–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Montana 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), that a planning meeting of the Montana Advisory Committee to the Commission will convene at 11:00 a.m. (MDT) on Tuesday, October 24, 2017, via teleconference. The purpose of the meeting is continue to plan to hear testimony on border town discrimination issues in Montana.

DATES: Tuesday, October 24, 2017, at 11:00 a.m. (MDT).

ADDRESSES: To be held via teleconference:

Conference Call Toll-Free Number: 1–877–419–6600, Conference ID: 5627103.

TDD: Dial Federal Relay Service 1–800–977–8339 and give the operator the above conference call number and conference ID.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, *ebohor@usccr.gov,* 303–866–1040.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the

discussion by dialing the following Conference Call Toll-Free Number: 1–877–419–6600; Conference ID: 5627103. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. 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 phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–977–8339 and provide the FRS operator with the Conference Call Toll-Free Number: 1–877–419–6600, Conference ID: 5627103. Members of the public are invited to submit written comments; the comments must be received in the regional office by Friday, November 24, 2017. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1050, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://facadatabase.gov/committee/meetings.aspx?cid=259* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. 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 Rocky Mountain Regional Office at the above phone number, email or street address.

Agenda

- Welcome and Roll-call
  Gwen Kircher, Chair, Montana Advisory Committee
- Introductions
- Brief update on Commission and Region Activities
- Discuss current civil rights issues of importance in the state
- Next Steps
- Open Comment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of limited staffing and no DFO availability.

Dated: October 19, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–23037 Filed 10–23–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 170912889–7889–01]

Annual Business Survey

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of consideration and request for comments.

SUMMARY: Notice is hereby given that the Bureau of the Census (Census Bureau) is considering a proposal to conduct an Annual Business Survey (ABS). Based on information and recommendations received by the Census Bureau, we understand that the data have significant application to the needs of other government agencies and the public. The ABS will provide the only comprehensive data on business owner demographics and business characteristics, including financing, research and development (for microbusinesses), and innovation. These data are not publicly available from nongovernment or other governmental sources.

DATES: Written comments on this notice must be submitted on or before November 24, 2017.

ADDRESSES: Please direct all written comments to Aneta Erdie, U.S. Census Bureau, Economic Reimbursable Surveys Division (ERD), 6H139, Washington, DC 20233–6600, (301) 763–4841, *Aneta.Erdie@census.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patrice Norman, U.S. Census Bureau, ERD, 8K151, Washington, DC 20233–6600, (301) 763–7198, *Patrice.C.Norman@census.gov.*

SUPPLEMENTARY INFORMATION: The Census Bureau, with support from the National Science Foundation (NSF), is considering a plan to conduct an ABS for the 2017–2021 survey years. The Proposed ABS will be conducted under the authority of Title 13, United States Code, Sections 8(b), 131, and 182; and Title 42, United States Code, Sections 1861–76 (National Science Foundation Act of 1950, as amended). The ABS is a new survey designed to combine Census Bureau firm-level collections to reduce respondent burden, increase data quality, reduce operational costs, and operate more efficiently. The ABS replaces the five-year Survey of Business Owners (SBO) for employer businesses, the Annual Survey of Entrepreneurs (ASE), and the Business Research and Development (R&D) and Innovation for Microbusinesses (BRDI–M) surveys. The SBO has been conducted as part of the economic census every five years since 1972 to collect selected economic and demographic characteristics for businesses and business owners by gender, ethnicity, race, and veteran status for both employer and nonemployer businesses. The ASE was conducted for three reference years (2014, 2015, and 2016) as a supplement to the SBO to provide more frequent data on economic and demographic characteristics for businesses and business owners by gender, ethnicity, race, and veteran status for employer businesses. The BRDI–M survey was first fielded in 2016 as an expansion to the Business R&D and Innovation Survey (BRDI–S) to measure firm innovation and investigate the incidence of R&D activities in growing sectors, such as small business enterprises not covered by BRDI–S.

Government program officials, industry organization leaders, economic and social analysts, business entrepreneurs, and domestic and foreign researchers in academia, business, and government will use statistics from the new ABS. Estimates produced on owner demographic data may be used to assess business assistance needs in order to allocate available program resources, and to create a framework for planning, directing, and assessing programs that promote the activities of disadvantaged groups. Estimates also may be used to assess minority-owned businesses by industry and area; to educate industry associations, corporations, and government entities; to analyze business operations in comparison to similar firms; to compute market share; and, to assess business growth and future prospects. Estimates produced on R&D and innovation may be used to compare R&D costs across industries, determine where R&D activity is conducted geographically, and identify the types of businesses with R&D. Estimates may be used to contribute to the Bureau of Economic Analysis (BEA) system of national accounts; to increase investments in research and development; to strengthen education and encourage entrepreneurship; and to

compare business innovation in the United States to that of other countries.

The ABS would cover all domestic, nonfarm employer businesses with operations during the survey year. Nonemployer businesses would not be within the scope of the ABS. The Census Bureau will submit a separate request for approval to collect business and owner characteristics from nonemployer businesses if it is determined that a collection is needed to produce those estimates.

The ABS would collect the following information from employer businesses:

—Owner characteristics, including the gender, ethnicity, race, and veteran status of the principal owner(s) from all firms in the sample;
—Various business characteristics, including financing, from all firms in the sample;
—Research and development activity and costs from firms with less than 10 employees; and
—Innovation practices from all firms in the sample.

Additional owner topics include military service, owner acquisition, job functions, number of hours worked, primary income, prior business ownership, age of owner, education and field of degree, citizenship and place of birth, and reason for owning the business. Other business topics include number of owners and percent ownership, family owned and operated, business aspirations, funding sources, profitability, types of customers, types of workers, employee benefits, home operation, Web site use, and business activity. Starting with the 2018 survey, the ABS may include new module questions each year based on relevant business topics. Potential topics include technological advances, Internet usage, management and business practices, exporting practices, and globalization.

The draft content for the ABS will be cognitively tested with approximately 20 businesses. The questionnaire and interview protocol will be used to assess the feasibility and merit of suggested changes that arise from the testing.

The 2017 ABS will sample approximately 850,000 employer businesses to produce statistics that are more detailed. Annually from 2018–2021, the survey sample will be reduced to approximately 300,000 businesses to reduce respondent burden. Businesses which reported business activity on Internal Revenue Service tax forms 941, ''Employer's Quarterly Federal Tax Return;'' 944, ''Employer's Annual Federal Tax Return;'' or any one of the 1120 corporate tax forms will be eligible for selection.

The ABS will be collected using only electronic instruments. Respondents will receive a letter notifying them of their requirement to respond and how to access the survey. Responses will be due approximately 30 days from receipt. Select businesses will receive a due date reminder via a letter prior to the due date. Additionally, two mail follow-ups to nonrespondents will be conducted at approximately one-month intervals. Select nonrespondents will receive a certified mailing for the second follow-up if needed.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. In accordance with the PRA, 44 U.S.C., Chapter 45, the Census Bureau will submit a request for approval to the OMB for approval of the ABS. The Census Bureau previously published a notice in the **Federal Register** on August 7, 2017 (82 FR 36728) informing the public of this planned submission and inviting public comment.

Dated: October 18, 2017.

Ron S. Jarmin,

Associate Director for Economic Programs, Performing the Non-Exclusive Functions and Duties of the Director Bureau of the Census.

[FR Doc. 2017–23041 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Performance Review Board Membership

AGENCY: Economics and Statistics Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Economics and Statistics Administration (ESA) announces the appointment of members who will serve on the ESA Performance Review Board (PRB). The purpose of the PRB is to provide fair and impartial review of senior executive service and scientific and professional performance appraisals, bonus recommendations, pay adjustments and Presidential Rank Award nominations. The term of each PRB member will expire on December 31, 2019.

DATES: The date of service of appointees to the ESA Performance Review Board is based upon publication of this notice.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the names and position titles of the members of the PRB are set forth below:

John M. Abowd, Associate Director for Research and Methodology, Census Bureau

Dina Beaumont, Senior Advisor for Trade Initiatives Implementation, International Trade Administration

Lisa M. Blumerman, Associate Director for Decennial Census Programs, Census Bureau

Eric Branstad, Senior White House Advisor, Office of the Secretary

Stephen B. Burke, Deputy Under Secretary for Economic Affairs, ESA

Joanne Buenzli Crane, Chief Financial Officer, Census Bureau

Gregory Capella, Deputy Director, National Technical Information Service

Paul Farello, Associate Director for International Economics, Bureau of Economic Analysis (BEA)

Ron Jarmin, Associate Director for Economic Programs, Census Bureau

Enrique Lamas, Associate Director for Demographic Programs, Census Bureau

Brian C. Moyer, Director, BEA

Timothy Olson, Associate Director for Field Operations, Census Bureau

Joel D. Platt, Associate Director for Regional Economics, BEA

Kevin Smith, Associate Director for Information Technology and Chief Information Officer, Census Bureau

Erich Strassner, Associate Director for National Economic Accounts, BEA

Sarahelen Thompson, Deputy Director, BEA

FOR FURTHER INFORMATION CONTACT: Latasha Ellis, Program Manager, Executive Resources Office, Human Resources Division, Census Bureau, 4600 Silver Hill Road, Washington, DC 20233, 301–763–3727.

Dated: October 11, 2017.

Stephen B. Burke,

Deputy Under Secretary for Economic Affairs, Chair, ESA Performance Review Board.

[FR Doc. 2017–22946 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–BS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–65–2017]

Foreign-Trade Zone (FTZ) 92—Harrison County, Mississippi; Notification of Proposed Production Activity; Vision Technologies Marine, Inc. (Ocean-Going Vessels) Pascagoula, Mississippi

The Mississippi Coast Foreign-Trade Zone, Inc., grantee of FTZ 92, submitted a notification of proposed production activity to the FTZ Board on behalf of Vision Technologies Marine, Inc., located in Pascagoula, Mississippi. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on October 10, 2017.

The Vision Technologies Marine, Inc., facility is located within Site 6 of FTZ 92. The facility is used for the construction, repair and refurbishing of ocean-going vessels. 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 Vision Technologies Marine, Inc., 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, Vision Technologies Marine, Inc., would be able to choose the duty rates during customs entry procedures that apply to: Cargo vessels; passenger vessels; tankers; refrigerated vessels; offshore service vessels; fishing vessels; tugs and pusher craft; dredgers; offshore drilling or production platforms; floating docks; lifeboats; military vessels; and, hulls (duty-free). Vision Technologies Marine, Inc., 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: Polymer adhesives; floor bonding and coating; plastic tubes and joints for generator sets; plastic flooring; pipe segment insulation; plastic generator set spare parts; rubber hoses with fittings; sealing rings; curtains; oil booms; rock wool; glass partitions; steel bulb flats; pressure vessels; fire dampers; galvanized steel pipe supports; steel flanges; marine doors; steel hatch covers; deck transverse stoppers; small steel drums; steel gas cylinders; steel metadisc fasteners; steel washers; steel fasteners; man-holes; ladders, raceways and ramps; expansion bellows; deck socket fittings; hatch covers; aluminum profiles; aluminum wall and ceiling panels; copper nickel flanges; bobbins; handrails; hollow aluminum profiles; aluminum profiles for door and window frames; tin battery boxes and parts; marine door parts; door mounts; aluminum cofferdams; aluminum electrodes; chlorine dosing units; diesel engines; strainers; diesel engine parts; propulsion parts; ride control system parts; ride control systems; cables; stern tube assemblies; fuel oil separators; marine engine spare parts; silencers; propulsion equipment; marine engine seals; main foil assemblies; vulkan shafts; engine manifolds; ride controllers; fuel pumps; reciprocating pumps; rotary pumps; heaters; hydraulic driving systems; N2 booster compression units; blower fans; stock rudder blades; ventilation equipment; cooling plants; heat exchangers; potable water skids; intake filters; water separators; food waste handling system pumps; nitrogen generators; electric winches; winches; straddle carriers; davits; deck machinery; ships spare bushings; computerized monitoring systems; solid waste processors; controls; thrusters; compressors; cooling pumps; pressure valves; solenoid valves; non-return valves; safety relief valves; butterfly and ball valves; hydraulic actuated valves; composite parts; shaft bearings; combined ball and roller bearing kits; shafts; gears; couplings; mechanical seals for water jets; propeller blades and systems; propeller shafts; anti-vibration mounts; propeller nozzles; AC multi-phase electric motors; electric motors not exceeding 373 kW; electrical generators with output exceeding 750 kVA; auxiliary engine generator sets; davit parts; transformers; converter cabinet units; power supplies; horns; bells; gongs; windshield wiper parts; computer parts; hot water calorifiers; ESD shore connections; electrical equipment; central control units; power supplies; control system containers; breakers electrical parts; electrical terminals; bridge firefighting control panels; control and alarm boards; distribution panels; 20A, 20V power supplies; switchboards; electrical components; electrical cables; vibration control equipment; marine evacuation equipment; life boats; marine evacuation system life rafts and components; high pressure flow meters; gas detection systems; inert gas systems; hydraulic power units; helm chairs; table brackets and plates; seats and accessories; furniture; seat parts; searchlights; bathroom modules; and, bilge water separators (duty rate ranges from duty-free to 11.3%). The request indicates that curtains will be admitted to the zone in privileged foreign status (19 CFR 146.41) or domestic status (19 CFR 146.43), thereby precluding inverted tariff benefits on such items. The production activity under FTZ procedures would be subject to the ''standard shipyard restriction'' applicable to foreign origin steel mill products, which requires that Vision Technologies Marine, Inc., pay all applicable duties on such items.

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 December 4, 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 Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: October 18, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–23024 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–66–2017]

Foreign-Trade Zone (FTZ) 134—Chattanooga, Tennessee; Notification of Proposed Production Activity; Volkswagen Group of America—Chattanooga Operations, LLC (Passenger Motor Vehicles), Chattanooga, Tennessee

Volkswagen Group of America—Chattanooga Operations, LLC (VW) submitted a notification of proposed production activity to the FTZ Board for its facility in Chattanooga, Tennessee, within FTZ 134. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on October 13, 2017.

VW already has authority to produce passenger motor vehicles within Site 3 of FTZ 134. The current request would add foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt VW from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below, VW would be able to choose the duty rates during customs entry procedures that apply to passenger motor vehicles (duty rate—2.5%). VW 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 are anti-theft alarm sensors and unframed mirror glass (duty rates—1.3% and 7.8%, respectively).

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 December 4, 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 Christopher Kemp at *Christopher.Kemp@trade.gov* or (202) 482–0862.

Dated: October 18, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–23023 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–64–2017]

Foreign-Trade Zone (FTZ) 153—San Diego, California; Notification of Proposed Production Activity; Plantronics, Inc. (Electronics/Telecommunications) San Diego, California

Plantronics, Inc. (Plantronics), submitted a notification of proposed production activity to the FTZ Board for its facility in San Diego, California. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on October 13, 2017.

Plantronics' facility is located within Site 8 of FTZ 153. The facility is used for manufacturing, assembling, programming, testing, packaging, final stage processing, warehousing, repairing, and distribution of audio communication devices.

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 Plantronics 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, Plantronics would be able to choose the duty rates during customs entry procedures that apply to corded headsets, wireless headsets, telephonic apparatuses, telecommunication cables, and speakers (duty-free to 2.4%). Plantronics 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: Cables with connectors; microphones; plastic headbands, printed circuit boards; headset parts; speakers; printed circuit boards; lithium ion polymer batteries; power supplies; printed paperboard insert holders; bound user guides/manuals; labels with adhesive; labels non-self-adhesive; printed paperboard boxes for packaging; corrugated cardboard master shipping boxes; corrugated cardboard shipping boxes; formed plastic packaging encapsulating the product; polyurethane bags for packaging, and plastic self-adhesive tape for sealing (duty rate ranges from duty-free to 5.8%).

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 December 4, 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 Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: October 18, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–23025 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–060, A–533–875, A–580–893, A–583–860]

Fine Denier Polyester Staple Fiber From the People's Republic of China, India, the Republic of Korea, and Taiwan: Postponement of Preliminary Determinations in Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable October 24, 2017.

FOR FURTHER INFORMATION CONTACT: Edythe Artman at (202) 482–3931 (the People's Republic of China (PRC)), Patrick O'Connor at (202) 482–0989 (India), Karine Gziryan at (202) 482–4081 (the Republic of Korea (Korea)), and Lilit Astvatsatrian at (202) 482–6412 (Taiwan), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 20, 2017, the Department of Commerce (the Department) initiated the less-than-fair-value investigations of imports of fine denier polyester staple fiber (PSF) from the PRC, India, Korea,

and Taiwan.[1] Currently, the preliminary determinations in these investigations are due no later than November 7, 2017.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (Act), requires the Department to issue the preliminary determination in a less-than-fair-value investigation within 140 days after the date on which the Department initiated the investigation. However, section 733(c)(1) of the Act permits the Department to postpone the preliminary determination until no later than 190 days after the date on which the Department initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) the Department concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. The Department will grant the request unless it finds compelling reasons to deny the request. *See* CFR 351.205(e).

On October 13, 2017, the petitioners[2] submitted a timely request, pursuant to section 733(c)(1)(A) of the Act, that the Department postpone the preliminary determinations in these less-than-fair-value investigations.[3] In accordance with 19 CFR 351.205(e), the petitioners stated the reasons for their request. Specifically, the petitioners state that additional time is necessary for the Department to issue supplemental questionnaires and clarfy the initial questionnaire responses to accurately determine whether and what magnitude of dumping occurred during the period of investigation.[4]

For the reasons stated above and because there is no compelling reason to deny the request, the Department, pursuant to section 733(c)(1)(A) of the Act, is postponing the deadline for these preliminary determinations to no later than 181 days after the date on which these investigations were initiated, *i.e.,* to December 18, 2017. Pursuant to section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: October 18, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–23021 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, Taiwan, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 29023 (June 27, 2017). The fine denier PSF from the Socialist Republic of Vietnam investigation was terminated; *see Fine Denier Polyester Staple Fiber from the Socialist Republic of Vietnam: Termination of Less-Than-Fair-Value Investigation,* 82 FR 33480 (July 20, 2017).

[2] In these investigations, the petitioners are DAK Americas LLC, Nan Ya Plastics Corporation, America, and Auriga Polymers Inc.

[3] *See* the petitioner's letter, ''Fine Denier Polyester Staple Fiber from India, the People's Republic of China, the Republic of Korea, and Taiwan—Petitioners' Request to Postpone the Antidumping Duty Preliminary Determinations,'' dated October 13, 2017, requesting postponement of the preliminary determination.

[4] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–501]

Welded Carbon Steel Standard Pipe and Tube Products From Turkey: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On June 6, 2017, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on welded carbon steel standard pipe and tube products (welded pipe and tube) from Turkey. The period of review (POR) is May 1, 2015 through April 30, 2016. The review covers the following producers/exporters of the subject merchandise: Borusan Istikbal Ticaret T.A.S. (Borusan Istikbal) and Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (Borusan Mannesmann) (collectively, Borusan); Toscelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S., and Toscelik Metal Ticaret A.S. (Toscelik Metal) (collectively, Toscelik); Borusan Birlesik Boru Fabrikalari San ve Tic (Borusan Birlesik); Borusan Gemlik Boru Tesisleri A.S. (Borusan Gemlik); Borusan Ihracat Ithalat ve Dagitim A.S. (Borusan Ihracat); Borusan Ithicat ve Dagitim A.S. (Borusan Ithicat); Tubeco Pipe and Steel Corporation (Tubeco); Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan); and Yucel Boru ve Profil Endustrisi A.S., Yucelboru Ihracat Ithalat ve Pazarlama A.S., and Cayirova Boru Sanayi ve Ticaret A.S. (collectively, the Yucel Group). Based on our analysis of the comments received, we have made certain changes in the margin calculations. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled, ''Final Results of the Review.'' Further, we continue to find that Erbosan, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, and Tubeco had no reviewable shipments of subject merchandise during the POR.

DATES: Effective October 24, 2017.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Chelsey Simonovich, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2924 or (202) 482–1979, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2017, the Department published the *Preliminary Results* of this review in the **Federal Register**.[1] We invited parties to comment on the *Preliminary Results.* On July 20, 2017, we received a case brief from petitioner Wheatland Tube Company (Wheatland Tube). On July 28, 2017, we received a rebuttal brief from Borusan.[2] The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order is welded pipe and tube. The welded pipe and tube subject to the order is currently classifiable under subheading 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes

[1] *See Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Preliminary Results of Antidumping Duty Administrative Review, and Partial Rescission of Review; 2015–2016,* 82 FR 26053 (June 6, 2017) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] As explained in the *Preliminary Results,* the Department treated Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Istikbal Ticaret T.A.S. as a single entity in this administrative review. *See* Preliminary Decision Memorandum, at 1 n.1.

only. The written description is dispositive.[3]

Final Determination of No Shipments

In the *Preliminary Results,* the Department determined that Erbosan, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, and Tubeco had no shipments during the POR.[4] Following publication of the *Preliminary Results,* we received no comments from interested parties regarding these companies. As a result, and because the record contains no evidence to the contrary, we continue to find that Erbosan, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, and Tubeco made no shipments during the POR. Accordingly, consistent with the Department's practice, we intend to instruct U.S. Customs and Border Protection (CBP) to liquidate any existing entries of merchandise produced by Erbosan, Borusan Birlesik, Borusan Gemlik, Borusan Ihracat, Borusan Ithicat, and Tubeco, but exported by other parties without their own rate, at the all-others rate.[5]

Further, while Borusan Istikbal submitted a no-shipment certification, we continue to treat it as a single entity with Borusan Mannesmann, as there is no record evidence that warrants altering this treatment. Because we continue to find that Borusan had shipments during this POR, we do not make a final determination of no shipments with respect to Borusan Istikbal.[6]

Analysis of the Comments Received

All issues raised in the case and rebuttal briefs submitted in this review are addressed in the Issues and Decision Memorandum, which is hereby adopted with this notice. A list of the issues raised is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made certain changes to the *Preliminary Results.* For a full discussion of these changes, *see* Issues and Decision Memorandum.

Final Rates for Non-Examined Companies

The statute and the Department's regulations do not address the establishment of a rate to be applied to companies not selected for examination when the Department limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual review in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.''

In this review, we have a calculated a weighted-average dumping margin for Borusan that is not zero, *de minimis,* or determined entirely on the basis of facts available. Accordingly, the Department assigns to the companies not individually examined the 1.55 percent weighted-average dumping margin calculated for Borusan.

Final Results of the Review

As a result of this review, we determine that the following weighted-average dumping margins exist for the period May 1, 2015 through April 30, 2016:

Producer or exporter	Weighted-average dumping margin (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S./Borusan Istikbal Ticaret T.A.S	1.55
Toscelik Profil ve Sac Endustrisi A.S./Tosyali Dis Ticaret A.S./Toscelik Metal Ticaret A.S.[7]	0.00
Yucel Boru ve Profil Endustrisi A.S	1.55
Yucelboru Ihracat Ithalat ve Pazarlama A.S	1.55
Cayirova Boru Sanayi ve Ticaret A.S	1.55

Disclosure

We intend to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1).

For Borusan, because its weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), the Department has calculated importer-specific antidumping duty assessment

[3] A full written description of the scope of the order is contained in the memorandum to Gary Taverman, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Welded Carbon Steel Standard Pipe and Tube Products from Turkey; 2015–2016,'' (IDM), dated concurrently with this notice and incorporated herein by reference.

[4] *See Preliminary Results,* 82 FR at 26054, and accompanying Preliminary Decision Memorandum, at 3–4.

[5] *See, e.g., Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989 (September 17, 2010).

[6] *See* Preliminary Decision Memorandum, at 4.

[7] In prior segments of this proceeding, we treated Toscelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S., and Toscelik Metal as a single entity. *See, e.g., Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 71087, 71088 n.8 (December 1, 2014). However, in a prior review, we found that Toscelik Metal has ceased to exist. *Id.* There is no record evidence that warrants altering this treatment. Therefore, for these final results, we are treating Toscelik and Tosyali as a single entity, and continue to find that Toscelik Metal no longer exists.

rates. We calculated importer-specific *ad valorem* antidumping duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total entered value associated with those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis.* Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or *de minimis.*

For Toscelik, we will instruct CBP to liquidate its entries during the POR imported by the importers identified in its questionnaire responses without regard to antidumping duties because its weighted-average dumping margin in these final results is zero.[8]

For companies that were not selected for individual examination, we will instruct CBP to liquidate unreviewed entries based on the methodology described in the ''Final Rates for Non-Examined Companies'' section, above.

Consistent with the Department's assessment practice, for entries of subject merchandise during the POR produced by any company upon which we initiated an administrative review, for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[9]

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates will be equal to the weighted-average dumping margins established in the final results of this review; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a previous review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 14.74 percent, the all-others rate established in the LTFV investigation.[10] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.[11]

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5) of the Department's regulations.

Dated: October 18, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

Summary
Background
Scope of the Order
Discussion of the Issues

Toscelik

1. Toscelik's U.S. Sale that is Outside the Period of Review

Borusan

2. Reallocation of Zinc Costs
3. ''Match Production'' Language in the SAS Program
4. Home Market Sales Intended for Export
5. Sample Sales in the Home Market Database
6. Ministerial Error
7. Distortions Caused by Currency Issues

Recommendation

[FR Doc. 2017–23020 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8103, 8103 (February 14, 2012).

[9] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[10] *See Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products from Turkey,* 51 FR 17784 (May 15, 1986).

[11] *See* 19 CFR 351.402(f)(3).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Dr. Nancy Foster Scholarship Program.

OMB Control Number: 0648–0432.

Form Number(s): None.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 600.

Average Hours per Response: Dr. Nancy Foster application form: 8 hours; Letter of Recommendation: 45 minutes; Bio/Photograph Submission: 1 hour; Annual Report: 1 hour, 30 minutes; and Evaluation: 15 minutes.

Burden Hours: 1,917.

Needs and Uses: This request is for a revision and extension of a current information collection. The evaluation form has been completely redesigned.

The National Oceanic and Atmospheric Administration (NOAA) Office of National Marine Sanctuaries

(ONMS) collects, evaluates and assesses student data and information for the purpose of selecting successful scholarship candidates, generating internal NOAA reports and articles to demonstrate the success of its program. The Dr. Nancy Foster Scholarship Program is available to graduate students pursuing masters and doctoral degrees in the areas of marine biology, oceanography and maritime archaeology. The ONMS requires applicants to the Dr. Nancy Foster Scholarship Program to complete an application and to supply references (*e.g.,* from academic professors and advisors) in support of the scholarship application. Scholarship recipients are required to conduct a pre- and post-evaluation of their studies through the scholarship program to gather information about the level of knowledge, skills and behavioral changes that take place with the students before and after their program participation. The evaluation results support ONMS performance measures.

Affected Public: Individuals or households.

Frequency: Annually and on occasion.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: October 19, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–23057 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; West Coast Region U.S. Pacific Highly Migratory Species Hook and Line Logbook

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 26, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Shannon Penna, National Marine Fisheries Service (NMFS), West Coast Region (WCR) Long Beach Office, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802, (562) 980–4238 or *shannon.penna@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved collection.

Under the Fishery Management Plan for United States (U.S.) West Coast Fisheries for Highly Migratory Species (HMS FMP) U.S. fishermen, participating in the Pacific Hook and Line fishery (also known as the albacore troll and pole-and-line fishery), are required to obtain a Highly Migratory Species (HMS) permit. Permit holders are required to complete and submit logbooks documenting their daily fishing activities, including catch and effort for each fishing trip. Logbook forms must be completed within 24 hours of the completion of each fishing day and submitted to the Southwest Fisheries Science Center (SWFSC) within 30 days of the end of each trip. These data and associated analyses help the SWFSC provide fisheries information to researchers and the needed management advice to the U.S. in its negotiations with foreign fishing nations exploiting HMS.

II. Method of Collection

Respondents have a choice of either electronic data submission or paper forms. Methods of submittal include secure electronic transmission, and mailing of paper forms.

III. Data

OMB Control Number: 0648–0223.

Form Number(s): NOAA Form 88–197.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,700.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 6,800.

Estimated Total Annual Cost to Public: $3,332 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 19, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–23055 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF782

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) and its advisory entities will hold public meetings.

DATES: The Pacific Council and its advisory entities will meet November 14–20, 2017. The Pacific Council meeting will begin on Wednesday,

November 15, 2017 at 9 a.m. Pacific Standard Time (PST), reconvening at 8 a.m. each day through Monday, November 20, 2017. All meetings are open to the public, except a closed session will be held from 8 a.m. to 9 a.m., Wednesday, November 15 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Pacific Council and its advisory entities will be held at the Hilton Orange County/Costa Mesa, 3050 Bristol Street, Costa Mesa, CA; telephone: (714) 540–7000.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220. Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Executive Director; telephone: 503–820–2280 or 866–806–7204 toll-free; or access the Pacific Council Web site, *http://www.pcouncil.org* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The November 14–20, 2017 meeting of the Pacific Council will be streamed live on the internet. The broadcasts begin initially at 9 a.m. PST Wednesday, November 15, 2017 and continue at 8 a.m. daily through Monday, November 20, 2017. Broadcasts end daily at 6 p.m. PST or when business for the day is complete. Only the audio portion and presentations displayed on the screen at the Pacific Council meeting will be broadcast. The audio portion is listen-only; you will be unable to speak to the Pacific Council via the broadcast. To access the meeting online please use the following link: *http://www.gotomeeting.com/online/webinar/join-webinar* and enter the November Webinar ID, 897–986–459, and your email address. You can attend the webinar online using a computer, tablet, or smart phone, using the GoToMeeting application. It is recommended that you use a computer headset to listen to the meeting, but you may use your telephone for the audio-only portion of the meeting. The audio portion may be attended using a telephone by dialing the toll number 1–562–247–8422 (not a toll-free number), audio access code 862–846–290, and entering the audio pin shown after joining the webinar.

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as ''Final Action'' refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, advisory entity meeting times, and meeting rooms are described in Agenda Item A.4, Proposed Council Meeting Agenda, and will be in the advance November 2017 briefing materials and posted on the Pacific Council Web site at *www.pcouncil.org* no later than October 27, 2017.

A. Call to Order
1. Opening Remarks
2. Roll Call
3. Executive Director's Report
4. Approve Agenda

B. Open Comment Period
1. Comments on Non-Agenda Items

C. Coastal Pelagic Species Management
1. National Marine Fisheries Service Report
2. 2018 Exempted Fishing Permits (EFPs) Notice of Intent
3. Methodology Review Preliminary Topic Selection

D. Salmon Management
1. National Marine Fisheries Service Report
2. Methodology Review—Final Approval
3. Sacramento River Winter Chinook (SRWC) Control Rule, Final Recommendations
4. 2018 Preseason Management Schedule

E. Pacific Halibut Management
1. Final Annual Regulation Changes and 2A Catch Sharing Plan Changes

F. Groundfish Management
1. National Marine Fisheries Service Report
2. Trawl Catch Share Review—Final Report Adoption and Preliminary Range of Alternatives for Follow-On Actions
3. Essential Fish Habitat—Rockfish Conservation Area Amendment, Informational Update
4. Final Stock Assessments and Rebuilding Analyses
5. Mid-Biennium Harvest Specifications Adjustments, Final Action
6. Biennial Harvest Specifications for 2019–2020
7. Endangered Species Act Consultations on Salmon and Seabirds
8. Preliminary Exempted Fishing Permit (EFP) Approval for 2019–2020
9. Biennial Management Measures for 2019–2020
10. Off-Year Science and Stock Assessment Methodology Review—Final Topic Selection
11. Electronic Monitoring—Final Pacific Halibut Discard Mortality Rates, Discards Species Lists, and Third-Party Review
12. Cost Recovery Update

G. Administrative Matters
1. Legislative Matters
2. Fiscal Matters
3. Approval of Council Meeting Record
4. Membership Appointments and Council Operating Procedures
5. Future Council Meeting Agenda and Workload Planning

H. Highly Migratory Species Management
1. National Marine Fisheries Service Report
2. Recommendations for International Management Activities
3. Proposed Deep-Set Buoy Gear Exempted Fishing Permits

I. Enforcement Matters
1. Tri-State Enforcement Report

Advisory Body Agendas

Advisory body agendas will include discussions of relevant issues that are on the Pacific Council agenda for this meeting, and may also include issues that may be relevant to future Council meetings. Proposed advisory body agendas for this meeting will be available on the Pacific Council Web site *http://www.pcouncil.org/council-operations/council-meetings/current-briefing-book/* no later than Friday, October 27, 2017.

Schedule of Ancillary Meetings

Day 1—Tuesday, November 14, 2017

Ad Hoc Groundfish Electronic Monitoring (GEM) Policy Advisory Committee and GEM Technical Advisory Committee Joint Meeting—8 a.m.
Groundfish Management Team—8 a.m.
Salmon Advisory Subpanel—8 a.m.
Scientific and Statistical Committee—8 a.m.
Legislative Committee—11 a.m.
Budget Committee—1 p.m.
Groundfish Advisory Subpanel—1 p.m.

Day 2—Wednesday, November 15, 2017

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Groundfish Advisory Subpanel—8 a.m.
Groundfish Management Team—8 a.m.
Salmon Advisory Subpanel—8 a.m.
Scientific and Statistical Committee—8 a.m.
Enforcement Consultants—3 p.m.

Day 3—Thursday, November 16, 2017

California State Delegation—7 a.m.

Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Groundfish Advisory Subpanel—8 a.m.
Groundfish Management Team—8 a.m.
Highly Migratory Species Management Team—8 a.m.
Enforcement Consultants—Ad Hoc

Day 4—Friday, November 17, 2017

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Groundfish Advisory Subpanel—8 a.m.
Groundfish Management Team—8 a.m.
Highly Migratory Species Advisory Subpanel—8 a.m.
Highly Migratory Species Management Team—8 a.m.
Enforcement Consultants—Ad Hoc

Day 5—Saturday, November 18, 2017

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Groundfish Advisory Subpanel—8 a.m.
Groundfish Management Team—8 a.m.
Enforcement Consultants—Ad Hoc

Day 6—Sunday, November 19, 2017

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.
Groundfish Advisory Subpanel—8 a.m.
Groundfish Management Team—8 a.m.
Enforcement Consultants—Ad Hoc

Day 7—Monday, November 20, 2017

California State Delegation—7 a.m.
Oregon State Delegation—7 a.m.
Washington State Delegation—7 a.m.

Although non-emergency issues not contained in this agenda may come before the Pacific Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Pacific Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280, ext. 411 at least 10 business days prior to the meeting date.

Dated: October 19, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–23034 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF781

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC's) Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Monday, November 13, 2017, from 1 p.m. to 5 p.m. and on Tuesday, November 14, 2017, from 8:30 a.m. to 3 p.m. See **SUPPLEMENTARY INFORMATION** for agenda details.

ADDRESSES: The meeting will be held at the Hilton Garden Inn BWI Airport, 1516 Aero Drive, Linthicum, MD 21090; telephone: (410) 691–0500.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; Web site: *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will meet November 13–14 to develop recommendations for recreational management measures for the 2018 summer flounder, scup, and black sea bass fisheries. The Committee may also discuss ongoing options for improvements to the recreational management measures process and ongoing analyses related to recreational fishery issues for these three species.

A detailed agenda and background documents will be made available on the Council's Web site (*www.mafmc.org*) prior to the meeting.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: October 19, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–23033 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF784

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Recreational Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, November 14, 2017 at 10 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the DoubleTree by Hilton, 363 Maine Mall Road, South Portland, ME 04106–02360; phone: (207) 775–6161.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Recreational Advisory Panel will receive a report from GARFO's recreational management workshop. They plan to review and discuss recreational fishing data for fishing year 2016 and preliminary fishing year 2017. The Advisory Panel will discuss Framework Adjustment 57—Specifications and Management Measures, in particular, (1) An overview

of the work of the Plan Development Team (PDT), (2) Discuss draft FY2018–FY2020 specifications and recreational management measures process and will make recommendations to the Groundfish Committee. They will have discussion of possible groundfish priorities for 2018, and develop recommendations to the Groundfish Committee. The panel will discuss several recent Executive Orders have been issued about streamlining current regulations, and NOAA is seeking public input on the efficiency and effectiveness of current regulations and whether they can be improved. Discuss whether there are any regulations in the Northeast Multispecies fishery management plan that could be eliminated, improved, or streamlined. They will discuss implementation of new electronic vessel trip reports (eVTRs) for for-hire vessels. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: October 19, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–23036 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Gulf of Alaska Catcher Vessel & Processor Trawl (CVPT) Economic Data Report (EDR).

OMB Control Number: 0648–0700.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 120.

Average Hours per Response: 15.

Burden Hours: 1,800.

Needs and Uses: The Gulf of Alaska Trawl Groundfish Economic Data Report Program evaluates the economic effects of current and future groundfish management measures for Gulf of Alaska (GOA) trawl fisheries. This program provides the National Marine Fisheries Service (NMFS) and the North Pacific Fishery Management Council with baseline information on affected harvesters, crew, processors, and communities in the GOA. Data collected through the economic data reports (EDRs) include labor information, revenues received, capital and operational expenses, and other operational or financial data. This information is used to assess the impacts of major changes in the groundfish management regime, including catch share program implementation.

The Catcher Vessel GOA Trawl EDR is submitted by owners or leaseholders of catcher vessels that harvest groundfish using trawl gear from the GOA or parallel fisheries. The Processor GOA Trawl EDR is submitted by owners or leaseholders of shoreside processors or stationary floating processors that receive deliveries from vessels that harvest groundfish using trawl gear from the GOA or parallel fisheries. Annual submission of these EDRs is mandatory.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: October 19, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–23058 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF783

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of SEDAR 51 assessment webinar V for Gulf of Mexico gray snapper.

SUMMARY: The SEDAR 51 assessment process of Gulf of Mexico gray snapper will consist of a Data Workshop, a series of assessment webinars, and a Review Workshop.

DATES: The SEDAR 51 assessment webinar V will be held November 15, 2017, from 1 p.m. to 3 p.m. Eastern Time.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends

which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the assessment webinar V are as follows:

1. Using datasets and initial assessment analysis recommended from the Data Workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 19, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–23035 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; West Coast Groundfish Trawl Economic Data Collection

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 26, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *pracomments@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Erin Steiner, Northwest Fisheries Science Center, 2725 Montlake Blvd. E, Seattle, WA, 98103, (206) 860–3202 or *erin.steinernoaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection. This information collection is needed in order to meet the monitoring requirements of the Magnuson-Stevens Act (MSA). In particular, the Northwest Fisheries Science Center (NWFSC) needs economic data on all harvesters, first receivers, shorebased processors, catcher processors, and motherships participating in the West Coast groundfish trawl fishery.

The currently approved collection covers collection of data for the 2014–2016 operating years. The renewed approval will cover years 2017–2019. Data will be collected from all catcher vessels registered to a limited entry trawl endorsed permit, catcher processors registered to catcher processor permits, and motherships registered to mothership permits, first receivers, and shorebased processors that received round or head-and-gutted IFQ groundfish or whiting from a first receiver to provide the necessary information for analyzing the effects of the West Coast Groundfish Trawl Catch Share Program.

As stated in 50 CFR 660.114, the EDC forms due on September 1, 2018 will provide data for the 2017 operating year.

II. Method of Collection

Forms may be submitted via mail or electronically.

III. Data

OMB Control Number: 0648–0618.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 195.

Estimated Time per Response: 8 hours for catcher processors, catcher vessels, and motherships, 20 hours for first receivers and shorebased processors.

Estimated Total Annual Burden Hours: 2,052.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 19, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–23056 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information and the National Telecommunications and Information Administration (NTIA) on spectrum management policy matters.

DATES: The meeting will be held on November 17, 2017, from 9:00 a.m. to 12:00 p.m., Eastern Standard Time (EST).

ADDRESSES: The meeting will be held at the Verizon Technology and Policy Center, 1300 I St NW., Suite 500 East, Washington, DC 20005. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4600, Washington, DC 20230 or emailed to *dreed@ntia.doc.gov.*

FOR FURTHER INFORMATION CONTACT: David J. Reed, Designated Federal Officer, at (202) 482–5955 or *dreed@ntia.doc.gov*; and/or visit NTIA's Web site at *https://www.ntia.doc.gov/category/csmac.*

SUPPLEMENTARY INFORMATION:

Background: The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: License radio frequencies in a way that maximizes public benefits; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. *See* Charter at *https://www.ntia.doc.gov/files/ntia/publications/csmac_charter-2017.pdf.*

This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: *https://www.ntia.doc.gov/category/csmac.*

Matters to Be Considered: The Committee provides advice to the Assistant Secretary to assist in developing and maintaining spectrum management policies that enable the United States to maintain or strengthen its global leadership role in the introduction of communications technology, services, and innovation; thus expanding the economy, adding jobs, and increasing international trade, while at the same time providing for the expansion of existing technologies and supporting the country's homeland security, national defense, and other critical needs of government missions. NTIA will post a detailed agenda on its Web site, *https://www.ntia.doc.gov/category/csmac,* prior to the meeting. To the extent that the meeting time and agenda permit, any member of the public may speak to or otherwise address the Committee regarding the agenda items. *See Open Meeting and Public Participation Policy,* available at *https://www.ntia.doc.gov/category/csmac.*

Time and Date: The meeting will be held on November 17, 2017, from 9:00 a.m. to 12:00 p.m. EST. The meeting time and the agenda topics are subject to change. The meeting will be available via two-way audio link and may be webcast. Please refer to NTIA's Web site, *https://www.ntia.doc.gov/category/csmac,* for the most up-to-date meeting agenda and access information.

Place: The meeting will be held at Verizon Technology and Policy Center, 1300 I St NW., Suite 500 East, Washington, DC 20005. The meeting will be open to the public and members of the press on a first-come, first-served basis as space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other auxiliary aids, are asked to notify Mr. Reed at (202) 482–5955 or *dreed@ntia.doc.gov* at least ten (10) business days before the meeting.

Status: Interested parties are invited to attend and to submit written comments to the Committee at any time before or after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of a meeting may send them via postal mail to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4600, Washington, DC 20230. It would be helpful if paper submissions also include a compact disc (CD) that contains the comments in Microsoft Word and/or PDF file formats. CDs should be labeled with the name and organizational affiliation of the filer. Alternatively, comments may be submitted via electronic mail to *dreed@ntia.doc.gov* and should also be in one or both of the file formats specified above. Comments must be received five (5) business days before the scheduled meeting date in order to provide sufficient time for review. Comments received after this date will be distributed to the Committee, but may not be reviewed prior to the meeting.

Records: NTIA maintains records of all Committee proceedings. Committee records are available for public inspection at NTIA's Washington, DC office at the address above. Documents including the Committee's charter, member list, agendas, minutes, and reports are available on NTIA's Web site at *https://www.ntia.doc.gov/category/csmac.*

Dated: October 19, 2017.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2017–23051 Filed 10–23–17; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number: DARS–2017–0005; OMB Control Number 0704–0272]

Submission for OMB Review; Comment Request

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by *November 24, 2017.*

SUPPLEMENTARY INFORMATION: *Title, Associated Form, and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) part 223,

Occupational Safety and Drug-Free Work Force and Related Clauses in DFARS 252.223; OMB Control Number 0704–0272.

Type of Request: Revision of a currently approved collection.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Reporting Frequency: On occasion.

Number of Respondents: 3,695.

Responses per Respondent: 16.8, approximately.

Annual Responses: 62,053.

Average Burden per Response: 10.4 hours, approximately.

Annual Burden Hours: 645,744 hours.

Needs and Uses: This information collection requires that an offeror or contractor submit information to DoD in response to four DFARS solicitation and contract clauses relating to occupational safety and drug-free work force program. DoD contracting officers use this information to—

○ Verify compliance with requirements for labeling of hazardous materials;

○ Ensure contractor compliance and monitor subcontractor compliance with DoD 4145.26–M, DoD Contractors' Safety Manual for Ammunition and Explosives, and minimize risk of mishaps;

○ Identify the place of performance of all ammunition and explosives work; and

○ Ensure contractor compliance and monitor subcontractor compliance with DoD 5100.76–M, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives.

○ Ensure compliance with the clause program requirements with regard to programs for achieving the objective of a drug-free work force; requires contractor recordkeeping.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments, identified by docket number and title, by the following method:

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

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: WHS/ESD Directives Division, 4800 Mark Center Drive, 2nd Floor, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–22964 Filed 10–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–44]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil*; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–44 with attached Policy Justification and Sensitivity of Technology.

Dated: October 18, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 202
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

SEP 29 2017

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-44, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Commonwealth of Australia for defense articles and services estimated to cost $815 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 17–44

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

Major Defense Equipment *	$661 million
Other	$154 million
TOTAL	$815 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to three thousand nine hundred (3,900) GBU–53/B Small Diameter Bomb Increment II (SDB II)

Up to thirty (30) GBU–53/B Guided Test Vehicles (GTV)

Up to sixty (60) GBU–53/B Captive Carry Reliability Trainers (CCRT)

Non-MDE:

Also included in this sale are Weapon Load Crew Trainers (WLCT), Practical Explosive Ordinance Disposal Trainers (PEST), containers, support and ground crew test equipment, site survey, transportation, warranties, repair and

return, maintenance, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor representative engineering, logistics, and technical support services, and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (X7–D–YAH)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 29, 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—GBU–53/B Small Diameter Bomb Increment II (SDB II)

The Government of Australia has requested a possible sale of up to three thousand nine hundred (3,900) GBU–53/B Small Diameter Bomb Increment II (SDB II), up to thirty (30) GBU–53/B Guided Test Vehicles (GTV), up to sixty (60) GBU–53/B Captive Carry Reliability Trainers (CCRT). Also included in this sale are Weapon Load Crew Trainers (WLCT), Practical Explosive Ordinance Disposal Trainers (PEST), containers, support and ground crew test equipment, site survey, transportation, warranties, repair and return, maintenance, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor representative engineering, logistics, and technical support services, and other related elements of logistics and program support. The estimated total case value is $815 million.

This sale will support the foreign policy and national security of the United States by helping to improve the security of a major non-NATO ally that continues to be an important force for political stability and economic progress in the Western Pacific. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale of SDB II supports and complements the ongoing sale of the F–35A to the Royal Australian Air Force (RAAF). This capability will strengthen combined operations, particularly air to ground strike missions in all-weather conditions, and increase interoperability between the United States and the RAAF. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale will improve Australia's F–35 survivability and will enhance its capability to deter global threats, strengthen its homeland defense and cooperate in coalition defense initiatives.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missile Systems, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–44

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The GBU–53/B Small Diameter Bomb Increment II (SDB II) is a 250-lb class precision-guided air-to-ground munition used to defeat moving or mobile targets through adverse weather from standoff range. SDB II has deployable wings and fins and uses Inertial Navigation System/Global Positioning System (INS/GPS) guidance, network-enabled datalink, (Link-16 and UHF) and a multi-mode seeker to autonomously search, acquire, track, and defeat targets from a standoff range. SDB II employs a multi-effects warhead for maximum lethality against armored and soft targets. Sensitive areas include operating manuals and maintenance technical orders containing performance information, operating and test procedures, and other information related to support operations and repair. The GBU–53/B SDB II hardware, including guidance, multi-mode seeker, and datalink, is UNCLASSIFIED. The software is UNCLASSIFIED.

a. SDB II Guided Test Vehicles (GTV) are telemetry test vehicles used for land or sea range based testing of the SDB II weapons system. The GTV have common flight characteristics of an SDB II but with an inert warhead. In place of the multi-effects warhead is a Flight Termination, Tracking, and Telemetry (FTTT) subassembly that mirrors the multi-effects warhead's size and mass properties, but provides safety flight termination, free flight tracking and telemetry, and transmission of encrypted data from the vehicle to the ground. The SDB II GTV can have either inert or live fuses. All other flight control, guidance, data-link, and seeker functions are representative of the SDB II. The hardware, including guidance, multi-mode seeker, and datalink, is UNCLASSIFIED. The software is UNCLASSIFIED.

b. SDB II Captive Carry Reliability Test (CCRT) vehicles are SDB II variants primarily used for captive flight reliability testing. The CCRT has common characteristics of an SDB II but with an inert warhead and fuze. The CCRT does not have an FTTT subassembly in place of the warhead; it instead uses ballast to mimic the warhead's mass properties. The CCRT is a flight capable representative of the SDB II and, although not its primary objective, could be dropped as a test round on ranges not requiring telemetry, digital tracking, or a Flight Termination System (FTS). All other flight control, guidance, data-link, and seeker functions are representative of the SDB II. The hardware, including guidance, multi-mode seeker, and datalink, is UNCLASSIFIED. The software is UNCLASSIFED.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the Commonwealth of Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Commonwealth of Australia.

[FR Doc. 2017–22971 Filed 10–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–42]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil*; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–42 with attached Policy Justification and Sensitivity of Technology.

Dated: October 18, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

OCT 04 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-42, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost $113 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 17–42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Japan

(ii) *Total Estimated Value:*

Major Defense Equipment *	$108 million
Other	$ 5 million
TOTAL	$113 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Fifty-six (56) AIM–120C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAMs)

Non-MDE includes:

Containers, weapon support and support equipment, spare and repair parts, U.S. Government and contractor engineering, technical and logistical support services, and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (X7–D–YAK)

(v) *Prior Related Cases, if any:* JA–D–YAI, JA–D–YAH

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* October 4, 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Japan—AIM–120C–7 Advanced Medium-Range Air-to-Air Missiles (AMRAAMs)

The Government of Japan has requested a possible sale of fifty-six (56) AIM 120C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAMs). Also included are containers, weapon support and support equipment, spare and repair parts, U.S. Government and contractor engineering, technical and logistical support services, and other related elements of logistical and program support. The total estimated program cost is $113 million.

This sale will support the foreign policy and national security of the United States by meeting the security and defense needs of a major ally and partner nation. Japan continues to be an important force for peace, political stability, and economic progress in the Asia-Pacific region.

The proposed sale will provide Japan a critical air defense capability to assist in defending the Japanese homeland and U.S. personnel stationed there. Japan will have no difficulty absorbing these additional munitions into the Japan Air Self-Defense Force.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missile Systems, Tucson, Arizona. There are no offset arrangements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of U.S. Government or contractor representatives to Japan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The proposed sale will involve the release of sensitive technology to the Government of Japan related to the AIM–120C Advanced Medium Range Air-to-Air (AMRAAM). The AIM–120C AMRAAM is a radar guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high flying, low flying, and maneuvering targets. The AMRAAM All Up Round is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technology data and other documentation are classified up to SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or an equivalent system which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Japan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to Japan.

[FR Doc. 2017–22968 Filed 10–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–45]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil*; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–45 with attached Policy Justification and Sensitivity of Technology.

Dated: October 18, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

AUG 30 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-45, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost $360 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 17–45

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$360 million
TOTAL	$360 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE): None

Non-MDE includes:

Ten-year upgrade program for twenty-four (24) MH–60R Multi-Mission Helicopters and associated training devices, spare and repair parts, support and test equipment, engineering and technical services, U.S. Government and contractor engineering, technical and logistics support services, Engineering Change Proposals (ECPs), ECPs for

training devices, classified software (JMPS/MDLs), Engineering Technical Assistance (ETA), Logistics Technical Assistance (LTA), Other Technical Assistance (OTA), supply support, support equipment, and other related elements of logistics and program support.

(iv) *Military Department:* Navy (AT–P–GRS)

(v) *Prior Related Cases, if any:* AT–P–GXO, AT–P–SCF, AT–P–GTC

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* August 30, 2017.

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—Upgrade Program for (24) MH–60R Multi-Mission Helicopters

The Government of Australia has requested a follow-on case for a possible ten-year upgrade program for twenty-four (24) MH–60R Multi-Mission Helicopters and associated training devices, spare and repair parts, support and test equipment, engineering and technical services, U.S. Government and contractor engineering, technical and logistics support services, Engineering Change Proposals (ECPs), ECPs for training devices, classified software (JMPS/MDLs), Engineering Technical Assistance (ETA), Logistics Technical Assistance (LTA), Other Technical Assistance (OTA), supply support, support equipment, and other related elements of logistics and program support. The total estimated program cost is $360 million.

This sale will support the foreign policy and national security of the United States by helping to improve the security of a major non-NATO ally that continues to be an important force for political stability and economic progress in the Western Pacific. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed upgrades to the MH–60R helicopters will improve Australia's antisubmarine and surface warfare capability, provide an improved search and rescue capability, enhance its anti-ship surveillance capability, and will help it carry out international commitments for transport, surveillance, and search and rescue operations with the United States and other allies. The proposed upgrades will also provide Australia the resources necessary to properly maintain its multi-mission helicopters. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Sikorsky, a Lockheed Martin Company, Stratford, CT and Lockheed Martin, Owego, NY. There are no offsets proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–45

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Commonwealth of Australia requirement for spiral upgrades to the twenty-four (24) Multi-Mission MH–60R Helicopters could include:

a. Mission Capability Areas: Surface Warfare/Surveillance/Flight Management, Navigation & Communication/Data Management & Fusion
b. Mission Capability Areas: Anti-Submarine Warfare/Flight Management, Navigation & Communication
c. Mission Capability Areas: Flight Management, Navigation & Communication/Data Management & Fusion
d. Mission Capability Areas: Flight Management, Navigation & Communication/Data Management & Fusion/Air Vehicle Service Life
e. Mission Capability Areas for Development: Kinematic Performance/Airborne Survivability
f. Mission Capability Areas for Development: Obsolescence Management
g. Mission Capability Areas: Surveillance/Data Management & Data/Air Vehicle Service Life
h. Software Lab
i. USN Test Maintenance Cost

2. The spiral development case may contain sensitive technology; however, defined requirements are not known at this time and will be assessed on a case by case basis.

3. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to Australia.

[FR Doc. 2017–22980 Filed 10–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–36]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil*; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–36 with attached Policy Justification and Sensitivity of Technology.

Dated: October 18, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

AUG 1 7 2017

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-36, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Romania for defense articles and services estimated to cost $1.25 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 17–36

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Romania

(ii) *Total Estimated Value:*

Major Defense Equipment*	$ .900 billion
Other	$ .350 billion
TOTAL	$1.250 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Fifty-four (54) High Mobility Artillery Rocket Systems (HIMARS) Launchers

Eighty-one (81) Guided Multiple Launch Rocket Systems (GMLRS) M31A1 Unitary

Eighty-one (81) Guided Multiple Launch Rocket Systems (GMLRS) M30A1 Alternative Warhead

Fifty-four (54) Army Tactical Missile Systems (ATACMS) M57 Unitary

Twenty-four (24) Advanced Field Artillery Tactical Data Systems (AFATDS)

Fifteen (15) M1151A1 HMMWVs, Utility, Armored

Fifteen (15) M1151A1 HMMWVs, Armor Ready 2-Man

Non-MDE includes:

Fifty-four (54) M1084A1P2 HIMARS Resupply Vehicles (RSVs) (5 ton,

Medium Tactical Cargo Vehicle with Material Handling Equipment)
Fifty-four (54) M1095 MTV Cargo Trailers w/RSV kit
Ten (10) M1089A1P2 FMTV Wreckers (5 Ton Medium Tactical Vehicle Wrecker with Winch)

Also included are thirty (30) Low Cost Reduced Range (LCRR) practice rockets, support equipment, communications equipment, sensors, spare and repair parts, test sets, batteries, laptop computers, publications and technical data, facility design, training and training equipment, systems integration support, Quality Assurance Teams and a Technical Assistance Fielding Team, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics and program support.

(iv) *Military Department:* Army

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* August 17, 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Romania—High Mobility Artillery Rocket Systems (HIMARS) and Related Support and Equipment

The Government of Romania has requested the possible sale of fifty-four (54) High Mobility Artillery Rocket Systems (HIMARS) Launchers, eighty-one (81) Guided Multiple Launch Rocket Systems (GMLRS) M31A1 Unitary, eighty-one (81) Guided Multiple Launch Rocket Systems (GMLRS) M30A1 Alternative Warhead, fifty-four (54) Army Tactical Missile Systems (ATACMS) M57 Unitary, twenty-four (24) Advanced Field Artillery Tactical Data Systems (AFATDS), fifteen (15) M1151A1 HMMWVs, Utility, Armored, and fifteen (15) M1151A1 HMMWVs, Armor Ready 2-Man. Also included with this request are: fifty-four (54) M1084A1P2 HIMARS Resupply Vehicles (RSVs) (5 ton, Medium Tactical Cargo Vehicle with Material Handling Equipment), fifty-four (54) M1095 MTV Cargo Trailer with RSV kit, and ten (10) M1089A1P2 FMTV Wreckers (5 Ton Medium Tactical Vehicle Wrecker with Winch), thirty (30) Low Cost Reduced Range (LCRR) practice rockets, support equipment, communications equipment, sensors, spare and repair parts, test sets, batteries, laptop computers, publications and technical data, facility design, training and training equipment, systems integration support, Quality Assurance Teams and a Technical Assistance Fielding Team, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics and program support. The total estimated program cost is $1.25 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally that has been, and continues to be an important force for political stability and economic progress within Europe. The proposed sale of the HIMARS system will support Romania's needs for its own self-defense and support NATO defense goals.

The Government of Romania intends to use these defense articles and services to modernize its armed forces and strengthen its homeland defense and deter regional threats. This will contribute to Romania's military goal of updating its capabilities while further enhancing interoperability with the United States and other NATO allies. Romania will have no difficulty absorbing this system into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be Lockheed-Martin in Grand Prairie, Texas and Camden, Arkansas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require approximately the assignment of up to 10 U.S. Government or contractor representatives to travel to Romania for a period of up to one year for equipment de-processing/fielding, system checkout, training, and technical and logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–36

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. The High Mobility Artillery Rocket Systems (HIMARS) is a highly mobile, all-weather indirect area fire artillery system. The HIMARS mission is to supplement cannon artillery to deliver a large volume of firepower within a short time against critical time-sensitive targets. At shorter ranges, HIMARS complements tube artillery with heavy barrages against assaulting forces as well as in the counter-fire, or defense suppression roles. The highest level of classified information that could be disclosed by a proposed sale, production, or by testing of the end item is SECRET; the highest level that must be disclosed for production, maintenance, or training is CONFIDENTIAL. Reverse engineering could reveal SECRET information. Launcher platform software, weapon operational software, command and control special application software, and command and control loadable munitions module software are considered UNCLASSIFIED. The system specifications and limitations are classified SECRET. Vulnerability data is classified up to SECRET. Countermeasures, counter-countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified SECRET.

2. The highest classification level for release of the ATACMS Unitary M57 FMS Variant is SECRET, based upon the software. The highest level of classified information that could be disclosed by a sale or by testing of the end item is SECRET; the highest level that must be disclosed for production, maintenance, or training is CONFIDENTIAL. Reverse engineering could reveal CONFIDENTIAL information. Fire Direction System, Data Processing Unit, and special Application software is classified SECRET. Communications Distribution Unit software is classified CONFIDENTIAL. The system specifications and limitations are classified CONFIDENTIAL. Vulnerability Data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified SECRET or CONFIDENTIAL.

3. Guided Multiple Launch Rocket System Alternative Warhead (GMLRS–AW) M30A1. The GMLRS–AW, M30A1, is the next design increment of the GMLRS rocket. The GMLRS–AW M30A1 hardware is over 90% common with the M31A1 GMLRS Unitary hardware. Operational range is between 15–70 kilometers. Accuracy of less than 15 meters Circular Error Probability at all ranges, when using inertial guidance with Global Positioning System (GPS) augmentation. Uses a proximity sensor fuze mode with a 10 meter height of burst. The Alternative Warhead carries a 200 pound fragmentation assembly filled with high explosives which, upon detonation, accelerates two layers of pre-formed tungsten fragments optimized for effectiveness against large area and imprecisely located targets. The GMLRS–AW provides an area target

attack capability that is treaty compliant (no un-exploded ordnance). It provides a 24 hour, all weather, long range attack capability against personnel, soft and lightly armored targets, and air defense targets. The GMLRS–AW uses the same motor, guidance and control systems fuze mechanisms, and proximity sensors as the M31A1 GMLRS Unitary. The highest classification level for release of the GMLRS–AW is SECRET, based upon the software, sale or testing of the end item. The highest level of classification that must be disclosed for production, maintenance, or training is CONFIDENTIAL.

4. The GPS PPS component of the HIMARS munitions (GMLRS Unitary, Alternative Warhead, and ATACMS Unitary) is also contained in the Fire Direction System, is classified SECRET, and is considered SENSITIVE. To that end, no GPS PPS design information, including GPS software algorithms, will be disclosed in the course of this sale to country. Susceptibility of GMLRS to diversion or exploitation is considered low risk. GMLRS employs an inertial navigational system that is aided by a Selective Availability Anti-Spoofing Module (SAASM) equipped GPS receiver. To that end, this system requires encryption keys controlled by, and issued by, the National Security Agency.

5. AFATDS is a multi-service (U.S. Army and U.S. Marine Corps) automated, expert decision support system used for Command, Control, Communications and integration and synchronization of fires on ground targets during all phases of military conflict. AFATDS provides the automated tools that significantly augment the capability of fire support coordinators, fire support assets commanders, and their respective staffs at every echelon during the planning and execution of fire support on the dynamic battlefields in support of the Maneuver Commander and his plans.

6. The classification of the request for assistance and customized AFATDS with sanitized and customized JMEM and LMM, and/or with functionally compatible but UNCLASSIFIED modular substitutes for COMSEC, JMEM, and LMM capabilities, is available for Foreign Military Sales (FMS) with the following restrictions and caveats. The software source code and design specifications are UNCLASSIFIED but considered highly sensitive and are not available for FMS. The following items, while they are unclassified they are not individually freely and openly releasable, however, they can be offered for FMS as individually and specifically included items of complete system procurements: executable code, training manuals, user manuals, and system documentation such as external system architecture diagrams, high level internal software architecture diagrams, the Version Description Document, and the System Administrator Manual as customized for each individual FMS customer. The highest level of information that is necessarily disclosed during maintenance of these sanitized systems and applications is UNCLASSIFIED/FOUO. The highest level of sensitive information that is necessarily disclosed by the sale of these sanitized systems and applications is UNCLASSIFIED/FOUO. The highest level of information that is necessarily disclosed to allow system administration of these sanitized systems and applications UNCLASSIFIED/FOUO. The highest level of information that is necessarily disclosed in training of these sanitized systems and applications is UNCLASSIFIED/FOUO. The highest level of information that could be revealed by reverse engineering or testing of these systems is UNCLASSIFIED/FOUO. Through scanning or testing these sanitized systems and applications, specific vulnerabilities could be disclosed, and will be treated at UNCLASSIFIED/FOUO. The identification of these vulnerabilities with U.S.-only systems is CLASSIFIED, per Section 6.3. Participants of the FMS process shall not make references to U.S.-only system maintenance, administration, or technical details because they could be considered SECRET.

7. Susceptibility of ATACMS Unitary M57 FMS Variant, GMLRS M30A1 and M31A1 to diversion or exploitation is considered low risk. Components of the system are also considered highly resistant to reverse engineering. Detailed knowledge of the technical capabilities of the system could enable an enemy to tailor defenses and adjust tactics and procedures to minimize the effectiveness of the system.

8. Susceptibility of AFATDS to diversion or exploitation is considered low risk. Software of the system are also considered highly resistant to reverse engineering. Detailed knowledge of the technical capabilities of the system could enable an enemy to tailor defenses and adjust tactics and procedures to minimize the effectiveness of the system. Training and user manuals are unclassified but considered sensitive and not for general release to foreign nationals, except that they will be provided with the system when the system is procured through foreign military sales. Installation instructions are unclassified but considered sensitive and not for general release to foreign nationals, except that they will be provided with the system when the system is procured through FMS.

9. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software, the information could be used to develop countermeasures, which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

10. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the enclosed Military Policy Justification. Moreover, the benefits to be derived from this sale outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons. A determination has been made that Romania can provide the same degree of protection for the sensitive technology being released as the U.S. Government.

11. All defense articles and services listed in this transmittal have been authorized for release and export to Romania.

[FR Doc. 2017–22984 Filed 10–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–28]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil*; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–28 with attached Policy Justification and Sensitivity of Technology.

Dated: October 18, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

OCT 06 2017

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-28, concerning the Missile Defense Agency's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $15 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 17–28

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Saudi Arabia

(ii) Total Estimated Value:

Major Defense Equipment *	$ 9 billion
Other	$ 6 billion
TOTAL	$15 billion

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Forty-four (44) Terminal High Altitude Area Defense (THAAD) Launchers

Three hundred sixty (360) THAAD Interceptor Missiles

Sixteen (16) THAAD Fire Control and Communications Mobile Tactical Station Group

Seven (7) AN/TPY–2 THAAD Radars

Non-MDE:

Also included are THAAD Battery maintenance equipment, forty-three (43) prime movers (trucks), generators, electrical power units, trailers, communications equipment, tools, test and maintenance equipment, repair and return, system integration and checkout, spare/repair parts, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel support services, facilities construction, studies, and other related elements of logistics and program support.

(iv) *Military Departments:* Missile Defense Agency (XX–I–WIB, XX–I–WIC); Army (XX–B–TFP, XX–B–BDP, XX–B–ZAO, XX–B–DAH, XX–B–ZAQ, XX–B–OZY, XX–B–HFA); NSA (XX–M–AAG)

(v) *Prior Related Cases, if any:* SR–I–WIA Basic, 2 February 2015; Amendment 1, 25 August 2016

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) Date Report Delivered to Congress: October 6, 2017

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Saudi Arabia—Terminal High Altitude Area Defense and Related Support Equipment and Services

The Government of Saudi Arabia has requested a possible sale of forty-four (44) Terminal High Altitude Area Defense (THAAD) launchers, three hundred sixty (360) THAAD Interceptor Missiles, sixteen (16) THAAD Fire Control and Communications Mobile Tactical Station Group, seven (7) AN/TPY–2 THAAD radars. Also included are THAAD Battery maintenance equipment, forty-three (43) prime movers (trucks), generators, electrical power units, trailers, communications equipment, tools, test and maintenance equipment, repair and return, system integration and checkout, spare/repair parts, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel support services, facilities construction, studies, and other related elements of logistics and program support. The estimated cost is $15 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a friendly country. This sale furthers U.S. national security and foreign policy interests, and supports the long-term security of Saudi Arabia and the Gulf region in the face of Iranian and other regional threats. This potential sale will substantially increase Saudi Arabia's capability to defend itself against the growing ballistic missile threat in the region. THAAD's exo-atmospheric, hit-to-kill capability will add an upper-tier to Saudi Arabia's layered missile defense architecture and will support modernization of the Royal Saudi Air Defense Force (RSADF). Saudi Arabia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors for the THAAD system are Lockheed Martin Space Systems Corporation, Dallas, TX, Camden, AR, Troy, AL and Huntsville, AL; and Raytheon Corporation, Andover, MA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require one hundred eleven (111) contractor representatives and eighteen (18) U.S. Government personnel in country for an extended period of time.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–28

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. The Terminal High Altitude Area Defense System (THAAD) Ballistic Missile Defense (BMD) System contains classified CONFIDENTIAL/SECRET components and critical/sensitive technology. The THAAD Fire Unit is a ground-based, forward deployable terminal missile defense system that represents significant technological advances. The THAAD system continues to hold a technology lead over other terminal ballistic missile systems. THAAD is the first weapon system with both endo- and exo- atmospheric capability developed specifically to defend against ballistic missiles. The higher altitude and theater-wide protection offered by THAAD provides more protection of larger areas than lower-tier systems alone. THAAD is designed to defend against short, medium, and intermediate range ballistic missiles. The THAAD system consists of four major components: Fire Control/Communications, Radar, Launchers, and Interceptor Missiles.

2. The THAAD BMD System contains sensitive/critical technology, primarily in the area of defense and production know-how and primarily inherent in the design, development and/or manufacturing data related to certain critical components. Information on operational effectiveness with respect to countermeasures and counter-countermeasures, low observable technologies, select software documentation and test data are classified up to and including SECRET.

3. The THAAD BMD System contains Controlled Cryptographic Items (CCI) that are used for both system internal links and for external communications. These items consist of key loading devices, network encryptors, secure telephones, voice radios, tactical data radios, and mission data radios. Specific CCI used for the Saudi Arabia case will be determined through the COMSEC Release Request (CRR) process, initiated through USCENTCOM once an interoperability requirement has been established. NSA will identify releasable items, in parallel with staffing and validation of the CRR by the Joint Staff. The Committee for National Security Systems (CNSS) reviews and provides final approval of the items and quantities.

4. AN/VRC–90, AN/VRC–91, AN/VRC–92 are different configurations of

the Single Channel Ground and Airborne Radio System (SINCGARS) family. SINCGARS is a tactical radio providing secure jam-resistant voice and data communications of command, control, targeting, and technical information for the Terminal High Altitude Air Defense (THAAD) system. The spread-spectrum frequency hopping Electronic Counter-Counter Measures (ECCM) technology resident in the radio is sensitive but UNCLASSIFIED. While sensitive, the frequency-hopping algorithms used to generate the ECCM waveform are unique to the country of ownership and cannot be manipulated by potential adversaries for use or interference with other countries possessing SINCGARS technology. Should a potential adversary come into possession of one of these radios, they would have the potential to intercept operational command, control, and targeting information. This potential problem is mitigated by the fact that the customer can secure information passed over the radio network using a commercial grade security capability equivalent to an Advanced Encryption Standard (AES) 256-bit encryption system whose keys are controlled by the customer country.

5. As with the SINCGARS family of radios, the AN/PRC–117 is a tactical radio providing ECCM jam-resistant secure communications for exchange of command, control, and targeting information within the THAAD system tactical radio network. ECCM capabilities are sensitive but UNCLASSIFIED and algorithms for these jam-resistant waveforms are unique to the customer country. Unlike the SINCGARS radios, the AN/PRC–117 uses Type 1 encryption. When loaded with U.S. crypto keys, the system is then CLASSIFIED up to SECRET. Should a potential adversary come into possession of one of these radios, the customer country can quickly remotely rekey remaining radios, preventing potential adversaries from understanding received command, control, and targeting information.

6. The Defense Advanced Global Positioning System (GPS) Receiver (DAGR) is a handheld GPS location device with map background displaying the user's location. Unlike commercial grade GPS receivers capable of receiving Standard Positioning Signals (SPS) from GPS satellites, the DAGR is capable of receiving Precise Positioning Signals (PPS). PPS satellite signals provide significantly more accurate location data than do SPS signals. This capability within DAGRs is possible due to the Selective Availability Anti-Spoofing Module (SAASM). The SAASM is an encrypted device permitting both receipt of PPS signals and the benefit of preventing potential adversaries from spoofing the system to display incorrect location information. The SAASM capability within the DAGR is sensitive but UNCLASSIFIED. The SAASM capabilities are sensitive due to the system's ability to access restricted PPS GPS satellite signals and to prevent spoofing. While sensitive, the ability of potential adversaries to exploit the system is limited.

7. The same SAASM capabilities resident in the DAGR are also resident in the THAAD GPS timing system. The THAAD system requires highly precise timing hacks in order accurately track and engage targets. The PPS signals generated by GPS satellites provide this precise timing information. The SAASM device resident in the timing system permits receipt of this precise PPS timing data. The SAASM is an encrypted device permitting both receipt of PPS signals and the benefit of preventing potential adversaries from spoofing the system to display incorrect data. The SAASM capability within the timing system is sensitive but UNCLASSIFIED.

8. If a technologically advanced adversary were to obtain knowledge of specific hardware, the information could be used to develop countermeasures which might reduce weapons system effectiveness or be used in the development of a system with similar or advanced capabilities.

9. A determination has been made that Saudi Arabia can provide substantially the same degree of protection for sensitive technology being released as the U.S. Government. This proposed sustainment program is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the policy justification.

10. All defense articles and services listed on this transmittal are authorized for release and export to the Kingdom of Saudi Arabia.

[FR Doc. 2017–22965 Filed 10–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Advisory Panel on Streamlining and Codifying Acquisition Regulations

AGENCY: Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics), DoD.

ACTION: Notice of Advisory Panel.

SUMMARY: The Department of Defense is publishing this notice to encourage feedback for the Section 809 Advisory Panel on Streamlining and Codifying Acquisition Regulations (hereafter ''the Panel''). The Panel meets on a monthly basis and will provide a final report to the Secretary of Defense and Congress in 2019. The agendas, meeting times, and contact information are posted on the Panel Web site: *http://www.section809panel.org.* Public feedback can be submitted in the ''Contact Us'' section of the Web site as either general comments or specific recommendations.

FOR FURTHER INFORMATION CONTACT: Shayne L. Martin, Section 809 Panel, 1400 Key Blvd., Suite 210, Arlington, VA 22209, email: *shayne.martin@dau.mil,* phone: 703–571–2989.

SUPPLEMENTARY INFORMATION: Section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114–92) required the Secretary of Defense to establish ''an advisory panel on streamlining acquisition regulations.'' The Panel was seated on August 12, 2016. By Statute, the Panel is exempt from the Federal Advisory Committee Act (5 U.S.C. Appendix). Public information, including opportunities for input, is posted and periodically updated at *http://www.section809panel.org.*

Dated: October 18, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–22987 Filed 10–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Performance Review Board Membership

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The purpose of the PRBs is to provide fair and impartial review of the annual SES performance appraisal prepared by the senior executive's immediate and second level supervisor; to make recommendations to appointing officials regarding acceptance or modification of the performance rating; and to make recommendations for performance bonuses and basic pay increases. Composition of the specific PRBs will be determined on an ad hoc basis from among the individuals listed below:

Mr. Mark Andress

Mr. Todd Balazs
Ms. Jennifer Balisle
VADM Terry Benedict
Ms. Juliette Beyler
RADM Bon Boxall
Mrs. Diane Boyle
Mr. William Bray
Ms. Anne Brennan
Mr. Steven Cade
Mr. Phillip Chudoba
Mr. Anthony Cifone
RDML Brian Corey
Dr. Bruce Danly
RADM Mark Darrah
Mr. Tom Dee
RDML Moises DelToro, III
Mr. Frank DiGiovanni
RDML James Downey
Mr. Victor Gavin
CAPT John Gearhart
Ms. Donjette Gilmore
Dr. Frank Herr
Mr. Neil Hogg
Mr. Robert Hogue
Mr. Mark Honecker
Mr. Steven Iselin
VADM David Johnson
Ms. Joan Johnson
Ms. Joan Johnson
Dr. Walter Jones
Ms. Jennifer LaTorre
Mr. Paul Lluy
Mr. Joe Ludovici
Mr. Michael Madden
Dr. Michael Malanoski
BGen Greg Masiello
Mr. Donald McCormack, Jr.
Ms. Ann-Cecile McDermott
Mr. James Meade
Mr. William Melton
RADM Michael Moran
CAPT Scott Moran
Mr. Garry Newton
RDML Dean Peters
Mr. Garrett Ressing
LtGen Michael Rocco
Dr. Stephen Russell
Mr. Steven Schulze
RDML Robert Sharp
Ms. Cindy Shaver
Mr. James Smerchansky
Ms. Allison Stiller
Mr. Patrick Sullivan
Ms. Leslie Taylor
Ms. Mary K. Tompa
Mr. Stephen Trautman
Ms. Gloria Valdez
Dr. David Walker
RDML Stephen Williamson
Mr. William Williford
Mr. Robert Woods
Mr. Samuel Worth
Ms. Lynn Wright
RDML Michael Zarkowski

FOR FURTHER INFORMATION CONTACT: Leslie Joseph, Director, Executive Management Program Office, Office of Civilian Human Resources at 202–685–6186.

SUPPLEMENTARY INFORMATION: The appointment of members to the DON's numerous Senior Executive Service (SES) Performance Review Boards (PRBs), is being made pursuant to 5 U.S.C. 4314(c)(4).

Dated: October 17, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–23012 Filed 10–23–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Taoglas USA, Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant an exclusive license to Taoglas USA, Inc. of San Diego, CA. The proposed license is a revocable, nonassignable, exclusive license to practice the invention embodied in U.S. Pat. App. Ser. No. 15/267,219: BROADBAND CIRCULARLY POLARIZED ANTENNA in the fields of use of automotive and Internet of Things (IoT) throughout the United States, the District of Columbia, the Commonwealth of Puerto Rico, and all other United States territories and possessions. The Secretary of the Navy has an ownership interest in this invention.

DATES: Anyone wishing to object to the grant of this license has fifteen (15) days from the date of this notice to file written objections along with supporting evidence, if any.

ADDRESSES: Written objections are to be filed with the Naval Undersea Warfare Center Division, Newport, 1176 Howell St., Bldg. 102T, Code 00T2, Newport, RI 02841.

FOR FURTHER INFORMATION CONTACT: Dr. Theresa A. Baus, Head, Technology Partnerships Office, Naval Undersea Warfare Center Division, Newport, 1176 Howell St., Bldg. 102T, Code 00T2, Newport, RI 02841, telephone 401–832–8728, or Email *Theresa.baus@navy.mil.*

Authority: 35 U.S.C. 207, 37 CFR part 404

Dated: October 17, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–23009 Filed 10–23–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

[FE Docket No. 17–105–LNG]

Fourchon LNG LLC; Application for Long-Term, Multi-Contract Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on August 17, 2017, by Fourchon LNG LLC (Fourchon LNG), requesting long-term, multi-contract authorization to export domestically produced liquefied natural gas (LNG) in a volume equivalent to 260 billion cubic feet (Bcf) per year. Fourchon LNG seeks authorization to export this LNG from a proposed natural gas liquefaction facility to be located on Port Fourchon at Belle Pass in Lafourche Parish, Louisiana (Facility). Fourchon LNG proposes to site, construct, own, and operate this Facility with a peak capacity of approximately five million tonnes per annum (mtpa). The Facility will be developed in phases, with the first phase expected to have a capacity of two mtpa, to be followed by the remaining LNG trains as demand develops, each of which will have a capacity of 0.5 mtpa. Fourchon LNG requests authorization to export this LNG to countries with which trade is not prohibited by U.S. law or policy, including both countries with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries) and all other countries (non-FTA countries). Fourchon LNG requests the non-FTA authorization for a term of 20 years, to commence on the date of first export following the commencement of operations or seven years from the date of a final order granting export authorization, whichever is first. Fourchon LNG is requesting this authorization on its own behalf and as agent for other entities who hold title to the natural gas at the time of export. Fourchon LNG filed the Application under section 3 of the Natural Gas Act (NGA). Additional details can be found in Fourchon LNG's Application, posted on the DOE/FE Web site at *https://www.energy.gov/fe/downloads/fourchon-lng-llc-fe-dkt-no-17-105-lng.* Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable,

requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 26, 2017.

ADDRESSES:

Electronic Filing by email: fergas@hq.doe.gov.

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (*e.g., FedEx, UPS, etc.):* U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Beverly Howard or Larine Moore, U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9387, (202) 586–9478.

R.J. Colwell, U.S. Department of Energy, Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6D–033, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586–8499.

SUPPLEMENTARY INFORMATION:

DOE/FE Evaluation

In the Application, Fourchon LNG requests authorization to export LNG from the proposed Facility to both FTA countries and non-FTA countries. This Notice applies only to the portion of the Application requesting authority to export LNG to non-FTA countries pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a). DOE separately will review the portion of the Application requesting authority to export LNG to FTA countries pursuant to section 3(c) of the NGA, 15 U.S.C. 717b(c).

In reviewing Fourchon LNG's request for a non-FTA export authorization, DOE will consider any issues required by law or policy. DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the following two studies examining the cumulative impacts of exporting domestically produced LNG:

- *Effect of Increased Levels of Liquefied Natural Gas on U.S. Energy Markets,* conducted by the U.S. Energy Information Administration upon DOE's request (2014 EIA LNG Export Study); [1] and
- *The Macroeconomic Impact of Increasing U.S. LNG Exports,* conducted jointly by the Center for Energy Studies at Rice University's Baker Institute for Public Policy and Oxford Economics, on behalf of DOE (2015 LNG Export Study).[2] Additionally, DOE will consider the following environmental documents:
- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States, 79 FR 48132 (Aug. 15, 2014);* [3] and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States,* 79 FR 32260 (June 4, 2014).[4]

Parties that may oppose this Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the non-FTA portion of the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable, regarding the non-FTA export portion of the Application. Interested persons will be provided 60 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 17–105–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 17–105–LNG. **Please Note:** If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to

[1] The 2014 EIA LNG Export Study, published on Oct. 29, 2014, is available at: *https://www.eia.gov/analysis/requests/fe/.*

[2] The 2015 LNG Export Study, dated Oct. 29, 2015, is available at: *http://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf.*

[3] The Addendum and related documents are available at: *https://energy.gov/fe/addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[4] The Life Cycle Greenhouse Gas Report is available at: *http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states.*

the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Issued in Washington, DC, on October 18, 2017.

John A. Anderson,

Director, Office of Regulation and International Engagement, Office of Oil and Natural Gas.

[FR Doc. 2017–23017 Filed 10–23–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1648–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Midcontinent Independent System Operator, Inc. tariff filing per 35.19a(b): Refund Report for Illinois Power Generating Company to be effective N/A.
Filed Date: 10/17/17.
Accession Number: 20171017–5201.
Comments Due: 5 p.m. ET 11/7/17.

Docket Numbers: ER17–2471–001.
Applicants: ORNI 43 LLC.
Description: Tariff Amendment: Amendment to Petition of ORNI 43 LLC to be effective 9/18/2017.
Filed Date: 10/18/17.
Accession Number: 20171018–5059.
Comments Due: 5 p.m. ET 11/8/17.

Docket Numbers: ER17–2472–001.
Applicants: ONGP LLC.
Description: Tariff Amendment: Amendment to Petition of ONGP LLC to be effective 9/18/2017.
Filed Date: 10/18/17.
Accession Number: 20171018–5064.
Comments Due: 5 p.m. ET 11/8/17.

Docket Numbers: ER18–90–000.
Applicants: Frenchtown II Solar, LLC.
Description: Baseline eTariff Filing: Frenchtown II Reactive Power Filing to be effective 12/18/2017.
Filed Date: 10/17/17.
Accession Number: 20171017–5136.
Comments Due: 5 p.m. ET 11/7/17.

Docket Numbers: ER18–91–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2017–10–17 2017 Grid Management Charge—Cost of Service Study Update to be effective 1/1/2018.
Filed Date: 10/17/17.
Accession Number: 20171017–5138.
Comments Due: 5 p.m. ET 11/7/17.

Docket Numbers: ER18–92–000.
Applicants: Carroll County Energy LLC.
Description: Baseline eTariff Filing: Reactive Power Tariff Application to be effective 12/1/2017.
Filed Date: 10/17/17.
Accession Number: 20171017–5154.
Comments Due: 5 p.m. ET 11/7/17.

Docket Numbers: ER18–93–000.
Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ATSI submits Revised Interconnection Agreement SA No. 3992 to be effective 12/19/2017.
Filed Date: 10/18/17.
Accession Number: 20171018–5051.
Comments Due: 5 p.m. ET 11/8/17.

Docket Numbers: ER18–94–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–10–18_Cedar Falls Utilities request for approval of Attachment O–CFU to be effective 1/1/2018.
Filed Date: 10/18/17.
Accession Number: 20171018–5056.
Comments Due: 5 p.m. ET 11/8/17.

Docket Numbers: ER18–95–000.
Applicants: Buchanan Energy Services Company, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 10/19/2017.
Filed Date: 10/18/17.
Accession Number: 20171018–5062.
Comments Due: 5 p.m. ET 11/8/17.

Docket Numbers: ER18–96–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–10–18_SA 2853 1st Rev Certificate of Concurrence IMTCO–NIPSCO Agreement to be effective 7/19/2017.
Filed Date: 10/18/17.
Accession Number: 20171018–5079.
Comments Due: 5 p.m. ET 11/8/17.

Docket Numbers: ER18–97–000.
Applicants: MS Solar 3, LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 11/1/2017.
Filed Date: 10/18/17.
Accession Number: 20171018–5120.
Comments Due: 5 p.m. ET 11/8/17.

Docket Numbers: ER18–98–000.
Applicants: Southern California Edison Company.
Description: Tariff Cancellation: Notice of Cancellation LGIA AES North America Development, LLC to be effective 8/31/2017.
Filed Date: 10/18/17.
Accession Number: 20171018–5125.
Comments Due: 5 p.m. ET 11/8/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–22985 Filed 10–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Electric Quarterly Report User Group Meeting

	Docket Nos.
Electric Quarterly Report User Group Meeting.	AD18–4–000
Filing Requirements for Electric Utility Service Agreements.	RM01–8–000
Electricity Market Transparency Provisions of Section 220 of the Federal Power Act.	RM10–12–000
Revisions to Electric Quarterly Report Filing Process.	RM12–3–000
Electric Quarterly Reports	ER02–2001–000

Take notice that on December 5, 2017, staff of the Federal Energy Regulatory Commission (Commission) will hold an Electric Quarterly Report (EQR) Users Group meeting. The meeting will take place from 1:00 p.m. to 5:00 p.m. (EST) in the Commission Meeting Room at 888 First Street NE., Washington, DC 20426. All interested persons are invited to attend. For those unable to attend in person, access to the meeting will be available via webcast.

This meeting will provide a forum for dialogue between Commission staff and EQR users to discuss potential improvements to the EQR program and the EQR filing process. Please note that matters pending before the Commission and subject to ex parte limitations cannot be discussed at this meeting. An

agenda of the meeting will be provided in a subsequent notice. Individuals may suggest agenda topics for consideration by emailing *EQRUsersGroup@ferc.gov.*

Due to the nature of the discussion, those interested in participating are encouraged to attend in person. All interested persons (whether attending in person or via webcast) are asked to register online at *http://www.ferc.gov/whats-new/registration/12-05-17-form.asp.* There is no registration fee. Anyone with Internet access can listen to the meeting by navigating to *www.ferc.gov's* Calendar of Events, locating the EQR Users Group Meeting on the Calendar, and clicking on the link to the webcast. The webcast will allow persons to listen to the technical conference and they can email questions during the meeting to *EQRUsersGroup@ferc.gov.*

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

To increase administrative efficiency, issuances related to future EQR user group meetings will not be assigned to Docket Nos. RM01–8–000, RM10–12–000, RM12–3–000 and ER02–2001–000. For more information about the EQR Users Group meeting, please contact Jeff Sanders of the Commission's Office of Enforcement at (202) 502–6455, or send an email to *EQRUsersGroup@ferc.gov.*

Dated: October 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–22976 Filed 10–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2154–008.

Applicants: Twin Eagle Resource Management, LLC.

Description: Notice of Change of Status of Twin Eagle Resource Management, LLC.

Filed Date: 10/16/17.

Accession Number: 20171016–5236.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: ER17–256–003; ER17–242–003; ER17–243–003; ER17–245–003; ER17–652–003.

Applicants: Darby Power, LLC, Gavin Power, LLC, Lawrenceburg Power, LLC, Waterford Power, LLC, Lightstone Marketing LLC.

Description: Notice of Change in Status of Darby Power, LLC, et al.

Filed Date: 10/16/17.

Accession Number: 20171016–5237.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: ER17–2084–001.

Applicants: Great Bay Solar I, LLC.

Description: Notice of Non-Material Change of Status of Great Bay Solar 1, LLC.

Filed Date: 10/17/17.

Accession Number: 20171017–5116.

Comments Due: 5 p.m. ET 11/7/17.

Docket Numbers: ER18–83–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–10–16_SA 1570 Fenton Power–NSP 2nd Rev GIA (G162 J789) to be effective 9/29/2017.

Filed Date: 10/16/17.

Accession Number: 20171016–5214.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: ER18–84–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1770R1 AECI and Empire District Interconnection Agreement to be effective 10/9/2017.

Filed Date: 10/17/17.

Accession Number: 20171017–5004.

Comments Due: 5 p.m. ET 11/7/17.

Docket Numbers: ER18–85–000.

Applicants: ISO New England Inc.

Description: § 205(d) Rate Filing: Revised Tariff Sheets for the Recovery of Costs for the 2018 Operation of NESCOE to be effective 1/1/2018.

Filed Date: 10/17/17.

Accession Number: 20171017–5060.

Comments Due: 5 p.m. ET 11/7/17.

Docket Numbers: ER18–86–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Rev to the OATT and OA RE: Allocation of Uplift to Virtual Transactions to be effective 4/1/2018.

Filed Date: 10/17/17.

Accession Number: 20171017–5089.

Comments Due: 5 p.m. ET 11/7/17.

Docket Numbers: ER18–87–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to OATT and OA RE: RegD Performance and Compensation to be effective 4/1/2018.

Filed Date: 10/17/17.

Accession Number: 20171017–5097.

Comments Due: 5 p.m. ET 11/7/17.

Docket Numbers: ER18–88–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Rev to the OATT and OA RE: Reducing Bidding Points for Virtual Transactions to be effective 1/16/2018.

Filed Date: 10/17/17.

Accession Number: 20171017–5110.

Comments Due: 5 p.m. ET 11/7/17.

Docket Numbers: ER18–89–000.

Applicants: Frenchtown I Solar, LLC.

Description: Baseline eTariff Filing: Frenchtown I Reactive Service Filing to be effective 12/18/2017.

Filed Date: 10/17/17.

Accession Number: 20171017–5126.

Comments Due: 5 p.m. ET 11/7/17.

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: October 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–22977 Filed 10–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–20–000]

Indicated SPP Transmission Owners v. Southwest Power Pool, Inc.; Notice of Complaint

Take notice that on October 13, 2017, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824(e), and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Indicated SPP Transmission Owners

(Complainant)[1] filed a formal complaint against Southwest Power Pool, Inc., (SPP or Respondent) seeking revision of SPP's Open Access Transmission Tariff to prevent cost shifts occurring when new SPP Transmission Owners are added to existing transmission pricing zones, all as more fully explained in the complaint.

Complainant certifies that copies of the complaint were served on the contacts for the Respondent as listed on the Commission's list of Corporate Officials.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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 November 2, 2017.

Dated: October 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–22986 Filed 10–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP16–10–000	10–3–2017	Phyllis Duncan.
2. CP15–558–000	10–3–2017	World Business Academy.
3. P–2305–076	10–3–2017	Niblett's Bluff Park Commission.
4. CP15–88–000	10–5–2017	Citizens from Boyle County, Kentucky.[1]
5. PF15–3–000, CP16–10–000, CP16–13–000	10–6–2017	Pat Curran Leonard.
6. CP15–558–000	10–10–2017	The Chamber of Commerce for Greater Philadelphia.
Exempt:		
1. P–2660–028, P–2660–029	9–28–2017	Government of Canada.
2. CP17–101–000	10–3–2017	U.S. Senator Cory A. Booker.
3. CP17–41–000	10–4–2017	FERC Staff.[2]
4. EL17–15–001	10–4–2017	U.S. House Representative Brett Guthrie.

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[1] The Indicated SPP Transmission Owners are identified as: American Electric Power Service Company, on behalf of Public Service Company of Oklahoma and Southwestern Electric Power Company; City Utilities of Springfield, Missouri; Kansas City Power & Light Company; KCP&L Greater Missouri Operations Company; Nebraska Public Power District; Oklahoma Gas & Electric Company; Omaha Public Power District; Southwestern Public Service Company; Sunflower Electric Power Corporation, LLC; Mid-Kansas Electric Company, LLC; Westar Energy, Inc.; and Western Farmers Electric Cooperative.

Docket No.	File date	Presenter or requester
5. CP16–38–000	10–12–2017	U.S. Senator Shelley Moore Capito.

[1] Sarah Vahlkamp, Tena Messer, Jim and Linda Porter, Truly and Eric Mount, Mark Morgan, Jane and JP Brantley, Anne and Charles Ferguson, Susan and Walter Nimocks, Preston Miles, and Julie Pease.
[2] Telephone Call Summary for call on 9/28/2017 with Eagle LNG.

Dated: October 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–22978 Filed 10–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–35–000.

Applicants: Garden Banks Gas Pipeline, LLC.

Description: § 4(d) Rate Filing: Garden Banks Oct2017 Phase II Filing to be effective 12/1/2017.

Filed Date: 10/16/17.

Accession Number: 20171016–5162.

Comments Due: 5 p.m. ET 10/30/17.

Docket Numbers: RP18–36–000.

Applicants: Mississippi Canyon Gas Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Mississippi Canyon Phase II Filing to be effective 12/1/2017.

Filed Date: 10/16/17.

Accession Number: 20171016–5199.

Comments Due: 5 p.m. ET 10/30/17.

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: October 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–22979 Filed 10–23–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 17–09]

Fiat Chrysler Automobiles NV, FCA US LLC and FCA Italy S.P.A., V. Wallenius Wilhelmsen Logistics AS, Wallenius Wilhelmsen Logistics Americas LLC, EUKOR Car Carriers INC., Nippon Yusen Kabushiki Kaisha, NYK Line (North America) INC., Mitsui O.S.K. Lines, LTD., MOL (America) INC., Kawasaki Kisen Kaisha, LTD.,''K'' Line America, INC., Compañía Sud Americana De Vapores, And Hoëgh Autoliners AS, Notice of Filing of Complaint and Assignment

Notice is given that a Complaint has been filed with the Federal Maritime Commission (Commission) by Fiat Chrysler Automobiles NV, FCA US LLC, and FCA Italy S.p.A, hereinafter ''Complainants,'' against the above named companies, hereinafter ''Respondents.'' Complainants allege that Respondents are ocean common carriers, and indicate that since 1997, Complainants have ''purchased hundreds of millions of dollars' worth of roll on, roll off cargo services from Respondents.''

Complainants allege that Respondents ''have conspired and acted in concert to suppress competition for roll on, roll off cargo shipping services'' in violation of ''46 U.S.C. 40302(a), 41102(b)(1), 41102(c), 41103(a)(1), 41103(2), 41104(10), 41105(1) and 41105(6), and the regulations promulgated thereunder, 46 CFR 535.401 *et seq.,*'' as Respondents ''failed to file their agreements to fix prices, allocate customers and/or artificially restrain capacity'', and charged Complainants fees ''in accordance with these unfiled agreements.''

Complainants have ''suffered financial damages in amount to be determined . . .'' Complainants request the following relief:

1. ''That Respondents be required to answer the charges herein;

2. That, after due investigation and hearing, Respondents be found to have violated 46 U.S.C. 40302(a), 41102(b)(1), 41102(c), 41103(a)(1), 41103(2) 41104(10), 41105(1), and 41105(6), and 46 CFR 535.401 *et seq.;*

3. That the FMC order Respondents to stop violating the Shipping Act;

4. That [Complainants] be awarded reparations in a sum to be proven under 46 U.S.C. 41305, interest (46 U.S.C. 41305(a)) and reasonable attorneys' fees (46 U.S.C. 41305(b));

5. That [Complainants] be awarded double its proven injury under 46 U.S.C. 41305(c) because Respondents and their co-conspirators violated 46 U.S.C. 41102(b) and 41105(1);

6. That Respondents be found jointly and severally liable for the conduct alleged herein and any reparations awarded;

7. That such other and further order be made as the FMC determines to be proper; and

8. [Complaints] request a hearing and asks that the hearing be held in Washington, DC.''

The full text of the complaint can be found in the Commission's Electronic Reading Room at *www.fmc.gov/17-09.*

This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding officer in this proceeding shall be issued by October 17, 2018 and the final decision of the Commission shall be issued by May 1, 2019.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–22969 Filed 10–23–17; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to implement the Survey of Household Economics and Decisionmaking (FR 3077; OMB No. 7100–NEW).

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to

approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve 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.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC, 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

Final approval under OMB delegated authority of the implementation of the following report:

Report title: Survey of Household Economics and Decisionmaking.

Agency form number: FR 3077.

OMB control number: 7100–NEW.

Frequency: Quantitative Survey, annually; Qualitative Survey, occasionally.

Respondents: Consumers.

Estimated number of respondents: Quantitative Survey, 17,000 respondents; Qualitative Survey, 30 respondents.

Estimated average hours per response: Quantitative Survey, 0.47 hours; Qualitative Survey, 2 hours.

Estimated annual burden hours: Quantitative Survey, 7,990 hours; Qualitative Survey, 180 hours.

General description of report: The information collected could be used for the Board's *Report on the Economic Well-Being of U.S. Households,* for Board studies or working papers, professional journals, the *Federal Reserve Bulletin,* testimony and reports to the Congress, or other vehicles. Such event-driven consumer data collections could also be used to inform Board policy, regulatory, supervisory and operational decisions.

The Board anticipates that the SHED would include such topics as individuals' overall financial well-being, employment experiences, income and savings behaviors, economic preparedness, access to banking and credit, housing and living arrangement decisions, education and human capital, student loans, and retirement planning. The overall content of the SHED instrument would depend on changing economic, regulatory, or legislative developments as well as changes in the financial services industry.

Legal authorization and confidentiality: The Board's Legal Division has determined that Section 2A of the Federal Reserve Act (FRA) requires that the Federal Reserve Board and the Federal Open Market Committee maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). Under section 12A of the FRA, the Federal Open Market Committee is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country (12 U.S.C. 263). Because the Board and the Federal Open Market Committee use the information obtained on the FR 3077 to fulfill these obligations, these statutory provisions provide the legal authorization for the collection of information on the FR 3077. The FR 3077 is a voluntary survey.

The ability of the Board to maintain the confidentiality of information provided by respondents to the FR 3077 will have to be determined on a case-by-case basis depending on the type of information provided for a particular survey. To the extent that a respondent's answers reveal information ''the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,'' such information would likely be exempt from disclosure under exemption 6 of the Freedom of Information Act, 5 U.S.C. 552(b)(6).

Current actions: On August 9, 2017, the Board published an initial notice in the **Federal Register** (82 FR 37227) requesting public comment for 60 days on the implementation of the FR 3077. The comment period for this notice expired on October 10, 2017. The Board did not receive any comments. The survey will be implemented as proposed.

Board of Governors of the Federal Reserve System, October 19, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–22996 Filed 10–23–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Government Securities Dealers Reports (FR 2004; OMB No. 7100–0003) and a proposal to extend for three years, with revision, the voluntary Weekly Report of Selected Assets and Liabilities of Domestically Chartered Commercial Banks and U.S. Branches and Agencies of Foreign Banks (FR 2644; OMB No. 7100–0075). The FR 2644 revisions are effective as of January 3, 2018.

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve 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.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC, 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and

Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: The Government Securities Dealers Reports: Weekly Report of Dealer Positions (FR 2004A), Weekly Report of Cumulative Dealer Transactions (FR 2004B), Weekly Report of Dealer Financing and Fails (FR 2004C), Weekly Report of Specific Issues (FR 2004SI), Daily Report of Specific Issues (FR 2004SD), Supplement to the Daily Report of Specific Issues (FR 2004SD ad hoc), Daily Report of Dealer Activity in Treasury Financing (FR 2004WI), Settlement Cycle Report of Dealer Fails and Transaction Volumes: Class A (FR 2004FA), Settlement Cycle Report of Dealer Fails and Transaction Volumes: Class B (FR 2004FB), Settlement Cycle Report of Dealer Fails and Transaction Volumes: Class C (FR 2004FC), and Settlement Cycle Report of Dealer Fails and Transaction Volumes (FR 2004FM).

Agency form number: FR 2004.

OMB control number: 7100–0003.

Frequency: Weekly, daily, monthly.

Respondents: Dealers in the U.S. government securities market.

Estimated number of respondents: 23.

Estimated average hours per response: FR 2004A, 3.0 hours; FR 2004B, 3.7 hours; FR 2004C, 3.1 hours; FR 2004SI, 2.2 hours; FR 2004SD, 2.2 hours; FR 2004SD ad hoc, 2.0 hours; FR 2004WI, 1.0 hour; FR 2004FA, 1.0 hour; FR 2004FB, 1.0 hour; FR 2004FC, 1.0 hour; FR 2004FM, 1.5 hours.

Estimated annual burden hours: FR 2004A, 3,588 hours; FR 2004B, 4,425 hours; FR 2004C, 3,708 hours; FR 2004SI, 2,631 hours; FR 2004SD, 1,265 hours; FR 2004SD ad hoc, 1,196 hours; FR 2004WI, 3,680 hours; FR 2004FA, 276 hours; FR 2004FB, 276 hours; FR 2004FC, 276 hours; FR 2004FM, 414 hours.

General description of report: The Federal Reserve Bank of New York, on behalf of the Federal Reserve System, collects data from primary dealers in the U.S. government securities market. Filing of these data is required to obtain the benefit of primary dealer status. The Federal Reserve uses these data to (1) monitor the condition of the U.S. government securities market in its Treasury market surveillance and analysis of the market and to (2) assist and support the U.S. Department of the Treasury in its role as fiscal agent for Treasury financing operations. In addition, these data are helpful in the analysis of broad financial conditions and a range of financial stability issues.

Legal authorization and confidentiality: This information collection is authorized by sections 2A, 12A(c), 14, and 15 of the Federal Reserve Act (12 U.S.C. 225a, 263c, 353–359, and 391) and is required to obtain or retain the benefit of dealer status. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552(b)(4) and (b)(8)).

Current actions: On July 6, 2017, the Board published a notice in the **Federal Register** (82 FR 31327) requesting public comment for 60 days on the extension, without revision, of the FR 2004. The comment period for this notice expired on September 5, 2017. The Board did not receive any comments. The information collection will be extended as proposed.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following report:

Report title: Weekly Report of Selected Assets and Liabilities of Domestically Chartered Commercial Banks and U.S. Branches and Agencies of Foreign Banks.

Agency form number: FR 2644.

OMB control number: 7100–0075.

Effective Date: January 3, 2018.

Frequency: Weekly.

Respondents: Domestically chartered commercial banks and U.S. branches and agencies of foreign banks.

Estimated number of respondents: 875.

Estimated average hours per response: 2.35 hours.

Estimated annual burden hours: 106,925 hours.

General description of report: The FR 2644 is a balance sheet report that is collected as of each Wednesday from an authorized stratified sample of 875 domestically chartered commercial banks and U.S. branches and agencies of foreign banks. The FR 2644 is the only source of high-frequency data used in the analysis of current banking developments. The FR 2644 collects sample data that are used to estimate universe levels using data from the quarterly commercial bank Consolidated Reports of Condition and Income (FFIEC 031, FFIEC 041, and FFIEC 051; OMB No. 7100–0036) and the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002; OMB No. 7100–0032) (Call Reports). Data from the FR 2644, together with data from other sources, are used to construct weekly estimates of bank credit, balance sheet data for the U.S. banking industry, sources and uses of banks' funds, and to analyze current banking and monetary developments. The Board publishes the data in aggregate form in the weekly H.8 statistical release, *Assets and Liabilities of Commercial Banks in the United States,* which is followed closely by other government agencies, the banking industry, the financial press, and other users. The H.8 release provides a balance sheet for the banking industry as a whole and data disaggregated by its large domestic, small domestic, and foreign-related bank components.

Legal authorization and confidentiality: The FR 2644 is authorized by section 2A and 11(a)(2) of the Federal Reserve Act (12 U.S.C. 225(a) and 248(a)(2)) and by section 7(c)(2) of the International Banking Act (12 U.S.C. 3105(c)(2)) and is voluntary. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552(b)(4)).

Current actions: On July 6, 2017, the Board published a notice in the **Federal Register** (82 FR 31327) requesting public comment for 60 days on the extension, with revision, of the FR 2466. The Board proposed several revisions to simplify and reduce the overall reporting burden associated with the FR 2644 report. The proposed FR 2644 reporting form would consist of 29 balance-sheet items and 2 memoranda items, an overall reduction of six data items. The comment period for this notice expired on September 5, 2017. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, October 19, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–23003 Filed 10–23–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 16, 2017.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528. Comments can also be sent electronically to *Comments.applications@rich.frb.org:*

1. *Hamilton Bancorp, Inc.;* to become a bank holding company by acquiring 100 percent of the voting shares of Hamilton Bank, both of Towson, Maryland.

B. Federal Reserve Bank of Atlanta (Kathryn Haney, Director of Applications) 1000 Peachtree Street, NE., Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Lakeside Bancshares, Inc.;* to become a bank holding company by acquiring 100 percent of the outstanding shares of Lakeside Bank, both of Lake Charles, Louisiana.

C. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Henderson Citizens Bancshares, Inc., Henderson, Texas; to acquire voting shares of Union State Bancshares, Inc., Florence, Texas, and therefore indirectly acquire shares of Union State Bank, Florence, Texas.

Board of Governors of the Federal Reserve System, October 18, 2017.

Ann Misback,

Secretary of the Board.

[FR Doc. 2017–22963 Filed 10–23–17; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0163; Docket 2017–0001; Sequence 5]

Submission for OMB Review; General Services Acquisition Regulation; Information Specific to a Contract or Contracting Action (Not Required by Regulation)

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Information Specific to a Contract or Contracting Action (not required by regulation). A notice was published in the **Federal Register** at 82 FR 33911 on July 21, 2017. No comments were received.

DATES: Submit comments on or before: November 24, 2017.

ADDRESSES: Submit comments identified by Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation), by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 3090–0163. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation)''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation),'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Mr. Poe/IC 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation).

Instructions: Please submit comments only and cite Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation), in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Calik, Procurement Analyst, GSA Acquisition Policy Division, at telephone 312–353–6090 or email *jennifer.calik@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA has various mission responsibilities related to the acquisition and provision of supplies, transportation, information technology, telecommunications, real property management, and disposal of real and personal property. These mission responsibilities generate requirements that are realized through the solicitation and award of public contracts. In Fiscal Year 2016, these contracts had values ranging from under $100 to over $777,000,000, including the base and all options.

Most GSA procurement-related information collections are required by the Federal Acquisition Regulation (FAR) or General Services Administration Acquisition Regulation (GSAR); each clause requiring such a collection must be individually approved by OMB. However, some solicitations require contractors to submit information specific to that contracting action, such as information needed to evaluate offers (*e.g.* specific instructions for technical and price proposals, references for past performance) or data used to administer resulting contracts (*e.g.* project management plans).

This information collection is currently associated with GSA's information collection requirements contained in solicitations issued in accordance with the Uniform Contract Format under FAR Part 14, Sealed Bidding (see GSAR 514.201–1); FAR Part 15, Contracting by Negotiation (see GSAR 515.204–1); and solicitations under FAR Part 12, Acquisition of Commercial Items, when issued in accordance with the policy and procedures of FAR Part 14 and FAR Part 15 (see GSAR 512.301). This includes information collection requirements found in GSA Federal Supply Schedule (FSS) solicitations.

B. Annual Reporting Burden

Respondents: 347,239.
Responses per Respondent: 1.
Total Responses: 347,239.
Hours per Response: 40.
Total Burden Hours: 138,896.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation), in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–23027 Filed 10–23–17; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–5436]

Electronic Study Data Submission; Data Standards; Support for Version Update of World Health Organization Drug Global

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing support for the most current B3-format annual version of the World Health Organization (WHO) Drug Global (WHODG) (formerly named WHO Drug Dictionary) (available at *https://www.who-umc.org*), end of support for earlier versions of WHODG, and an update to the FDA Data Standards Catalog (Catalog) for study data provided in new drug applications (NDAs), abbreviated new drug applications (ANDAs), biologics license applications (BLAs), and certain investigational new drug applications (INDs) to the Center for Biologics Evaluation and Research (CBER) and the Center for Drug Evaluation and Research (CDER).

ADDRESSES: You may submit either electronic or written comments at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–5436 for ''Electronic Study Data Submission; Data Standards; Support for Version Update of World Health Organization Drug Global.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ron Fitzmartin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1115, Silver Spring, MD 20993–0002, 301–796–5333, email: *cderdatastandards@fda.hhs.gov;* or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

On December 17, 2014, FDA published a final guidance for industry entitled ''Providing Regulatory Submissions in Electronic Format—Standardized Study Data'' (eStudy Data Guidance), posted on FDA's Study Data Standards Resources Web page at *https://www.fda.gov/forindustry/datastandards/studydatastandards/default.htm.* The eStudy Data Guidance implements the electronic submission requirements of section 745A(a) of the Federal Food, Drug, and Cosmetic Act for study data contained in NDAs, ANDAs, BLAs, and certain INDs to CBER or CDER by specifying the format for electronic submissions. The initial timetable for the implementation of electronic submission requirements for study data was December 17, 2016 (24 months after issuance of final guidance for NDAs, BLAs, ANDAs, and 36 months for INDs). The eStudy Data guidance states that a **Federal Register** notice will specify the transition date for all version updates (with the month and day for the transition date corresponding to March 15).

FDA currently supports the use of WHODG for the coding of concomitant medications in studies submitted to CBER or CDER in NDAs, ANDAs, BLAs, and certain INDs in the electronic common technical document format. Generally, the studies included in a submission are conducted over many years and may have used different WHODG versions to code concomitant medications. The expectation is that sponsors and applicants will use the most current B3-format annual version of WHODG at the time of study start. However, there is no requirement to recode earlier studies. The transition date for support of the most current B3-format annual version of WHODG is March 15, 2018. Although the use of the current B3-format annual version of WHODG is supported as of this **Federal Register** notice and sponsors or applicants are encouraged to begin using it, the use of the most current B3-format annual version will only be required in submissions for studies that start after March 15, 2019. The Catalog will list March 15, 2019, as the ''date requirement begins.'' The Study Data Technical Conformance Guide provides addition information and recommendations on the coding of concomitant medications (*https://www.fda.gov/downloads/forindustry/datastandards/studydatastandards/ucm384744.pdf*).

FDA support for earlier versions of WHODG will end for studies that start after March 15, 2019. The Catalog will be updated to list March 15, 2019, as the ''date support ends.'' Studies that start after March 15, 2019, will be required to use the most current B3-format annual version of WHODG.

Dated: October 18, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–23029 Filed 10–23–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0278]

Trand Doan Nguyen; Denial of Hearing; Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is denying Trang Doan Nguyen's (Nguyen's) request for a hearing and is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) debarring Nguyen for 5 years from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Nguyen was convicted of a misdemeanor under Federal law for conduct relating to the development or approval of a drug product or otherwise relating the regulation of a drug product under the FD&C Act and that the type of conduct underlying the conviction undermines the process for the regulation of drugs. In determining the appropriateness and period of Nguyen's debarment, FDA has considered the relevant factors listed in the FD&C Act. Nguyen has failed to file with the Agency information and analyses sufficient to create a basis for a hearing concerning this action.

DATES: The order is effective October 24, 2017.

ADDRESSES: Any application by Nguyen for special termination of debarment under section 306(d) of the FD&C Act (application) may be submitted as follows:

Electronic Submissions

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. An application submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application 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 application, that information will be posted on *https://www.regulations.gov.*
- If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application 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 a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: Your application must include the Docket No. FDA–2011–N–0278. An application will be placed in the docket and, unless 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 an application with confidential information that you do not wish to be made publicly available, submit your application 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 your application. 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 application 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, 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: Nathan R. Sabel, Office of Scientific Integrity, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4218, Silver Spring, MD 20993, 301–796–8588.

SUPPLEMENTARY INFORMATION:

I. Background

On December 12, 2008, in the U.S. District Court for the District of Missouri, Nguyen pled guilty to a misdemeanor for introducing a misbranded drug into interstate commerce in violation of sections 301(a) and 303(a)(1) of the FD&C Act (21 U.S.C. 331(a) and 333(a)(1)). The basis for Nguyen's guilty plea was her admission that she repackaged unapproved versions of the drugs LIPITOR and CELEBREX, some of which were counterfeit, and relabeled them in a manner that did not disclose that they were unapproved or that they were counterfeit and then shipped them to other States. The drugs were misbranded under section 502(a) of the FD&C Act (21 U.S.C. 352(a)) in that their labeling was false and misleading.

Nguyen is subject to debarment based on a finding, under section 306(b)(2)(B)(i)(I) of the FD&C Act (21 U.S.C. 335a(b)(2)(B)(i)(I)): (1) That she was convicted of a misdemeanor under Federal law for conduct relating to the development or approval of a drug product or otherwise relating to the regulation of a drug product under the FD&C Act and (2) that the type of conduct underlying the conviction undermines the process for the regulation of drugs. By letter dated July 6, 2011, FDA served Nguyen a notice proposing to debar her for 5 years from providing services in any capacity to a person having an approved or pending drug product application and providing an opportunity for Nguyen to request a hearing. In a letter dated July 29, 2011, Nguyen requested a hearing on the proposal. In her request for a hearing, Nguyen acknowledges her conviction under Federal law, as stated by FDA in the proposal to debar. However, she argues that the proposal to debar her contains material inaccuracies with respect to certain facts related to her misdemeanor conviction.

The Directors of the Office of Scientific Integrity (OSI) reviewed Nguyen's request for a hearing, as well as the materials offered in support, and find that Nguyen has not created a basis for a hearing because hearings will be granted only if there is a genuine and substantial issue of fact for resolution at a hearing. Hearings will not be granted on issues of policy or law, on mere allegations, denials, or general descriptions of positions and contentions, or on data and information insufficient to justify the factual determination urged (see 21 CFR 12.24(b)).

The Director of OSI has considered Nguyen's arguments and concludes that they are unpersuasive and fail to raise a genuine and substantial issue of fact requiring a hearing.

II. Arguments

Nguyen raises a number of arguments in support of her hearing request. She does not appear, however, to dispute that she is subject to debarment under section 306(b)(2)(B)(i)(I) of the FD&C Act. As noted above, to debar Nguyen under section 306(b)(2)(B)(i)(I), FDA must find both: (1) That Nguyen was convicted of a misdemeanor under Federal law for conduct relating to the development or approval of a drug product or otherwise relating the regulation of a drug product under the FD&C Act and (2) that the type of conduct underlying the conviction undermines the process for the regulation of drugs. As set forth in the proposal to debar Nguyen, her Federal misdemeanor conviction involved a violation of the FD&C Act's requirements for drugs. As a result, the conduct underlying her conviction both related to the regulation of drug products under the FD&C Act and undermined the process for the regulation of drugs. Nguyen does not contradict the findings to that effect in the proposal to debar and has thus failed to create a material factual dispute with respect to whether she is subject to debarment under section 306(b)(2)(B)(i)(I) of the FD&C Act.

In her request for a hearing, Nguyen argues nonetheless that she is entitled to a hearing because, in the proposal to debar, FDA relied on findings that are not supported by the record in determining the appropriateness and period of debarment under section 306(c)(3) of the FD&C Act. Under section 306(i) of the FD&C Act, FDA may not take any action under sections 306(b) or section 306(c) with respect to any person ''unless [FDA] has issued an order for such action made on the record after opportunity for agency hearing on disputed issues of material fact.'' Section 306(c)(3) explicitly requires FDA to consider, ''where applicable,'' certain factors ''[i]n determining the appropriateness and the period of debarment'' for any permissive debarment. The proposal to debar Nguyen set forth four applicable considerations under section 306(c)(3): (1) The nature and seriousness of her offense under section 306(c)(3)(A); (2) the nature and extent of management participation in the offense under section 306(c)(3)(B); (3) the nature and extent of voluntary steps taken to mitigate the impact on the public under section 306(c)(3)(C); and (4) prior convictions involving matters within the jurisdiction of FDA under section 306(c)(3)(F) of the FD&C Act. In the proposal, FDA found that the first three considerations weigh in favor of debarring Nguyen and noted that the fourth consideration would be treated as a favorable factor for her because the Agency was unaware of any prior convictions involving matters within the jurisdiction of FDA.

Nguyen's challenge to specific findings in the proposal to debar fails to create a genuine and substantial dispute of fact for resolution at a hearing with respect to any of the applicable considerations under section 306(c)(3) of the FD&C Act. In her request for a hearing, Nguyen argues that the records of her criminal proceedings do not support certain findings in the proposal to debar. Specifically, she contends that neither the plea agreement nor the criminal information to which she pled guilty support the following findings: (1) That she was ''aware that the drugs [in question] needed to be relabeled for sale in the United States,'' (2) that some of the drugs bore labeling in Portuguese before they were relabeled, or (3) that the conduct underlying her conviction continued for 13 months. Even after disregarding the findings in the proposal to debar to which Nguyen objects, we find that she should be debarred for the maximum period of 5 years.

Nguyen's factual objections relate primarily to the consideration of the nature and seriousness of her offense under section 306(c)(3)(A) of the FD&C

Act. As noted previously, Nguyen pled guilty to a misdemeanor under the FD&C Act by admitting that she acquired, repackaged, relabeled, and distributed unapproved prescription drugs in interstate commerce. In her criminal proceedings, Nguyen also admitted that some of these unapproved prescription drugs were counterfeit drugs. By definition, a counterfeit drug is a drug whose container or labeling falsely describes the manufacturer, processer, packer, or distributer of that drug (*see* 21 U.S.C. 331(g)(2)) and thereby can effectively conceal the actual manufacturer, processer, packer, or distributer from consumers and government regulators. An unapproved drug in this context is a drug requiring but lacking FDA approval that is not generally recognized as safe and effective for its intended use (*see* 21 U.S.C. 331(g)(1)). As such, the products that Nguyen admitted to acquiring, repackaging, relabeling, and further distributing were not simply misbranded in some technical sense.

With respect to Nguyen's assertion that her offense was committed without knowledge, section 306(b)(2)(B)(i) of the FD&C Act specifically provides for the debarment of individuals convicted of Federal misdemeanors related to the regulation of drug products under the FD&C Act. Given that a misdemeanor violation of the FD&C Act itself is a strict liability offense, meaning an offense that does not require proof of knowledge as an element of the crime, it stands to reason that criminal intent is not required to subject an individual to debarment under section 306(b)(2)(B)(i). As recognized by the U.S. Supreme Court, an individual who is responsible for the operation of an FDA-regulated business is also responsible for any violations of the FD&C Act that arise out of the conduct of the business, whether or not he or she intends to commit the violations or even knows that the violations have been committed. (*United States* v. *Park,* 421 U.S. 658 (1975); *United States* v. *Dotterweich,* 320 U.S. 277 (1943)). In keeping with the FD&C Act's purpose of protecting the public from adulterated and misbranded products, Congress chose to place the burden of protecting the public on those who manufacture and distribute those products rather than on consumers, who cannot protect themselves. (*Dotterweich,* 320 U.S. at 280–81.) Nguyen herself chose to run a business that acquired, repackaged, relabeled, and further distributed prescription drugs to consumers who were unable to protect themselves from the unapproved and counterfeit products that Nguyen admitted to providing them.

Even though the law subjects Nguyen to permissive debarment as a responsible corporate officer regardless of her knowledge or intent to commit the violation, Nguyen has admitted that she personally engaged in the conduct underlying the violation as a hands-on participant. Nguyen admitted in her plea that she repackaged the drugs and affixed labeling to these prescription drugs that did not disclose that the drugs were counterfeit and not approved by FDA. Nguyen admitted that she repackaged and affixed this false and misleading labeling to these prescription drugs and then shipped these drugs in interstate commerce for eventual use by the unknowing public. In light of these undisputed and admitted facts, even crediting Nguyen's objections related to her level of knowledge, the precise language of the product labeling on some of the drugs she received, and the precise length of time she committed this offense, these objections do not minimize the nature and seriousness the conduct Nguyen both committed and admitted. The proposal to debar alleges that Nguyen's conduct ''created a significant risk of injury to consumers who were exposed to misbranded drugs and seriously undermined the integrity of the Agency's regulation of drug products.'' Because of the uncontested and admitted facts already discussed, Nguyen's objections, even if taken as true, would not undermine this conclusion. Therefore, we conclude that the nature and seriousness of her conduct weighs in favor of debarring Nguyen.

Having found that the consideration in section 306(c)(3)(A) of the FD&C Act weighs in favor of debarring Nguyen, we turn to the remaining three applicable considerations. Nguyen does not dispute the unfavorable facts in the FDA proposal to debar that relate to the considerations in sections 306(c)(3)(B) and (C) of the FD&C Act. Specifically, Nguyen does not dispute the findings in the proposal that she used a company of which she was the owner and operator, AQ Pharmaceuticals, Inc., to distribute the unapproved and counterfeit drugs and that she served in a managerial role in this offense. Nor does Nguyen contradict the findings in the proposal to debar that she and her company did not discontinue their illegal conduct until it was discovered by authorities. In her hearing request, Nguyen does not point to any voluntary steps taken to mitigate the effect of her offenses on the public. Thus, the considerations in sections 306(c)(3)(B) and (C) of the FD&C Act regarding Nguyen's management role and the voluntary steps taken by Nguyen to mitigate the impact of her offense on the public both weigh in favor of her debarment. Although Nguyen appears to have no previous criminal convictions related to matters within the jurisdiction of FDA (*see* section 306(c)(3)(F) of the FD&C Act), this consideration alone does not counter to a sufficient degree the nature and seriousness of the conduct underlying her misdemeanor conviction, her managerial role in the offense, and the lack of any voluntary steps taken to mitigate the impact of that offense of the public, to warrant decreasing the period of debarment from 5 years.

III. Findings and Order

Therefore, the Director of OSI, under section 306(b)(1)(B)(i)(I) of the FD&C Act and under authority delegated to him by the Commissioner of Food and Drugs, finds that Nguyen has been convicted of a misdemeanor under Federal law for conduct relating to the development or approval of a drug product or otherwise relating the regulation of a drug product under the FD&C Act and that the conduct underlying the conviction undermines the regulation of drugs. FDA has considered the relevant factors listed in section 306(c)(3) of the FD&C Act and determined that a debarment of 5 years is appropriate.

As a result of the foregoing findings, Nguyen is debarred for 5 years from providing services in any capacity to a person with an approved or pending drug product application under section 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**) (21 U.S.C. 335a(c)(1)(B) and (c)(2)(A)(iii) and 21 U.S.C. 321(dd)). Any person with an approved or pending drug product application, who knowingly uses the services of Nguyen, in any capacity during her period of debarment, will be subject to civil money penalties. If Nguyen, during her period of debarment, provides services in any capacity to a person with an approved or pending drug product application, she will be subject to civil money penalties. In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Nguyen during her period of debarment.

Dated: October 19, 2017.

G. Matthew Warren,

Director, Office of Scientific Integrity.

[FR Doc. 2017–23019 Filed 10–23–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–5715]

Watson Laboratories, Inc., and Barr Laboratories, Inc., Subsidiaries of Teva Pharmaceuticals USA, Inc.; Withdrawal of Approval of 54 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 54 abbreviated new drug applications (ANDAs) from two applicants. The holders of the applications notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Approval is withdrawn as of November 24, 2017.

FOR FURTHER INFORMATION CONTACT: Trang Tran, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1671, Silver Spring, MD 20993–0002, 240–402–7945.

SUPPLEMENTARY INFORMATION: The holders of the applications listed in table 1 have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an abbreviated application under § 314.150(c) is without prejudice to refiling.

TABLE 1

Application No.	Drug	Applicant
ANDA 061717	Doxycycline Hyclate Capsules USP, Equivalent to (EQ) 50 milligrams (mg) base and EQ 100 mg base.	Watson Laboratories, Inc., Subsidiary of Teva Pharmaceuticals USA, Inc., 425 Privet Rd., Horsham, PA 19044.
ANDA 062087	Erythromycin Estolate Capsules USP, EQ 250 mg base	Do.
ANDA 062318	Gentamicin Injection USP, EQ 10 mg base/milliliter (mL) and EQ 40 mg base/mL.	Do.
ANDA 062816	Ampicillin for Injection USP, EQ 125 mg base/vial, EQ 250 mg base/vial, EQ 500 mg base/vial, EQ 1 gram (g) base/vial, and EQ 2 g base/vial.	Do.
ANDA 062994	Ampicillin for Injection USP, EQ 10 g base/vial	Do.
ANDA 062999	Erythromycin Delayed-Release Tablets USP, 500 mg	Barr Laboratories, Inc., Subsidiary of Teva Pharmaceuticals USA, Inc., 425 Privet Rd., Horsham, PA 19044.
ANDA 064036	Cefuroxime for Injection USP, EQ 7.5 g base/vial	Watson Laboratories, Inc., Subsidiary of Teva Pharmaceuticals USA, Inc.
ANDA 070296	Diazepam Injection USP, 5 mg/mL	Do.
ANDA 070412	Furosemide Tablets USP, 20 mg	Do.
ANDA 070435	Ibuprofen Tablets USP, 200 mg	Do.
ANDA 070436	Ibuprofen Tablets USP, 400 mg	Do.
ANDA 070437	Ibuprofen Tablets USP, 600 mg	Do.
ANDA 070449	Furosemide Tablets USP, 20 mg	Do.
ANDA 070450	Furosemide Tablets USP, 40 mg	Do.
ANDA 070515	Tolazamide Tablets USP, 500 mg	Do.
ANDA 070528	Furosemide Tablets USP, 80 mg	Do.
ANDA 071238	Doxepin Hydrochloride (HCl) Capsules USP, EQ 50 mg base	Do.
ANDA 071547	Ibuprofen Tablets USP, 800 mg	Do.
ANDA 072397	Diazepam Injection USP, 5 mg/mL	Do.
ANDA 072407	Fenoprofen Calcium Tablets USP, EQ 600 mg base	Do.
ANDA 072602	Fenoprofen Calcium Tablets USP, EQ 600 mg base	Do.
ANDA 072630	Albuterol Tablets USP, EQ 4 mg base	Do.
ANDA 072825	Baclofen Tablets USP, 20 mg	Do.
ANDA 073013	Metaproterenol Sulfate Tablets USP, 10 mg	Do.
ANDA 073445	Meperidine HCl Injection USP, 100 mg/mL	Do.
ANDA 074025	Guanabenz Acetate Tablets USP, EQ 4 mg base and EQ 8 mg base	Do.
ANDA 074114	Dobutamine Injection USP, EQ 12.5 mg base/mL	Do.
ANDA 074163	Naproxen Tablets USP, 250 mg, 375 mg, and 500 mg	Do.
ANDA 074287	Piroxicam Capsules USP, 10 mg and 20 mg	Do.
ANDA 074303	Pentamidine Isethionate for Injection, 300 mg/vial	Do.
ANDA 074437	Pindolol Tablets USP, 5 mg and 10 mg	Do.
ANDA 074456	Alprazolam Tablets USP, 0.25 mg, 0.5 mg, and 1 mg	Do.
ANDA 077643	Topiramate Tablets USP, 25 mg, 50 mg, 100 mg, and 200 mg	Do.
ANDA 080728	Diphenhydramine HCl Capsules USP, 25 mg	Do.
ANDA 080968	Dexamethasone Tablets USP, 0.75 mg	Do.
ANDA 081040	Chlorzoxazone Tablets USP, 500 mg	Do.
ANDA 081149	Hydroxyzine HCl Tablets USP, 10 mg	Do.
ANDA 081189	Hydrochlorothiazide Tablets USP, 25 mg	Do.
ANDA 081216	Estropipate Tablets USP, 6 mg	Do.
ANDA 083232	Hydrochlorothiazide Tablets USP, 50 mg	Do.

TABLE 1—Continued

Application No.	Drug	Applicant
ANDA 085720	Meprobamate Tablets USP, 200 mg	Do.
ANDA 085721	Meprobamate Tablets USP, 400 mg	Do.
ANDA 085778	Hydroxyzine HCl Injection USP, 25 mg/mL	Do.
ANDA 086096	Chlorpheniramine Maleate Injection USP, 10 mg/mL	Do.
ANDA 086189	Ergoloid Mesylates Sublingual Tablets USP, 0.5 mg	Do.
ANDA 086598	Nandrolone Decanoate Injection USP, 100 mg/mL	Do.
ANDA 086795	Chlorothiazide Tablets USP, 250 mg	Do.
ANDA 087183	Ergoloid Mesylates Sublingual Tablets USP, 1 mg	Do.
ANDA 087296	Chlorthalidone Tablets USP, 25 mg	Do.
ANDA 087521	Chlorthalidone Tablets USP, 50 mg	Do.
ANDA 087772	Prednisone Tablets USP, 50 mg	Do.
ANDA 087979	Chloroquine Phosphate Tablets USP, EQ 150 mg base	Do.
ANDA 088030	Chloroquine Phosphate Tablets USP, EQ 300 mg base	Do.
ANDA 089042	Procainamide HCl Extended-Release Tablets USP, 750 mg	Do.

Therefore, approval of the applications listed in table 1, and all amendments and supplements thereto, is hereby withdrawn as of November 24, 2017. Introduction or delivery for introduction into interstate commerce of products without approved new drug applications violates section 301(a) and (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(a) and (d)). Drug products that are listed in table 1 that are in inventory on the date that this notice becomes effective (see the **DATES** section) may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: October 18, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–23046 Filed 10–23–17; 8:45 am]

BILLING CODE 4164–01–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 the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID SBIR Phase II Clinical Trial Implementation Cooperative Agreement (U44).

Date: November 17, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Vasundhara Varthakavi, Ph.D., DVM, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3E70, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5020, *varthakaviv@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: October 18, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–22967 Filed 10–23–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; International Research Ethics Training.

Date: November 16, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Karin F. Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 254–9975, *helmersk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR16–121 Early-Stage Preclinical Validation of Therapeutic Leads for Diseases of Interest to the NIDDK (R01).

Date: November 16, 2017.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Raul Rojas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, Bethesda, MD 20892, (301) 451–6319, *rojasr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Macromolecular Structure and Function.

Date: November 20, 2017.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: C-L Albert Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, 301–435–1016, *wangca@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 18, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–22966 Filed 10–23–17; 8:45 am]

BILLING CODE 4140–01–P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Advisory Council on Historic Preservation Quarterly Business Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Advisory Council on Historic Preservation Quarterly Business Meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation (ACHP) will hold its next quarterly meeting on Thursday, November 9 2017. The meeting will be held in Room SR325 at the Russell Senate Office Building at Constitution and Delaware Avenues NE., Washington, DC, starting at 8:30 a.m.

DATES: The quarterly meeting will take place on Thursday, November 9 2017, starting at 8:30 a.m.

ADDRESSES: The meeting will be held in Room SR325 at the Russell Senate Office Building at Constitution and Delaware Avenues NE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Cindy Bienvenue, 202–517–0202, *cbienvenue@achp.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and advises the President and the Congress on national historic preservation policy. The goal of the National Historic Preservation Act (NHPA), which established the ACHP in 1966, is to have federal agencies act as responsible stewards of our nation's resources when their actions affect historic properties. The ACHP is the only entity with the legal responsibility to encourage federal agencies to factor historic preservation into their decision making. For more information on the ACHP, please visit our Web site at *www.achp.gov.*

The agenda for the upcoming quarterly meeting of the ACHP is the following:

I. Chairman's Welcome
II. Section 106 Issues
  A. Administration Infrastructure Initiatives
  B. ACHP Response to Recent Natural Disasters
  C. Proposed Exemption Regarding Railroad and Rail Transit Rights of Way
  D. ACHP Report to the President Pursuant to Executive Order 13287
  E. Development of an Online Section 106 Forum
  F. ACHP Regulatory Review Progress
III. Historic Preservation Policy and Programs
  A. Policy Statement on Commemorative Works
  B. ACHP Recommendations for the Future of the National Historic Preservation Program
  C. Historic Preservation Legislation in the 115th Congress
  D. ACHP Speakers' Bureau Proposal
  E. ACHP/HUD Historic Preservation Award Follow Up
IV. New Business
V. Adjourn

The meetings of the ACHP are open to the public. If you need special accommodations due to a disability, please contact Cindy Bienvenue, 202–517–0202 or *cbienvenue@achp.gov,* at least seven (7) days prior to the meeting.

Authority: 54 U.S.C. 304102.

Dated: October 18, 2017.

Javier E. Marques,

General Counsel.

[FR Doc. 2017–23000 Filed 10–23–17; 8:45 am]

BILLING CODE 4310–K6–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0158]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0017

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0017, Various International Agreement Safety Certificates and Documents. Our ICR describe the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before November 24, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0158] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection, (2) the accuracy

of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0158], and must be received by November 24, 2017.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0017.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard has published the 60-day notice (82 FR 34961, July 27, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Various International Agreement Safety Certificates and Documents.

OMB Control Number: 1625–0017.

Summary: These Coast Guard issued forms are used as evidence of compliance with the International Convention for Safety of Life at Sea, 1974 (SOLAS) by certain U.S. vessels on international voyages. Without the proper certificates or documents, a U.S. vessel could be detained in a foreign port.

Need: SOLAS applies to all mechanically propelled cargo vessels of 500 or more gross tons (GT), and to all mechanically propelled passenger vessels carrying more than 12 passengers that engage in international voyages. SOLAS and title 46 CFR 2.01–25 list certificates and documents that may be issued to vessels.

Forms: CG–967, Exemption Certificate; CG–968, Passenger Ship Safety Certificate; CG–968A, Record of Equipment for the Passenger Ship Safety Certificate (Form P); CG–969, Notice of Completion of Examination for Safety Certificate; CG–3347, Cargo Ship Safety Equipment Certificate; CG–3347B, Record of Equipment for the Cargo Ship Safety Equipment Certificate (Form E); CG–4359, Cargo Ship Safety Construction Certificate; CG–4360, International Ship Security Certificate; CG–4361, Interim International Ship Security Certificate; CG–5643, Safety Management Certificate; CG–5679, High-Speed Craft Safety Certificate; CG–5679A, Record of Equipment for High-Speed Craft Safety Certificate; CG–5680, Permit to Operate High-Speed Craft; CG–6038, Continuous Synopsis Record (CSR) Document Number _____ for the ship with IMO Number: _____; CG–6038A, Amendments to the Continuous Synopsis Record (CSR) Document Number _____ for the ship with IMO Number: _____.

Respondents: Owners and operators of SOLAS vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 94 hours to 90 hours a year due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 12, 2017.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2017–22997 Filed 10–23–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0111]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0064

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0064, Plan Approval and Records for Subdivision and Stability Regulations. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before November 24, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0111] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995;

44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0111], and must be received by November 24, 2017.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0064.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard has published the 60-day notice (82 FR 34959, July 27, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Plan Approval and Records for Subdivision and Stability Regulations—Title 46 CFR Subchapter S.

OMB Control Number: 1625–0064.

Summary: The regulations require owners, operators, or masters of certain inspected vessels to obtain and/or post various documents as part of the Coast Guard commercial vessel safety program.

Need: Title 46 U.S.C. 3306 authorizes the Coast Guard to prescribe rules for the safety of certain vessels. Title 46 CFR Subchapter S contains the rules regarding subdivision and stability.

Forms: Not applicable.

Respondents: Owners, operators, or masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 10,639 hours to 7,870 hours a year due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 12, 2017.

James D. Roppel,

Acting Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2017–22999 Filed 10–23–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0106]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0073

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0073, Alteration of Unreasonably Obstructive Bridges. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before November 24, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0106] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should

be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0106], and must be received by November 24, 2017.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0073.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 37462, August 10, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Alterations of Unreasonably Obstructive Bridges.

OMB Control Number: 1625–0073.

Summary: The collection of information is a request to determine if the bridge is unreasonably obstructive.

Need: 33 U.S.C. 494, 502, 511, 513, 514, 515, 516, 517, 521, 522, 523 and 524 authorize the Coast Guard to remove or alter bridges and causeways over the navigable waters of the United States and that the Coast Guard deems to be unreasonably obstructive.

Forms: None.

Respondents: Public and private owners of bridges over navigable waters of the United States.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 240 hours to 160 hours a year. There are six additional engineering projects that have been added to this information collection since 2014. Two of the four previous projects have been completed since 2014; making a total of eight current projects. The reduction in burden is based on having previously completed the majority of the review for each study.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 12, 2017.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2017–22998 Filed 10–23–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Revocation of Customs Brokers' Licenses

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Revocation of customs brokers' licenses.

SUMMARY: This document provides notice of the revocation by operation of law of customs brokers' licenses.

FOR FURTHER INFORMATION CONTACT: Julia D. Peterson, Branch Chief, Broker Management, Office of Trade, (202) 863–6601, *julia.peterson@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION: This document provides notice of the revocation of customs brokers' licenses pursuant to section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), and section 111.45(a) of title 19 of the Code of Federal Regulations (19 CFR 111.45(a)). The following list of customs brokers' licenses and all associated permits are revoked by operation of law for failure to employ at least one qualifying individual.

Company name	License	Port of issuance
Global Dispatch Services, Inc.	16679	Laredo.
FK Logistics LLC	30968	Chicago.
Naniq Global Logistics, LLC.	30012	Anchorage.

Dated: October 18, 2017.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2017–23001 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4342–DR; Docket ID FEMA–2017–0001]

Idaho; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Idaho (FEMA–4342–DR), dated October 7, 2017, and related determinations.

DATES: The change occurred on October 10, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Sharon Loper, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency.

This action terminates the appointment of Timothy B. Manner as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23066 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4344–DR; Docket ID FEMA–2017–0001]

California; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4344–DR), dated October 10, 2017, and related determinations.

DATES: This amendment was issued October 14, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of California is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 10, 2017.

Butte, Lake, Mendocino, and Yuba Counties for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23065 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4342–DR; Docket ID FEMA–2017–0001]

Idaho; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Idaho (FEMA–4342–DR), dated October 7, 2017, and related determinations.

DATES: The declaration was issued October 7, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 7, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Idaho resulting from flooding during the period of March 29 to June 15, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Idaho.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Timothy B. Manner, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Idaho have been designated as adversely affected by this major disaster:

Ada and Canyon Counties for Public Assistance.

All areas within the State of Idaho are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23073 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3394–EM; Docket ID FEMA–2017–0001]

Alabama; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Alabama (FEMA–3394–EM), dated October 8, 2017, and related determinations.

DATES: The declaration was issued October 8, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 8, 2017, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Alabama resulting from Hurricane Nate beginning on October 6, 2017, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Alabama.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Warren J. Riley, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Alabama have been designated as adversely affected by this declared emergency:

Autauga, Baldwin, Barbour, Bibb, Bullock, Butler, Chilton, Choctaw, Clarke, Coffee, Coosa, Conecuh, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Jefferson, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pike, Shelby, St. Clair, Sumter, Talladega, Tuscaloosa, Washington, and Wilcox Counties and the Poarch Band of Creek Indians for emergency protective measures (Category B), including direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator,

Federal Emergency Management Agency.

[FR Doc. 2017–23075 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3388–EM; Docket ID FEMA–2017–0001]

Seminole Tribe of Florida; Amendment No. 2 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the Seminole Tribe of Florida (FEMA–3388–EM), dated September 8, 2017, and related determinations.

DATES: This amendment was issued October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective October 4, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23079 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3395–EM; Docket ID FEMA–2017–0001]

Florida; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Florida (FEMA–3395–EM), dated October 8, 2017, and related determinations.

DATES: This amendment was issued October 13, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for

this emergency is closed effective October 11, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23081 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0033; OMB No. 1660–0086]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Flood Insurance Program—Mortgage Portfolio Protection Program (MPPP)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a reinstatement, without change, of a previously approved information collection for which approval has expired. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the National Flood Insurance Program, Mortgage Portfolio Protection Program (MPPP), which is an option that companies participating in the National Flood Insurance Program can use to bring their mortgage loan portfolios into compliance with the flood insurance purchase requirements.

DATES: Comments must be submitted on or before December 26, 2017.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2017–0033. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kelly Bronowicz, Industry Management Branch Chief, FIMA, FEMA, 202–557–9488, *Kelly.Bronowicz@fema.dhs.gov.* You may contact the Records Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Federal lenders and federally regulated or sponsored lending institutions may not make, increase, extend, or renew any loan secured by improved real property located in a special flood hazard area (SFHA) unless the building and any personal property securing the loan is covered by flood insurance for the life of the loan. *See* Flood Disaster Protection Act of 1973 (FDPA) § 102 (Pub. L. 93–234; 42 U.S.C. 4012a). The Administrator of the Federal Emergency Management Agency (FEMA) carries out the National Flood Insurance Program (NFIP) to enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real or personal property arising from flood in the United States. *See* National Flood Insurance Act of 1968 (NFIA) (Pub. L. 90–448, title XIII; 42 U.S.C. 4001 *et seq.*).

In general, individual mortgagees subject to the requirements of the FDPA obtain and maintain flood insurance for their individual properties. When individual mortgagees to not obtain required flood insurance, the NFIP's Mortgage Portfolio Protection program (MPPP) allows covered lenders to ensure compliance with the requirements of FDPA by selling making available special coverage for the lender's entire mortgage portfolio. *See* 44 CFR 62.23(l). In order sell MPPP policies, private insurance companies participating in the NFIP's Write Your Own (WYO) Program must apply for and annually renew their election to voluntarily participate in the MPPP.

This information collection expired on December 31, 2016. FEMA is requesting a reinstatement, without change.

Collection of Information

Title: National Flood Insurance Program—Mortgage Portfolio Protection Program (MPPP).

Type of information collection: Reinstatement, without change, of a previously approved information collection for which approval has expired.

OMB Number: 1660–0086.

Form Titles and Numbers: None.

Abstract: FEMA needs the information to ensure that private insurance companies that join the NFIP's WYO Program meet all state and federal requirements for insurance companies. Requirements include a good business record and satisfactory rating in their field. There is no other way to obtain this information because it is specific to each company that applies to join the NFIP.

Affected Public: Business or other non-profits.

Estimated Number of Respondents: 341.

Estimated Number of Responses: 341.

Estimated Total Annual Burden Hours: 171 hours.

Estimated Total Annual Respondent Cost: $9,309.47.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $27,468.05.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: October 16, 2017.

Tammi Hines,

Acting Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–23063 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3393–EM; Docket ID FEMA–2017–0001]

Mississippi; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Mississippi (FEMA–3393–EM), dated October 7, 2017, and related determinations.

DATES: This amendment was issued October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective October 10, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23080 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4344–DR; Docket ID FEMA–2017–0001]

California; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4344–DR), dated October 10, 2017, and related determinations.

DATES: This amendment was issued October 13, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of California is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 10, 2017.

Napa County for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

Orange and Solano Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23070 Filed 10–23–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3393–EM; Docket ID FEMA–2017–0001]

Mississippi; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Mississippi (FEMA–3393–EM), dated October 7, 2017, and related determinations.

DATES: The declaration was issued October 7, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 7, 2017, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Mississippi resulting from Hurricane Nate beginning on October 6, 2017, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Mississippi.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Manny J. Toro, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Mississippi have been designated as adversely affected by this declared emergency:

George, Hancock, Harrison, Jackson, Pearl River, and Stone Counties for emergency protective measures (Category B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23077 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4344–DR; Docket ID FEMA–2017–0001]

California; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4344–DR), dated October 10, 2017, and related determinations.

DATES: This amendment was issued October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of California is hereby amended to include Individual Assistance for the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 10, 2017.

Sonoma County for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23069 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4341–DR: Docket ID FEMA–2017–0001]

Seminole Tribe of Florida; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Seminole Tribe of Florida (FEMA–4341–DR), dated September 27, 2017, and related determinations.

DATES: This amendment was issued October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 4, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23072 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4344–DR; Docket ID FEMA–2017–0001]

California; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4344–DR), dated

October 10, 2017, and related determinations.

DATES: This amendment was issued October 15, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of California is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 10, 2017.

Nevada and Orange Counties for Individual Assistance (already designated for debris removal and emergency protective measures

[Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23071 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4338–DR; Docket ID FEMA–2017–0001]

Georgia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4338–DR), dated September 15, 2017, and related determinations.

DATES: This amendment was issued September 18, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 15, 2017.

Liberty and McIntosh Counties for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23068 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0032; OMB No. 1660–0039]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Fire Academy Long-Term Evaluation Form for Supervisors and National Fire Academy Long-Term Evaluation Form for Students/Trainees

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the long-term evaluation forms used to evaluate all National Fire Academy resident training.

DATES: Comments must be submitted on or before December 26, 2017.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2017–0032. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dawn Long, Statistician, FEMA, National Fire Academy at (301) 447–1488. You may contact the Records Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The National Fire Academy (NFA) is mandated under the Fire Prevention and Control Act of 1974 (Pub. L. 93–498) to provide training and education to the Nation's fire service and emergency service personnel. The state of-the-art programs offered by the NFA serve as models of excellence and State and local fire service agencies rely heavily on the curriculum to train their personnel. To maintain the quality of these training programs, it is critical that courses be evaluated after students have had the opportunity to apply the knowledge and skills gained from their training. Information collected from the evaluation forms enables the U.S. Fire Administration (USFA) and NFA staff to monitor and recommend changes in course materials, individual subject selection criteria, and to make curriculum-wide reviews and assessments. FEMA is seeking a revision of a currently approved information collection because we are modifying the two forms. One question was added to each form to better reflect and measure the NFA's progress toward the USFA's goals. Two questions were removed from the student/trainee form that are no longer relevant to NFA's data collection.

Collection of Information

Title: National Fire Academy Long-Term Evaluation Form for Supervisors and National Fire Academy Long-Term Evaluation Form for Students/Trainees.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0039.

FEMA Forms: FEMA Form 078–0–2, National Fire Academy Long-Term Evaluation Form for Supervisors; FEMA Form 078–0–2A, National Fire Academy Long-Term Evaluation Form for Students/Trainees.

Abstract: The National Fire Academy Long-Term Evaluation Forms will be used to evaluate all National Fire Academy (NFA) on-campus resident training courses. Course graduates and their supervisors will be asked to evaluate the impact of the training on both individual job performance and the performance of the fire and emergency response department where the student works. The data provided by students and supervisors is used to update existing NFA course materials and to develop new courses that reflect the emerging issues and needs of the Nation's fire service.

Affected Public: State, local or Tribal Government.

Estimated Number of Respondents: 3,000.

Estimated Number of Responses: 3,000.

Estimated Total Annual Burden Hours: 405 hours.

Estimated Total Annual Respondent Cost: $17,154.30.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $44,786.65.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: October 16, 2017.

Tammi Hines,

Acting Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–23064 Filed 10–23–17; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6049–N–01]

Drafting a New Federal Strategy To Reduce Childhood Lead Exposures and Impacts: Request for Information

AGENCY: Office of Lead Hazard Control and Healthy Homes, HUD.

ACTION: Request for information.

SUMMARY: Through this notice, the U.S. Department of Housing and Urban Development (HUD), which co-chairs the Lead Subcommittee of the President's Task Force on Environmental Health Risks and Safety Risks to Children (Task Force) requests public comment on a new federal lead strategy being developed by the Task Force.

DATES: *Comments Due Date:* November 24, 2017.

ADDRESSES: Interested persons are invited to submit comments responsive to this request for information. Comments should refer to the proposal by name and/or Office of Management and Budget (OMB) Control Number, and should be sent, either electronically to the email address of the Task Force for commenting on this federal lead strategy, *FedLeadStrategy@nih.gov,* or by mail to Warren Friedman, Ph.D., CIH, Senior Advisor to the Director, Office of Lead Hazard Control and Healthy Homes, Department of Housing and Urban Development, 451 7th Street SW., Room 8236, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Warren Friedman, Ph.D., Office of Lead Hazard Control and Healthy Homes, Department of Housing and Urban Development, 451 7th Street SW., Room 8236, Washington, DC 20410; telephone number 202–402–7698 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service, 800–877–8339 (toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

President's Task Force

On April 21, 1997, the President issued Executive Order 13045,[1] establishing the President's Task Force on Environmental Health Risks and Safety Risks to Children. The Task Force works to identify children's environmental health and safety issues, develops federal interagency strategies to protect children's environmental health and safety, and communicates information to federal, state, and local decision makers to protect children from environmental health risks.[2] Among other things, the Task Force is developing a comprehensive strategy to further reduce lead exposure in children's environments.[3] The Task Force has 11 executive agency members and 7 Executive Office of the President agency members.[4] Ongoing activities of the Task Force are managed by its Senior Staff Steering Committee, co-chaired by the Environmental Protection Agency (EPA) and Health and Human Services (HHS). The Senior Staff Steering Committee has established five subcommittees, one of which is the Lead Subcommittee, which is co-chaired by HUD, EPA, and HHS staff.

Lead Reports by the Task Force

In February 2000, the Task Force published ''Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards.'' [5] The strategy put forward a set of recommendations aimed at eliminating childhood lead poisoning in the United States as a major public health problem by the year 2010. It focused primarily on expanding efforts to correct lead paint hazards (especially in low-income housing), a major source of lead exposure for children. Addressing lead exposures in the United States, however, requires consideration of sources of lead exposure in addition to lead paint, including, among others, soil, food, drinking water, and consumer products.

In November 2016, the Task Force published ''Key Federal Programs to Reduce Childhood Lead Exposures and

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[1] The Executive Order was subsequently published in the **Federal Register** on April 23, 1997, at 62 FR 19885.

[2] The Task Force's Web site is available at: *https://ptfceh.niehs.nih.gov.*

[3] The Task Force's Web site's lead exposures page is available at: *https://ptfceh.niehs.nih.gov/activities/lead-exposures/.*

[4] The member agencies are listed on the Task Force's Web site's ''About'' page and is available at: *https://ptfceh.niehs.nih.gov/about/.*

[5] The strategy is available at: *https://www.cdc.gov/nceh/lead/about/fedstrategy2000.pdf.*

Eliminate Associated Health Impacts.''[6] This inventory report summarized the efforts of nine federal departments and agencies currently planned or underway to understand, prevent, and reduce various sources of lead exposure among children. These efforts include a wide range of activities such as research, surveillance, regulation, and enforcement, as well as community interventions and educational outreach. The report also provided a basis for increased coordination and collaboration among multiple federal agencies that, as with previous progress on the issue of lead exposures, will be required to further protect the nation's children.

Development of a Comprehensive Federal Lead Strategy

The Task Force determined that the inventory report provides a starting point for the development of a comprehensive federal lead strategy that will inform policy makers about evidence gaps and steps needed to further reduce lead exposures in children in the United States. The Task Force charged its Lead Subcommittee with drafting the strategy, conducting outreach to stakeholder groups, and soliciting comments from stakeholders for consideration in developing the strategy. This Request for Information (RFI) is part of the comment solicitation process.

II. Key Components of the Draft Federal Lead Strategy

1. A vision of this new federal lead strategy, such as to ensure that the United States will become a place where children live, learn and play free from the harmful effects of lead exposure.

2. A mission of the strategy, such as to improve the health of children in the United States, through federal collaboration, by eliminating harm from lead exposure.

3. A background section that includes the following topics: The Task Force, its lead activities, including development of its 2000 federal lead paint strategy, 2016 inventory report, and this strategy; the problems to be addressed by this strategy; children's lead exposure, including exposure sources, routes, and pathways; lead doses and blood-lead levels lead toxicity, and children's health effects; and federal lead and related (*e.g.,* environmental justice, fair housing, civil rights) statutes, regulations, policy, and guidance.

4. A set of goals for the strategy, such as to effect the following: Reducing sources of lead exposure in children's environments; improving identification and monitoring of lead exposed children; improving the health of children identified as lead-exposed; communicating effectively and consistently with stakeholders about childhood lead exposure; supporting or conducting research to advance our scientific understanding of the effects, evaluation, and control of lead hazards in children's environments.

5. Under each of the goals, a set of objectives that would further define the focus of this strategy.

6. Under each of the objectives, specific actions that would further the enumerated goals of the strategy.[7]

III. Request for Information

The purpose of this RFI is to solicit feedback on developing the new federal lead strategy report. HUD encourages participation from stakeholder groups, including the general public; non-governmental organizations, including philanthropic organizations; health care providers; the housing industry; the general aviation industry; health economics researchers; outcomes researchers; environmental firms, including certified lead professionals; and lead hazard control firms.

While HUD, as co-chair of the Lead Subcommittee, welcomes comments on all aspects of the drafting of a new federal lead strategy, HUD is particularly interested in receiving comments and data on the following:

1. Priority Risks and Goals

a. What priority risks, for example, exposures from housing, air, water, soil, food, etc., and issues should be addressed in a new federal lead strategy?

b. Should any of the suggested goals above be deleted or revised, and/or should any goals be added? Within the suggested goals above (as stated, or as you would revise them), or additional goals, what specific objectives should be identified?

2. Strategy Development and Implementation

a. What actions should be implemented to address these priority risks and issues?

b. What obstacles should be considered in determining which actions to include in the strategy? What obstacles pertain to one or more goals, objectives, or actions? Please be specific about the anticipated impact of the obstacles.

c. How can the obstacles be overcome? What effect, if any, would the effort to overcome these obstacles have on the ability to achieve the goals of the strategy?

3. Messaging and Outreach

a. What federal agency messaging regarding lead exposure in children, including information on where lead is found and how to avoid exposure, have been useful in the past and to which audiences? How could such messaging be improved?

b. Which non-Federal partners should the Task Force consult with to address the environmental health risks and safety risks of lead exposure to children, and why? Please identify specific organizations, or categories of organizations.

IV. Request for Information Response Guidelines

If you submit comments by email, your response must be provided as one or more attachments, specifically, as Microsoft Word (.doc or .docx) or Microsoft Excel (.xls or .xslx) attachment. Graphics may be provided as JPEG (.jpg or .jpeg) file attachments or as JPEG images embedded in the Microsoft Word or Excel attachments. It is recommended that emails with attachments having total file sizes exceeding 10 MB be compressed (.zip or .zipx) to ensure message delivery. If you submit comments by mail, your response should be no longer than 50 pages.

Please provide the following information at the start of your response to this RFI: Company/institution name (if applicable); contact information, including address, phone number, and email address. Do not submit Confidential Business Information (CBI) in your response to this RFI. Responses identified as containing CBI will not be reviewed and will be discarded.

Please identify your answers by responding to a specific question or topic if applicable. You may answer as many or as few questions as you wish. HUD will not respond to individual submissions or publish publicly a compendium of responses.

[6] The report is available at: *https://ptfceh.niehs.nih.gov/features/assets/files/key_federal_programs_to_reduce_childhood_lead_exposures_and_eliminate_associated_health_impactspresidents_508.pdf.*

[7] A starting point for developing actions could be the list of over 58 current and planned Federal programs and activities in Section 7 of the November 2016 inventory report. The actions under the strategy would not be limited to those programs and activities in the inventory report. Similarly, not all those programs and activities need to be mentioned in the strategy because of the need to keep the strategy to manageable size and focus. But such a decision should not be used to infer that the Task Force considers that any programs or activities not mentioned are less important than those mentioned.

To help you prepare your comments, please see the How Do I Prepare Effective Comments segment of the Commenting on HUD Rules Web page, *https://www.hud.gov/program_offices/general_counsel/Commenting-On-HUD-Rules#1*. While written for commenting on regulatory proposals, these tips are generally applicable to this RFI.

Dated: October 18, 2017.

Matthew Ammon,

Director, Office of Lead Hazard, Control and Healthy Homes.

[FR Doc. 2017–23039 Filed 10–23–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[17X.LLAK941000–L14100000–ET0000; F–025943]

Public Land Order No. 7863; Partial Revocation of Public Land Order No. 3708; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes Public Land Order No. 3708, insofar as it affects 709.17 acres of public lands near Fairbanks, Alaska, which reserved lands for use by the National Oceanic and Atmospheric Administration (NOAA). The NOAA has determined the lands are no longer needed for the purpose for which they were withdrawn.

DATES: This Public Land Order is effective on October 24, 2017.

FOR FURTHER INFORMATION CONTACT: David V. Mushovic, BLM Alaska State Office, 222 West Seventh Avenue, Mailstop #13, Anchorage, Alaska 99513–7504, 907–271–4682, or by email at *dmushovi@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 NOAA has determined that 709.17 acres of land withdrawn by Public Land Order No. 3708 is excess to its needs and has requested a partial revocation of the withdrawal. Upon revocation, the selection applications made by the State of Alaska under the Alaska Statehood Act and the Alaska National Interest Lands Conservation Act become effective without further action by the State, if such land is otherwise available. Lands selected by, but not conveyed to, the State are subject to the terms and conditions of Public Land Order No. 5186 (37 FR 5589, March 16, 1972), as amended, and any other withdrawal, application, or segregation of record. The partial revocation of the withdrawal will not result in a significant restriction on subsistence uses while the lands remain in Federal ownership. Any significant restriction on subsistence uses, due to subsequent conveyance of the lands to the State of Alaska, would be unavoidable under Section 810(c) of the Alaska National Interest Lands Conservation Act because the lands would be conveyed pursuant to the Alaska Statehood Act.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 3708 (30 FR 8753 (1965)), as modified by Public Land Order No. 6709 (54 FR 6919 (1989)), partially revoked by Public Land Order No. 7682 (72 FR 71940 (2007)), extended by Public Land Order No. 7710 (73 FR 35708 (2008)), and partially revoked by Public Land Order No. 7763 (76 FR 23334 (2011)), which withdrew public land from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, is hereby revoked as to the following described land:

Fairbanks Meridian, Alaska

A parcel of land situated within sections 7, 8, 17, 18, 19 and 20, Township 2 North, Range 2 East, being a portion of that parcel of land described in Public Land Order Nos. 3708 and 6709, and the plat for the Record of Survey, Parcel G, surveyed by Jake Gerondale, Registered Professional Land Surveyor No. LS–11758, for Lounsbury and Associates, filed in the Fairbanks recording district as plat No. 2017–54 on July 21, 2017, and being more particularly described as follows (all bearings are true mean bearings): (Record bearings and distances from the Bureau of Land Management plat of survey for Township 2 North, Range 2 East, Fairbanks Meridian, Alaska, officially filed on July 28, 1988, are shown in parentheses.)

BEGINNING at the southwest 1/16 section corner of section 8, marked with a 2½ inch diameter iron post, with brass cap marked SW 1/16 S8 1987;

THENCE, South 0°12′28″ East, on the north and south center line of the southwest 1/4 of section 8, a distance of 1,320.74 feet (South 0°10′ East, 20.01 chains) to the west 1/16 section corner of sections 8 and 17, marked with a 2½ inch iron post, with brass cap marked S8 W1/16 S17 1987, said corner being identical with the northwest corner of Public Land Order No. 7763;

THENCE, South 0°12′28″ East on the north and south center line of the northwest ¼ of section 17, identical with the westerly line of Public Land Order No. 7763, a distance of 330.00 feet, identical with the southwesterly corner of Public Land Order No. 7763;

THENCE, South 42°47′04″ East, on the southwesterly line of Public Land Order No. 7763, a distance of 1,950.25 feet to the north and south center line of section 17, identical with the most southerly corner of Public Land Order No. 7763;

THENCE, South 0°10′47″ East (South 0°10′ East), on the north and south center line of section 17, a distance of 3,517.92 feet to the ¼ section corner of sections 17 and 20, marked with a 2½ inch iron post, with brass cap marked T2N R2E S17 1/4 S20 1987;

THENCE, North 89°53′20″ East (North 89°55′ East), on the line between sections 17 and 20, a distance of 478.71 feet, identical with the northwest corner of Public Land Order No. 7682;

THENCE, South 3°22′04″ West, on the westerly line of Public Land Order No. 7682, a distance of 2,360.42 feet, identical with the southwesterly corner of Public Land Order No. 7682;

THENCE, South 40°05′00″ East, on the southerly line of Public Land Order No. 7682, a distance of 1,541.97 feet to the north and south center line of the southeast ¼ of section 20, identical with the most southerly corner of Public Land Order No. 7682;

THENCE, South 0°08′36″ East (South 0°09′ East), on the north and south center line of the southeast ¼ of section 20, a distance of 1,455.29 feet to line 1–2 of the Scheelite Load claim of Mineral Survey No. 2008, marked with a 2½ inch iron post, with brass cap marked E CC S20 E S MS2008 1987;

THENCE, South 72°19′41″ West on line 2–1 of said Scheelite Load claim of Mineral Survey No. 2008, a distance of 685.63 feet (South 72°22′ West, 10.39 chains) to corner No. 1, Scheelite Load claim of Mineral Survey No. 2008, marked with a ¾ inch aluminum rod, with aluminum cap marked T2N R2E C1 S MS2008 1987;

THENCE, North 55°58′55″ West; a distance of 231.00 feet;

THENCE, North 0°15′04″ East, a distance of 1,154.78 feet;

THENCE, South 89°36′39″ West, a distance of 1,740.61 feet;

THENCE, North 0°23′40″ West, a distance of 555.25 feet;

THENCE, South 89°36′14″ West, a distance of 627.91 feet;

THENCE, North 0°23′53″ West, a distance of 578.37 feet;

THENCE, South 89°35′55″ West, a distance of 1,119.46 feet;

THENCE, North 0°24′18″ West, a distance of 8,103.74 feet to the section line between sections 7 and 18;

THENCE, South 89°35′38″ West, on the line between sections 7 and 18, a distance of 292.78 feet;

THENCE, North 0°24′25″ West, a distance of 1,304.71 feet to the east and west center line of the southeast ¼ of section 7;

THENCE, South 89°54′39″ East (South 89°52′ East), on the east and west center line of the southeast ¼ of section 7, a distance of 694.20 feet to the S 1/16 section corner of sections 7 and 8;

THENCE, North 89°59′47″ East, on the east and west center line of the southwest ¼ of section 8, a distance of 1,319.11 feet (South 89°59′ East, 19.99 chains) to the southwest 1/16 section corner of section 8 and the POINT OF BEGINNING, containing 709.17 acres, more or less.

2. The State of Alaska applications for selection made under Section 6(a) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C., note prec. 21, and under Section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e), become effective without further action by the State upon publication of this Public Land Order in the **Federal Register**, if such land is otherwise available. Land selected by, but not conveyed to, the State will be subject to Public Land Order No. 5186 (37 FR 5589 (1972)), as amended, and any other withdrawal, application, or segregation of record.

Dated: October 17, 2017.

David L. Bernhardt,

Deputy Secretary of the Interior.

[FR Doc. 2017–22947 Filed 10–23–17; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[18X.LLAK910000. L13100000. DB0000. LXSINSSI0000]

Notice of Public Meeting, North Slope Science Initiative—Science Technical Advisory Panel, Alaska

AGENCY: Bureau of Land Management Alaska, North Slope Science Initiative, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976, the Energy Policy Act of 2005, and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management North Slope Science Initiative—Science Technical Advisory Panel will meet as indicated below.

DATES: The Science Technical Advisory Panel will meet on November 7 and 8, 2017. The Panel will meet from 8:30 a.m. to 5:00 p.m. both days.

ADDRESSES: The meeting will be held at the Robert B. Atwood Building, Room 102, 550 West Seventh Avenue, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Miller, Deputy Director, North Slope Science Initiative, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, AK 99513, telephone 907–271–3212, or email *memiller@blm.gov.* People 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, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Authorized by Public Law 109–58, Sec. 348 (42 U.S.C. 15906) of the Energy Policy Act of 2005, the Science Technical Advisory Panel provides advice and recommendations to the North Slope Science Initiative Oversight Group about priority information requirements for management decisions across the North Slope of Alaska. These priority information requirements and recommendations may include inventory, monitoring, and research activities that contribute to informed resource management decisions. The Secretary of the Interior appoints panel members who represent various scientific and technical disciplines.

This meeting will include continued consideration of recommendations from the recent North Slope Development Scenarios Project; development of a communications plan to facilitate North Slope Science Initiative actions for ensuring effective coordination of monitoring and research activities; and evaluation and development of strategies for minimizing effects of monitoring and research activities on North Slope residents and subsistence resources.

There will be a public comment period from 3:30 p.m. until 4:00 p.m. on Tuesday, November 7. Depending on the number of people wishing to comment within the scheduled time available, there may be limited time for individuals to speak. Individuals who plan to attend and need special assistance, such as sign language interpretation, transportation, or other reasonable accommodations, should contact the North Slope Science Initiative Deputy Director. The public may present written comments to the Science Technical Advisory Panel through the North Slope Science Initiative Deputy Director. 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. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 42 U.S.C. 15906; 43 CFR 1784.4–2.

John F. Ruhs,

Acting Deputy Director, Bureau of Land Management.

[FR Doc. 2017–23047 Filed 10–23–17; 8:45 am]

BILLING CODE 4310–JA–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1189 (Review)]

Large Power Transformers From Korea; Notice of Commission Determination To Conduct a Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with a full review pursuant to the Tariff Act of 1930 to determine whether revocation of the antidumping duty order on large power transformers from Korea would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the review will be established and announced at a later date.

DATES: The determination was made on October 6, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Casanova (202–708–2719), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting

the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On October 6, 2017, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that both the domestic and respondent interested party group responses to its notice of institution (82 FR 30896, July 3, 2017) were adequate. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 18, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–22988 Filed 10–23–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–683 (Fourth Review)]

Fresh Garlic From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on fresh garlic from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted this review on April 3, 2017 (82 FR 16223) and determined on July 7, 2017 that it would conduct an expedited review (82 FR 37237, August 9, 2017).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on October 19, 2017. The views of the Commission are contained in USITC Publication 4735 (October 2017), entitled *Fresh Garlic from China: Investigation No. 731–TA–683 (Fourth Review).*

By order of the Commission.

Issued: October 19, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–23040 Filed 10–23–17; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (17–077)]

National Space-Based Positioning, Navigation, and Timing Advisory Board; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, and the President's 2004 U.S. Space-Based Positioning, Navigation, and Timing (PNT) Policy, the National Aeronautics and Space Administration (NASA) announces a meeting of the National Space-Based Positioning, Navigation, and Timing (PNT) Advisory Board.

DATES: Wednesday, November 15, 2017, 9:00 a.m. to 5:00 p.m.; and Thursday, November 16, 2017, 9:00 a.m. to 1:00 p.m., Local Time.

ADDRESSES: Crowne Plaza Redondo Beach & Marina Hotel, 300 North Harbor Drive, Redondo Beach, CA 90277.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Miller, Designated Federal Official, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4417, fax (202) 358–4297, or *jj.miller@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

The agenda for the meeting includes the following topics:

- Update on U.S. Space-Based Positioning, Navigation and Timing (PNT) Policy and Global Positioning System (GPS) modernization.
- Prioritize current and planned GPS capabilities and services while assessing future PNT architecture alternatives with a focus on affordability.
- Examine methods in which to Protect, Toughen, and Augment (PTA) access to GPS/Global Navigation Satellite Systems (GNSS) services in key domains for multiple user sectors.
- Assess economic impacts of GPS/GNSS on the United States and in select international regions, with a consideration towards effects of potential PNT service disruptions if radio spectrum interference is introduced.
- Review the potential benefits, perceived vulnerabilities, and any proposed regulatory constraints to accessing foreign Radio Navigation Satellite Service (RNSS) signals in the United States and subsequent impacts on multi-GNSS receiver markets.
- Explore opportunities for enhancing the interoperability of GPS with other emerging international GNSS.
- Examine emerging trends and requirements for PNT services in U.S. and international fora through PNT Board technical assessments, including back-up services for terrestrial, maritime, aviation, and space users.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2017–22989 Filed 10–23–17; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 22 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate.

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Sherry P. Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *hales@arts.gov,* or call 202/682–5696.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of July 5, 2016, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meetings are:

Museums (review of applications): This meeting will be closed.

Date and time: November 28, 2017; 11:30 a.m. to 1:30 p.m.

Museums (review of applications): This meeting will be closed.

Date and time: November 28, 2017; 2:30 p.m. to 4:30 p.m.

Presenting (review of applications): This meeting will be closed.

Date and time: November 28, 2017; 3:00 p.m. to 5:00 p.m.

Presenting (review of applications): This meeting will be closed.

Date and time: November 29, 2017; 3:00 p.m. to 5:00 p.m.

Museums (review of applications): This meeting will be closed.

Date and time: November 29, 2017; 11:30 a.m. to 1:30 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: November 30, 2017; 1:30 p.m. to 3:30 p.m.

Presenting (review of applications): This meeting will be closed.

Date and time: November 30, 2017; 4:00 p.m. to 6:00 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: December 1, 2017; 1:30 p.m. to 3:30 p.m.

Presenting (review of applications): This meeting will be closed.

Date and time: December 1, 2017; 3:00 p.m. to 5:00 p.m.

Literature (review of applications): This meeting will be closed.

Date and time: December 5, 2017; 1:00 p.m. to 3:00 p.m.

Literature (review of applications): This meeting will be closed.

Date and time: December 6, 2017; 1:00 p.m. to 3:00 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: December 7, 2017; 1:30 p.m. to 3:30 p.m.

Media Arts (review of applications): This meeting will be closed.

Date and time: December 7, 2017; 11:30 a.m. to 1:30 p.m.

Media Arts (review of applications): This meeting will be closed.

Date and time: December 7, 2017; 2:30 p.m. to 4:30 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: December 8, 2017; 1:30 p.m. to 3:30 p.m.

Media Arts (review of applications): This meeting will be closed.

Date and time: December 8, 2017; 11:30 a.m. to 1:30 p.m.

Folk and Traditional Arts (review of applications): This meeting will be closed.

Date and time: December 12, 2017; 1:00 p.m. to 3:00 p.m.

Media Arts (review of applications): This meeting will be closed.

Date and time: December 12, 2017; 11:30 a.m. to 1:30 p.m.

Arts Education (review of applications): This meeting will be closed.

Date and time: December 14, 2017; 1:30 p.m. to 3:30 p.m.

Folk and Traditional Arts (review of applications): This meeting will be closed.

Date and time: December 14, 2017; 1:00 p.m. to 3:00 p.m.

Local Arts Agencies (review of applications): This meeting will be closed.

Date and time: December 14, 2017; 1:00 p.m. to 3:00 p.m.

Media Arts (review of applications): This meeting will be closed.

Date and time: December 14, 2017; 2:30 p.m. to 4:30 p.m.

Dated: October 19, 2017.

Sherry P. Hale,

Staff Assistant, National Endowment for the Arts.

[FR Doc. 2017–23016 Filed 10–23–17; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 24, 2017. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address, 703–292–8030, or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 671), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2018–019

1. *Applicant*: Cedar Wright, Expedition Leader, The North Face, 2660 Juniper Ave, Boulder, CO 80304.

Activity for Which Permit is Requested: Waste Management. The applicant is seeking a waste management permit for activities related to climbing and skiing mountain peaks in Queen Maud Land, Antarctica. The applicant proposed to establish a base camp near the Ulvetanna peak. All waste generated would be removed from Antarctica with the exception of urine and grey water. Any climbing

equipment used would be removed to the extent practicable. The applicant would use best practices to minimize the risks of spills of designated pollutants. The applicant proposes to operate a small, battery-operated remotely piloted aircraft system (RPAS) consisting, in part, of a quadcopter equipped with a camera to collect footage of the expedition. The quadcopter would not be flown over concentrations of birds or mammals, or over Antarctic Specially Protected Areas. The RPAS would only be operated by a certified pilot with extensive experience. Several measures would be taken to prevent loss of the quadcopter including maintaining visual line of sight, limiting flight time to no more that 20 minutes, having a return home feature, operating only under calm weather conditions with good visibility, and not operating in areas where retrieving the quadcopter would not be possible.

Location: Queen Maud Land, Antarctica.

Dates: November 23—December 20, 2017.

Permit Application: 2018–020

2. *Applicant:* Dierk M. Reuter, Liton Services Inc, 180 E Pearson St, Apt 4505, Chicago, IL 60611.

Activity for Which Permit is Requested: Waste Management. The applicant is seeking a waste management permit for activities related to a proposed flight to King George Island and over the Antarctic Peninsula aboard a TBM 850 aircraft. The plane and crew will depart Punta Arenas, Chile and stop at the King George Island airfield prior to and following a non-stop flight over the Antarctic Peninsula, with a turnaround point at approximately 75 degrees South, 71 degrees West. The applicant proposes to overnight at King George Island before returning to Punta Arenas, Chile. All gear; emergency equipment and supplies; foodstuffs; garbage; and human waste would be stored in the aircraft removed from Antarctica upon departure. Gear would be new and/or de-contaminated before use in Antarctica. Emissions from the aircraft would be minimized through proper engine maintenance.

Location: King George Island; West Antarctic Peninsula.

Dates: December 20, 2017—January 31, 2018.

Permit Application: 2018–021

3. *Applicant:* Lars Maltha Rasmussen, Albatros Expeditions US Ltd, 4770 Biscayne Boulevard PHR, Miami, FL 33137.

Activity for Which Permit is Requested: Waste Management. The applicant proposes to operate small, battery-operated RPAS consisting, in part, of a quadcopter equipped with cameras to collect commercial and educational footage of the Antarctic. The quadcopter would not be flown over concentrations of birds or mammals, or over Antarctic Specially Protected Areas or Historic Sites and Monuments. The RPAS would only be operated by pilots with proficiency and experience, who are pre-approved by the Captain and Expedition Leader. Several measures would be taken to prevent loss of the quadcopter including only flying when the wind is less than 25 knots; total flight times in accordance with manufacturer specifications and appropriate to the cold conditions; having an automatic return feature in case of loss of control link or low battery; having an observer on the lookout for wildlife, people, and other hazards; and ensuring that the separation between the operator and quadcopter does not exceed an operational range beyond visual contact. The applicant is seeking a Waste Permit to cover any accidental releases that may result from operating the RPAS.

Location: Antarctic Peninsula region.

Dates: December 5, 2017–March 31, 2018.

Permit Application: 2018–025

4. *Applicant:* Bill Davis, VP Operations, Quark Expeditions, 3131 Elliot Avenue, Suite 250, Seattle, WA 98121.

Activity for Which Permit is Requested: Waste Management. The applicant is seeking a waste management permit associated with the operation of multiple tour vessels in the Antarctic Peninsula region. Each vessel will complete multiple cruises and multiple landings per cruise. Maximum passengers taken ashore at any one time will be limited to 100 persons. On selected voyages Quark would offer activities including shore excursions by Zodiac, kayaking, day paddling, stand-up paddle boarding, polar plunges, cross-country skiing, ice climbing and mountaineering, downhill skiing, and vessel-supported short overnight stays (camping). The applicant also proposes to operate a small, battery-operated remotely piloted aircraft system (RPAS) consisting, in part, of a quadcopter equipped with a camera to collect footage for commercial and educational purposes. Mitigation measures would be in place to reduce the risk of non-native species introductions and the risk of spills or releases to the environment. Waste generated during small boat and shore-based activities would be returned to the vessels for proper disposal.

For vessel-supported short overnight stays (camping): Camping would be away from vegetated sites and at least 150m from wildlife concentrations or lakes, protected areas, historical sites, and scientific stations. Tents would be pitched on snow, ice, or bare smooth rock, at least 15m from the high-water line. No food, other than emergency rations, would be brought onshore and all wastes, including human waste, would be collected and returned to the ship for proper disposal. Campers would be limited to 30 passengers plus staff, except at the following sites where campers are limited to 60 passengers plus staff: Damoy Point/Dorian Bay, Danco Island, Pleneau Island, Leith Cove, and Rongé Island. The ratio of staff to passengers would be 1:10. Camping would include overnight stays of any duration, but in accordance with the visitor site guidelines for each site.

For remotely piloted aircraft systems (RPAS) operation: The quadcopter would not be flown over concentrations of birds or mammals, or over Antarctic Specially Protected Areas or Historic Sites and Monuments. The RPAS would only be operated by pilots with adequate experience. Several measures would be taken to prevent against loss of the quadcopter including painting the them a highly visible color; only flying when the wind is calm; flying for only 15 minutes at a time to maintain adequate battery charge; having a flotation device for operations over water, and an ''auto go home'' feature in case of loss of control link or low battery; having an observer on the lookout for wildlife, people, and other hazards; and ensuring that the separation between the operator and quadcopter does not exceed a maximum distance of 300 meters.

Location: Antarctic Peninsula region. For camping: Damoy Point/Dorian Bay, Danco Island, Rongé Island, Errera Channel, Paradise Bay, Andvord Bay, Pleneau Island, Argentine Islands (Winter Island by Wordie House), Hovgaard Island, Orne Harbour, Leith Cove, Prospect Point, Portal Point, Almirante Brown, Skontorp Cove, Neko Harbour, Cuverville, Port Charcot, Jougla Point, Horseshoe Island, Stony Point, Lefevre-Utile, the Naze, Yalour Islands.

Dates: October 25, 2017–March 31, 2022.

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2017–22981 Filed 10–23–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–458–LR, ASLBP No. 17–956–01–LR–BD01]

Entergy Operations, Inc.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission, *see* 37 FR 28,710 (Dec. 29, 1972), and the Commission's regulations, *see, e.g.,* 10 CFR 2.104, 2.105, 2.300, 2.309, 2.313, 2.318, 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Entergy Operations, Inc.

(River Bend Station, Unit 1)

This proceeding involves an application by Entergy Operations, Inc. to renew for twenty years its operating license for River Bend Station, Unit 1, located in St. Francisville, Louisiana. The current operating license for River Bend Station, Unit 1, expires on midnight, August 29, 2025. In response to a notice published in the **Federal Register,** *see* 82 FR 37,908 (Aug. 14, 2017), announcing the opportunity to request a hearing, the Sierra Club on October 12, 2017 filed a petition to intervene and request for a hearing.

The Board is comprised of the following Administrative Judges:

E. Roy Hawkens, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001

Dr. Michael F. Kennedy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001

Dr. Richard E. Wardwell, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule. *See* 10 CFR 2.302.

Rockville, Maryland, October 18, 2017.

Edward Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2017–22975 Filed 10–23–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0238]

Managing Aging Processes in Storage Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft NUREG, NUREG–2214, ''Managing Aging Processes in Storage (MAPS) Report.'' The draft NUREG provides guidance to the NRC technical review staff and establishes a technical basis for the safety review of renewal applications for specific licenses of independent spent fuel storage installations (ISFSIs) and certificates of compliance of dry storage systems.

DATES: Submit comments on the draft NUREG–2214 by December 26, 2017. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0238. 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.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: OWFN–2–A13, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: John Wise, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8085; email: *John.Wise@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0238 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0238.
- *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.* Draft NUREG–2214, ''Managing Aging Processes in Storage (MAPS) Report'' is available in ADAMS under Accession No. ML17289A237.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2016–0238 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

The NUREG–2214, ''Managing Aging Process for Storage (MAPS) Report,'' is a technical basis document that provides guidance to NRC staff on the safety review of renewal applications for the dry storage of spent nuclear fuel. The MAPS Report provides a generic evaluation of the aging mechanisms that

have the potential to challenge the ability of dry storage system structures, systems and components to fulfill their important-to-safety functions. The MAPS Report also describes generically acceptable aging management programs that an applicant may use to maintain the approved design basis of its storage system during the period of extended operation, or the period from 20 to 60 years of storage.

The staff will review and consider public comments received on draft NUREG–2214 as it finalizes the guidance. Comments are invited on any areas of the draft guidance.

III. Public Meeting

The NRC will conduct a public meeting for the purpose of describing the draft NUREG and answering questions from the public. The NRC will publish a notice of the location, time, and agenda of the meeting on the NRC's public meeting Web site within at least 10 calendar days before the meeting. Stakeholders should monitor the NRC's public meeting Web site for information about the public meeting at: *http://www.nrc.gov/public-involve/public-meetings/index.cfm.*

Dated at Rockville, Maryland, this 18th day of October, 2017.

For the Nuclear Regulatory Commission.

Michael C. Layton,

Director, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–22983 Filed 10–23–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0208]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from September 26, 2017, to October 06, 2017. The last biweekly notice was published on September 25, 2017.

DATES: Comments must be filed by November 24, 2017. A request for a hearing must be filed by December 26, 2017.

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

- *Federal Rulemaking Web site*: Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0208. 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.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: OWFN–2–A13, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1506, email: *Kay.Goldstein@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0208 facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0208.
- *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.

B. Submitting Comments

Please include Docket ID NRC–2017–0208, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a

margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a

limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit 1, Pope County, Arkansas

Date of amendment request: August 14, 2017. A publicly-available version is in ADAMS under Accession No. ML17226A207.

Description of amendment request: The amendment would add Technical Specification (TS) requirements for unavailable barriers by adding Limiting Condition for Operation (LCO) 3.0.9, consistent with NRC-approved Technical Specification Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF–427, Revision 2, ''Allowance for Non-

Technical Specification Barrier Degradation on Supported System Operability.'' The Notice of Availability of this TS improvement and the model application were published in the **Federal Register** on October 3, 2006 (71 FR 58444), as part of the Consolidated Line Item Improvement Process (CLIIP).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee affirmed the applicability of the model no significant hazards consideration determination, which is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The proposed change allows a delay time for entering a supported system technical specification (TS) when the inoperability is due solely to an unavailable barrier if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. Therefore, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident while relying on the allowance provided by proposed LCO 3.0.9 are no different than the consequences of an accident while relying on the TS required actions in effect without the allowance provided by proposed LCO 3.0.9. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Allowing delay times for entering supported system TS when inoperability is due solely to an unavailable barrier, if risk is assessed and managed, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The proposed change allows a delay time for entering a supported system TS when the inoperability is due solely to an unavailable barrier, if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. The risk impact of the proposed TS changes was assessed following the three-tiered approach recommended in RG [Regulatory Guide] 1.177. A bounding risk assessment was performed to justify the proposed TS changes. This application of LCO 3.0.9 is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The net change to the margin of safety is insignificant as indicated by the anticipated low levels of associated risk (ICCDP [incremental conditional core damage probability] and ICLERP [incremental conditional large early release probability]) as shown in Table 1 of Section 3.1.1 in the Safety Evaluation. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the above analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW., Suite 200 East, Washington, DC 20001.

NRC Branch Chief: Robert J. Pascarelli.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of amendment request: August 14, 2017. A publicly-available version is in ADAMS under Accession No. ML17226A210.

Description of amendment request: The amendment would add Technical Specification (TS) requirements for unavailable barriers by adding Limiting Condition for Operation (LCO) 3.0.9, consistent with NRC-approved Technical Specification Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF–427, Revision 2, ''Allowance for Non-Technical Specification Barrier Degradation on Supported System Operability.'' The Notice of Availability of this TS improvement and the model application were published in the **Federal Register** on October 3, 2006 (71 FR 58444), as part of the Consolidated Line Item Improvement Process (CLIIP).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee affirmed the applicability of the model no significant hazards consideration determination, which is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The proposed change allows a delay time for entering a supported system technical specification (TS) when the inoperability is due solely to an unavailable barrier if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. Therefore, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident while relying on the allowance provided by proposed LCO 3.0.9 are no different than the consequences of an accident while relying on the TS required actions in effect without the allowance provided by proposed LCO 3.0.9. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Allowing delay times for entering supported system TS when inoperability is due solely to an unavailable barrier, if risk is assessed and managed, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The proposed change allows a delay time for entering a supported system TS when the inoperability is due solely to an unavailable barrier, if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. The risk impact of the proposed TS changes was assessed following the three-tiered approach recommended in RG [Regulatory Guide] 1.177. A bounding risk assessment was performed to justify the proposed TS changes. This application of LCO 3.0.9 is predicated upon the licensee's performance of a risk assessment and the

management of plant risk. The net change to the margin of safety is insignificant as indicated by the anticipated low levels of associated risk (ICCDP [incremental conditional core damage probability] and ICLERP [incremental conditional large early release probability]) as shown in Table 1 of Section 3.1.1 in the Safety Evaluation. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the above analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW., Suite 200 East, Washington, DC 20001.

NRC Branch Chief: Robert J. Pascarelli.

Exelon Generation Company, LLC, Docket Nos. 50–219 and 72–15, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: August 29, 2017. A publicly-available version is available in ADAMS under Accession No. ML17241A065.

Description of amendment request: The amendment would revise the Oyster Creek Nuclear Generating Station site emergency plan (SEP) and emergency action level (EAL) scheme for the permanently defueled condition.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the emergency plan and EAL scheme do not impact the function of plant structures, systems, or components (SSCs). The proposed changes do not affect accident initiators or precursors, nor does it alter design assumptions. The proposed changes do not prevent the ability of the on-shift staff and emergency response organization (ERO) to perform their intended functions to mitigate the consequences of any accident or event that will be credible in the permanently defueled condition.

The probability of occurrence of previously evaluated accidents is not increased, since most previously analyzed accidents can no longer occur and the probability of the few remaining credible accidents are unaffected by the proposed amendment.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes reduce the scope of the SEP and EAL scheme commensurate with the hazards associated with a permanently shutdown and defueled facility. The proposed changes do not involve installation of new equipment or modification of existing equipment, so that no new equipment failure modes are introduced. In addition, the proposed changes do not result in a change to the way that the equipment or facility is operated so that no new or different kinds of accident initiators are created.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes are associated with the SEP and EAL scheme and do not impact operation of the plant or its response to transients or accidents. The change does not affect the Technical Specifications. The proposed changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes. Safety analysis acceptance criteria are not affected by the proposed changes. The Post Defueled Emergency Plan (PDEP) will continue to provide the necessary response staff with the appropriate guidance to protect the health and safety of the public.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Douglas A. Broaddus.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: August 7, 2017. A publicly-available version is in ADAMS under Accession No. ML17228A042.

Description of amendment request: The proposed amendment would replace existing Technical Specification (TS) requirements related to ''operations with a potential for draining the reactor vessel'' (OPDRVs) with new requirements on reactor pressure vessel (RPV) water inventory control (WIC) to protect Safety Limit 2.1.1.3. Safety Limit 2.1.1.3 requires RPV water level to be greater than the top of active irradiated fuel. The proposed changes are based on TS Task Force (TSTF) Traveler TSTF–542, Revision 2, ''Reactor Pressure Vessel Water Inventory Control.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. Draining of RPV water inventory in Mode 4 (*i.e.,* cold shutdown) and Mode 5 (*i.e.,* refueling) is not an accident previously evaluated and, therefore, replacing the existing TS controls to prevent or mitigate such an event with a new set of controls has no effect on any accident previously evaluated. RPV water inventory control in Mode 4 or Mode 5 is not an initiator of any accident previously evaluated. The existing OPDRV controls or the proposed RPV WIC controls are not mitigating actions assumed in any accident previously evaluated.

The proposed change reduces the probability of an unexpected draining event (which is not a previously evaluated accident) by imposing new requirements on the limiting time in which an unexpected draining event could result in the reactor vessel water level dropping to the top of the active fuel (TAF). These controls require cognizance of the plant configuration and control of configurations with unacceptably short drain times. These requirements reduce the probability of an unexpected draining event. The current TS requirements are only mitigating actions and impose no requirements that reduce the probability of an unexpected draining event.

The proposed change reduces the consequences of an unexpected draining event (which is not a previously evaluated accident) by requiring an Emergency Core Cooling System (ECCS) subsystem to be operable at all times in Modes 4 and 5. The current TS requirements do not require any water injection systems, ECCS or otherwise, to be operable in certain conditions in Mode 5. The change in requirement from two ECCS subsystems to one ECCS subsystem in Modes 4 and 5 does not significantly affect the consequences of an unexpected draining event because the proposed Actions ensure equipment is available within the limiting drain time that is as capable of mitigating the

event as the current requirements. The proposed controls provide escalating compensatory measures to be established as calculated drain times decrease, such as verification of a second method of water injection and additional confirmations that containment and/or filtration would be available if needed.

The proposed change reduces or eliminates some requirements that were determined to be unnecessary to manage the consequences of an unexpected draining event, such as automatic initiation of an ECCS subsystem and control room ventilation. These changes do not affect the consequences of any accident previously evaluated since a draining event in Modes 4 and 5 is not a previously evaluated accident and the requirements are not needed to adequately respond to a draining event.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. The proposed change will not alter the design function of the equipment involved. Under the proposed change, some systems that are currently required to be operable during OPDRVs would be required to be available within the limiting drain time or to be in service depending on the limiting drain time. Should those systems be unable to be placed into service, the consequences are no different than if those systems were unable to perform their function under the current TS requirements.

The event of concern under the current requirements and the proposed change is an unexpected draining event. The proposed change does not create new failure mechanisms, malfunctions, or accident initiators that would cause a draining event or a new or different kind of accident not previously evaluated or included in the design and licensing bases.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC. The current requirements do not have a stated safety basis and no margin of safety is established in the licensing basis. The safety basis for the new requirements is to protect Safety Limit 2.1.1.3. New requirements are added to determine the limiting time in which the RPV water inventory could drain to the top of the fuel in the reactor vessel should an unexpected draining event occur. Plant configurations that could result in lowering the RPV water level to the TAF within one hour are now prohibited. New escalating compensatory measures based on the limiting drain time replace the current controls. The proposed TS establish a safety margin by providing defense-in-depth to ensure that the Safety Limit is protected and to protect the public health and safety. While some less restrictive requirements are proposed for plant configurations with long calculated drain times, the overall effect of the change is to improve plant safety and to add safety margin.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John C. McClure, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Branch Chief: Robert J. Pascarelli.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: August 30, 2017. A publicly-available version is in ADAMS under Accession No. ML17242A279.

Description of amendment request: The requested amendment proposes changes to combined license (COL) Appendix C (and plant-specific Tier 1) Table 2.6.3–3 to revise Inspections, Tests, Analyses and Acceptance Criteria (ITAAC) involving the Class 1E dc and uninterruptible power supply system (IDS). The proposed COL Appendix C (and plant-specific design control document (DCD) Tier 1) changes require additional changes to corresponding Tier 2 information in the Updated Final Safety Analysis Report (UFSAR) Chapter 8, ''Electric Power.'' Because this proposed change requires a departure from Tier 1 information in the Westinghouse Electric Company's AP1000 DCD, the licensee also requested an exemption from the requirements of the generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises COL Appendix C, plant-specific Tier 1, and UFSAR information concerning design commitments and ITAAC related to IDS functionality. The proposed change supports verification of the acceptability of the voltage transfer across applicable IDS circuits supplying power to Class 1E MOVs.

This change does not affect the design details of the IDS, including the Class 1E battery banks and the MOVs that they support. The intent of Tier 1 Subsection 2.6.3, Design Commitment 4.i); COL Appendix C Table 2.6.3-3, item 4.i); and UFSAR Subsection 8.3.2.5.9 are to verify that IDS can deliver adequate voltage to the motor terminals of Class 1E powered MOVs under design basis conditions. Therefore, the proposed changes meet the intent of the ITAAC and do not change the design or functionality of any safety-related structure, system or component (SSC). The proposed change does not affect the design functions of plant systems. The proposed change does not affect plant electrical systems, and does not affect the support, design, or operation of mechanical and fluid systems required to mitigate the consequences of an accident. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to postulated accident conditions. The plant response to previously evaluated accidents or external events is not affected, nor do the proposed changes create any new accident precursors. Therefore, the requested amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises COL Appendix C, plant-specific Tier 1, and UFSAR information concerning design commitments and ITAAC related to IDS functionality. The proposed change supports verification of the acceptability of the voltage transfer across applicable IDS circuits supplying power to Class 1E MOVs.

The intent of Tier 1 Subsection 2.6.3, Design Commitment 4.i); COL Appendix C Table 2.6.3-3, item 4.i) and UFSAR Subsection 8.3.2.5.9 are to verify that IDS can deliver adequate voltage to the motor terminals of Class 1E powered MOVs under design basis conditions. The proposed changes do not change the design or functionality of safety-related SSCs. The proposed change does not affect plant electrical systems, and does not affect the design function, support, design, or operation of mechanical and fluid systems. The proposed change does not result in a new failure mechanism or introduce any new accident precursors. No design function described in the UFSAR is affected by the proposed changes. Therefore, the requested amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises COL Appendix C, plant-specific Tier 1, and UFSAR information concerning design commitments and ITAAC related to IDS functionality. The proposed change supports verification of the acceptability of the voltage transfer across applicable IDS circuits supplying power to Class 1E MOVs.

The intent of Tier 1 Subsection 2.6.3, Design Commitment 4.i); COL Appendix C Table 2.6.3-3, item 4.i) and UFSAR Subsection 8.3.2.5.9 are to verify that under design basis conditions IDS can deliver adequate voltage to the motor terminals of Class 1E powered MOVs. Therefore, the proposed changes meet the intent of the ITAAC and do not reduce a margin of safety. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, and no margin of safety is reduced.

Therefore, the requested amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: August 31, 2017. A publicly-available version is in ADAMS under Accession No. ML17243A351.

Description of amendment request: The amendment request proposes to depart from Tier 2 information in the Updated Final Safety Analysis Report (which includes the plant-specific Design Control Document (DCD) Tier 2 information) and involves related changes to plant-specific Tier 1 (and associated Combined License (COL) Appendix C) information, and COL Appendix A Technical Specifications. Specifically, the requested amendment proposes changes to the plant-specific nuclear island non-radioactive ventilation system (VBS), the main control room emergency habitability system (VES), and post-accident operator dose analyses. These changes are proposed to maintain compliance with General Design Criterion (GDC)–19, which requires that main control room personnel dose does not exceed 5 roentgen equivalent man total effective dose equivalent for the duration of a design basis accident. Because this proposed change requires a departure from Tier 1 information in the Westinghouse Electric Company's AP1000 DCD, the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The AP1000 accident analyses describe various design basis accidents to demonstrate compliance with the acceptance criteria for these events. The acceptance criteria for the various accidents are based on meeting the relevant regulations, general design criteria, the Standard Review Plan, and are a function of the anticipated frequency of occurrence of the event and potential radiological consequences to the public. As such, each design-basis event is categorized accordingly based on these considerations. The proposed changes do not affect the accident frequency designations as previously evaluated. Instead, the changes ensure that the control room shielding design will meet the operator habitability requirements under such accidents. Further, the proposed changes do not involve any components that could initiate an event by means of component or system failure. The changes do not alter design features available during normal operation or anticipated operational occurrences. The changes do not adversely impact accident source term parameters or affect any release paths used in the safety analyses, which could increase radiological dose consequences. The proposed changes would not increase the consequences of an accident previously evaluated in the plant-specific Design Control Document (DCD). Offsite doses are not adversely affected by the changes proposed.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes would not introduce a new failure mode, fault, or sequence of events that could result in a radioactive material release. The proposed changes do not alter the design, configuration, or method of operation of the plant beyond standard functional capabilities of the equipment. Instead, the changes modify the manner in which the radiological consequences of the existing design basis accidents are evaluated.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Safety margins are applied at many levels to the design and licensing basis functions and to the controlling values of parameters to account for various uncertainties and to avoid exceeding regulatory or licensing limits. The proposed changes ultimately result in dose values that meet 10 CFR part 50, Appendix A, General Design Criterion (GDC)–19. The proposed changes do not adversely affect any safety-related equipment or other design functions, design code compliance, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: September 22, 2017. A publicly-available version is in ADAMS under Accession No. ML17265A822.

Description of amendment request: The requested amendment proposes changes to combined license Appendix A, Technical Specifications (TS). The proposed changes add new TS 3.1.10, Rod Withdrawal Test Exception—MODE 5, and modify TS Limiting Condition for Operation (LCO) 3.0.7, to allow rod movement and rod drop time testing under cold conditions (MODE 5). Additionally, the LCO Applicability of TS 3.4.8, Minimum Reactor Coolant System (RCS) Flow, is revised to reflect its safety analysis basis.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or

consequences of an accident previously evaluated?

Response: No.

There are no design changes associated with the proposed amendment. All design, material, and construction standards that were applicable prior to this amendment request will continue to be applicable.

The Plant Control System (PLS), Reactor Coolant System (RCS), Chemical and Volume Control System (CVS), and Protection and Safety Monitoring System (PMS) will continue to function in a manner consistent with the existing plant design basis. There will be no changes to the PLS, RCS, CVS, or PMS operating limits.

The proposed amendment will not affect accident initiators or precursors or alter the design, conditions, and configuration of the facility, or the manner in which the plant is operated and maintained, with respect to such initiators or precursors.

The proposed amendment will preclude reactor core criticality during the use of new TS 3.1.10. The proposed amendment will not alter the ability of structures, systems, and components (SSCs) to perform their specified safety functions.

Accident analysis acceptance criteria will continue to be met with the proposed changes. The proposed changes will not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of any accident previously evaluated. The proposed changes will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the Updated Final Safety Analysis Report (UFSAR).

The applicable radiological dose acceptance criteria will continue to be met.

The proposed amendment adds a new test exception TS 3.1.10, revises TS LCO 3.0.7 to reference the new TS 3.1.10, and modifies the LCO Applicability of TS 3.4.8 to be consistent with the purpose of that TS as an initial condition of the inadvertent boron dilution analyses, but does not physically alter any safety-related systems.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

With respect to any new or different kind of accident, there are no proposed design changes nor are there any changes in the method by which any safety-related plant SSC performs its specified safety function. The proposed change will not affect the normal method of plant operation or change any operating parameters. No equipment performance requirements will be affected. The proposed change will not alter any assumptions made in the safety analyses.

The proposed amendment adds a new test exception TS 3.1.10, revises TS LCO 3.0.7 to reference the new TS 3.1.10, and modifies the LCO Applicability of TS 3.4.8 to be consistent with the purpose of that TS as an initial condition of the inadvertent boron dilution analyses. The proposed change does not involve a physical modification of the plant.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures will be introduced as a result of this amendment. There will be no adverse effect or challenges imposed on any safety-related system as a result of this amendment.

Therefore, the proposed amendment does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

There will be no effect on those plant systems necessary to effect the accomplishment of protection functions. No instrument setpoints or system response times are affected. None of the acceptance criteria for any accident analysis will be changed. The proposed amendment will have no impact on the radiological consequences of a design basis accident.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: September 22, 2017. A publicly-available version is in ADAMS under Accession No. ML17265A787.

Description of amendment request: The requested amendment proposes to revise Tier 2* information in the Updated Final Safety Analysis Report (UFSAR), specifically to modify the licensing requirements for the American Society of Mechanical Engineers (ASME) Class 1 Piping component analysis from limited to design by rule evaluation as described in ASME Section III, NB–3600 to include the ability to perform design by analysis evaluations, as described in ASME Section III, NB–3200.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below with Nuclear Regulatory Commission (NRC) staff's edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change describes how the ASME Class 1 piping components are evaluated for stress and functional capability. The ASME Class 1 piping components are evaluated against ASME Section III to demonstrate that the components meet the allowables required by the ASME Code. The ASME Code is endorsed by 10 CFR 50.55a. The change allows the ASME Class 1 piping components to be evaluated by not only ASME Section III, NB–3600, but also, in situations where the simplified analysis results do not satisfy the requirements, ability is added for an evaluation using the more detailed method of ASME Section III, NB–3200. This is performed in accordance with ASME Section III, NB–3630(c). This method will continue to demonstrate that the piping components meet acceptance criteria and will perform as required in the design. The proposed change does not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter an [structure, system, and component (SSC)] such that a new accident initiator or initiating sequence of events is created.

The change has no adverse effect on the design function of the ASME Class 1 piping components or the SSCs to which the piping is connected. The probabilities of accidents evaluated in the UFSAR are not affected.

The change does not impact the support, design, or operation of mechanical and fluid systems. The change does not impact the support, design, or operation of any safety-related structures. There is no change to plant systems or response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor does the proposed change create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change describes how the ASME Class 1 piping components are evaluated for stress and functional capability. The ASME Class 1 piping components are evaluated against ASME Section III to demonstrate that the components meet the allowables required by the ASME Code. The ASME Code is endorsed by 10 CFR 50.55a. The change allows the ASME Class 1 piping components to be evaluated by not only ASME Section III, NB–3600, but also, in situations where the simplified analysis results do not satisfy the requirements, ability is added for an evaluation using the

more detailed method of ASME Section III, NB–3200. This is performed in accordance with ASME Section III, NB–3630(c). This method will continue to demonstrate that the piping components meet acceptance criteria and will perform as required in the design.

The proposed change does not adversely affect the design function of the ASME Class 1 piping components, the structures and systems in which the piping components are used, or any other SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or non-safety related equipment. This activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that result in significant fuel cladding failures.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change describes how the ASME Class 1 piping components are evaluated for stress and functional capability. The ASME Class 1 piping components are evaluated against ASME Section III to demonstrate that the components meet the allowables required by the ASME Code. The ASME Code is endorsed by 10 CFR 50.55a. The change allows the ASME Class 1 piping components to be evaluated by not only ASME Section III, NB–3600, but also, in situations where the simplified analysis results do not satisfy the requirements, ability is added for an evaluation using the more detailed method of ASME Section III, NB–3200. This is performed in accordance with ASME Section III, NB–3630(c). This method will continue to demonstrate that the piping components meet acceptance criteria and will perform as required in the design.

Because no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by this change, no significant margin of safety is reduced.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia

Date of amendment request: September 8, 2017. A publicly-available version is in ADAMS under Accession No. ML17251A458.

Description of amendment request: The requested amendment requires changes to the Updated Final Safety Analysis Report (UFSAR) in the form of departures from the plant-specific Design Control Document Tier 2 information and involves changes to the VEGP Units 3 and 4 combined license (COL) Appendix A, Technical Specifications. Specifically, the proposed amendment would revise the licensing basis information for the design of the protection and safety monitoring system (PMS) automatic reactor trips and the crediting of PMS automatic reactor trips necessary to prevent exceeding fuel design limits including the power range high neutron flux (high setpoint), the power range high positive flux rate trip, the overpower ΔT trip, and the overtemperature ΔT trip. Also, includes changes to the COL Appendix A Technical Specifications for maintaining moderator temperature coefficient and maintaining power distributions within the required absolute power generation limits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not adversely affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSCs) accident initiator or initiating sequence of events. The proposed changes do not adversely affect the ability of the PMS automatic reactor trips to perform the required safety function to trip the reactor when necessary to protect fuel design limits, and do not adversely affect the probability of inadvertent operation or failure of the PMS automatic reactor trips. The proposed changes to the methods for maintaining moderator temperature coefficient within the required reactivity control limits and maintaining power generation within the required power distribution limits do not result in any increase in probability of an analyzed accident occurring, and prevent power oscillations and maintain the initial conditions and operating limits required by the accident analysis, and the analyses of normal operation and anticipated operational occurrences, so that fuel design limits are not exceeded for events resulting in positive reactivity insertion and reactivity feedback effects.

Therefore, the requested amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created. The proposed changes do not adversely affect the ability of the PMS automatic reactor trips to perform the required safety function to trip the reactor when necessary to protect fuel design limits, and do not adversely affect the probability of inadvertent operation or failure of the PMS automatic reactor trips. The proposed changes to the methods for maintaining moderator temperature coefficient within the required reactivity control limits and maintaining power generation within the required power distribution limits do not result in the possibility of an accident occurring, and prevent power oscillations and maintain the initial conditions and operating limits required by the accident analysis, and the analyses of normal operation and anticipated operational occurrences, so that fuel design limits are not exceeded for events resulting in positive reactivity insertion and reactivity feedback effects.

These proposed changes do not adversely affect any other SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or nonsafety-related equipment. Therefore, this activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that results in significant fuel cladding failures.

Therefore, the requested amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes maintain existing safety margins. The proposed changes to the PMS reactor trip system instrumentation, reactivity control systems, and power distribution limits maintain existing safety margin through continued application of the existing requirements of the UFSAR. The proposed changes maintain the initial conditions and operating limits required by the accident analysis, and the analyses of normal operation and anticipated operational occurrences, so that the existing fuel design limits specified in the UFSAR are not exceeded for events resulting in positive reactivity insertion and reactivity feedback effects. Therefore, the proposed changes

satisfy the same safety functions in accordance with the same requirements as stated in the UFSAR. These changes do not adversely affect any design code, function, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, and no margin of safety is reduced.

Therefore, the requested amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: August 31, 2017. A publicly-available version is in ADAMS under Accession No. ML17243A444.

Description of amendment request: The requested amendment proposes to depart from the approved AP1000 Design Control Document (DCD) by proposing changes to various plant-specific Tier 1 (and Combined License (COL) Appendix C) information and Tier 2 material contained within the Updated Final Safety Analysis Report (UFSAR) to modify design details of the containment recirculation cooling system (VCS) and the radiologically controlled area ventilation system (VAS). Specifically, if approved, the changes to the VCS address changes in total required design air flow rates and total design cooling and heating requirements as a result of the final design of the VCS, and the changes to the VAS add a fourth differential pressure instrument and alarm functions and reduce the fuel handling area ventilation subsystem design flow rate and would address the capability of the supply and exhaust duct isolation damper to close under specific conditions. Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR part 52, Appendix D, design certification rule is also requested for the plant-specific DCD Tier 1 departures.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design functions of the containment recirculation cooling system (VCS) include control of the air temperature and reduction of humidity in the containment to provide a suitable environment for equipment operability during normal power operation, and for personnel accessibility and equipment operability during refueling and shutdown. The proposed changes for the VCS address changes in total required design air flow rates and total design cooling and heating requirements, thereby maintaining these design functions.

The design functions of the radiologically controlled area ventilation system (VAS) include prevention of the unmonitored release of airborne radioactivity to the atmosphere or adjacent plant areas, by maintaining a negative pressure differential in radiologically controlled areas of the auxiliary building, maintaining occupied areas and access and equipment areas within their design temperature range, and providing outside air for plant personnel. The proposed changes for the VAS enable pressure differential monitoring and control for an area of the auxiliary building that is physically remote and separate from the currently monitored and controlled areas, and provide VAS supply air flow rate and total ventilation flow through the auxiliary building fuel handling area required to maintain occupied areas and access and equipment areas within their design temperature range and to provide outside air for plant personnel, maintaining these design functions.

The proposed changes do not affect the operation of any systems or equipment that initiate an analyzed accident or alter any structure, system, or component (SSC) accident initiator or initiating sequence of events. There are no inadvertent operations or failures of the VCS or VAS considered as accident initiators or part of an initiating sequence of events for an accident previously evaluated. Therefore, the probabilities of the accidents previously evaluated in the UFSAR are not affected.

These proposed changes to the VCS and VAS design as described in the current licensing basis do not have an adverse effect on any of the design functions of the systems. The proposed changes do not affect the support, design, or operation of mechanical and fluid systems required to mitigate the consequences of an accident. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor do the proposed changes create any new accident precursors. The proposed changes do not affect the prevention and mitigation of other abnormal events, *e.g.,* anticipated operational occurrences, earthquakes, floods and turbine missiles, or their safety or design analyses. Therefore, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created. The proposed changes revise the VCS and VAS design as described in the current licensing basis to enable the systems to perform required design functions. These proposed changes do not adversely affect any other SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or nonsafety-related equipment. Therefore, this activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events resulting in significant fuel cladding failures.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes maintain existing safety margins. The proposed changes to the VCS and VAS do not affect any safety-related design function. These changes do not adversely affect any design code, function, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged by the proposed changes, and no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of amendment request: June 14, 2017.

Description of amendment request: The amendments modified the completion date for implementation of Milestone 8 of the Cyber Security Plan (CSP). The proposed amendments would extend the CSP Milestone 8 completion date from September 30, 2017, to December 31, 2017.

Date of issuance: September 27, 2017.

Effective date: As of the date of issuance and shall be implemented by September 30, 2017.

Amendment Nos.: Unit 1–204, Unit 2–204, and Unit 3–204. A publicly-available version is in ADAMS under Accession No. ML17254A499; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Operating Licenses.

*Date of initial notice in **Federal Register**:* July 18, 2017 (82 FR 32878).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 27, 2017.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment requests: December 15, 2016.

Brief description of amendments: The amendments modified Technical Specification (TS) 3.9.5, ''Residual Heat Removal (RHR) and Coolant Circulation—Low Water Level,'' to add Note 1 to the Limiting Condition for Operation (LCO) Section of TS 3.9.5 to allow the securing of the operating train of RHR for up to 15 minutes to support switching operating trains. The allowance is restricted to three conditions: (a) The core outlet temperature is maintained greater than 10 degrees Fahrenheit below saturation temperature; (b) no operations are permitted that would cause an introduction of coolant into the Reactor Coolant System (RCS) with boron concentration less than that required to meet the minimum required boron concentration of LCO 3.9.1; and (c) no draining operations to further reduce RCS water volume are permitted. Additionally, the amendments would modify the LCO Section of TS 3.9.5 to add Note 2 which would allow one required RHR loop to be inoperable for up to two hours for surveillance testing, provided that the other RHR loop is operable and in operation. These proposed changes are consistent with Technical Specification Task Force (TSTF) Travelers TSTF–349–A, Revision 1, ''Add Note to LCO 3.9.5 Allowing Shutdown Cooling Loops Removal from Operation'', TSTF–361–A, Revision 2, ''Allow standby [Shutdown Cooling] SDC/RHR/[Decay Heat Removal] DHR loop to be inoperable to support testing,'' and TSTF–438–A, Revision 0, ''Clarify Exception Notes to be Consistent with the Requirement Being Excepted.''

Date of issuance: September 29, 2017.

Effective date: These license amendments are effective as of its date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 293 (Unit 1) and 289 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17249A135; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–35 and NPF–52: Amendments revised the renewed facility operating licenses and technical specifications.

*Date of initial notice in **Federal Register**:* April 25, 2017 (82 FR 19101).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 29, 2017.

No significant hazards consideration comments received: No.

Duke Energy Progress, LLC, Docket No. 50–261, H.B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: September 14, 2016.

Brief description of amendment: The amendment authorized the adoption of a revised alternative source term in the updated final safety analysis report to support the transition from an 18-month to a 24-month fuel cycle.

Date of issuance: September 29, 2017.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 255. A publicly-available version is in ADAMS under Accession No. ML17205A233; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–23: Amendment revised the Renewed Facility Operating License.

*Date of initial notice in **Federal Register**:* November 22, 2016 (81 FR 83875).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 29, 2017.

No significant hazards consideration comments received: No.

Renewed Facility Operating License No. DPR–51: Amendment revised the Operating License and Technical Specifications.

*Date of initial notice in **Federal Register**:* July 5, 2017 (82 FR 31092).

The Commission's related evaluation of the amendment is contained in a

Safety Evaluation dated October 10, 2017.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1 (GGNS), Claiborne County, Mississippi

Date of application for amendment: March 29, 2017.

Brief description of amendment: The proposed amendment made an administrative change to the licensee name. Effective November 10, 2016, South Mississippi Electric Power Association changed its company name from ''South Mississippi Electric Power Association'' to ''Cooperative Energy, a Mississippi electric cooperative.'' The corporate name was changed for commercial reasons. The changes proposed herein to the GGNS operating license solely reflects the changed licensee name. This name change is purely administrative in nature. This request does not involve a transfer of control or of an interest in the license.

Date of issuance: October 4, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No: 213. A publicly-available version is in ADAMS under Accession No. ML17240A232; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–29: The amendment revised the Operating License.

Date of initial notice in ***Federal Register****:* May 23, 2017 (82 FR 23624).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 4, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station (CPS), Unit No. 1, DeWitt County, Illinois

Date of amendment request: January 25, 2016, as supplemented by letters dated. March 31, 2016, March 2, and June 1, 2017.

Brief description of amendment: The amendment revises the technical specification (TS) associated with the primary containment leakage rate testing program. Specifically, the amendment extend the frequencies for performance of the Type A containment integrated leakage rate test and the Type C containment isolation valve leakage rate test, which are required by 10 CFR part 50, Appendix J, ''Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors.'' The amendment also deletes the requirement in TS 5.5.13 to perform Type A testing by 2008.

Date of issuance: September 26, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No(s): 214. A publicly-available version is in ADAMS under Accession No. ML17237A010; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–62: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register****:* May 10, 2016 (81 FR 28895). The supplemental letters dated March 2, 2017, and June 1, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 26, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: December 8, 2016.

Brief description of amendment: The amendment revised the implementation date of Milestone 8 of the Cyber Security Plan from December 15, 2017, to June 15, 2019.

Date of issuance: September 29, 2017.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 316. A publicly-available version is in ADAMS under Accession No. ML17235A540; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–59: The amendment revised the Renewed Facility Operating License.

Date of initial notice in ***Federal Register****:* January 31, 2017 (82 FR 8869).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 29, 2017.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: March 22, 2017.

Brief description of amendment: The amendment (1) updated Technical Specification (TS) 5.4.2 for the current number of fuel assemblies and number of reactor cores that are stored in Spent Fuel Pool A; (2) revised TS 6.1.2 requirements for the Chief Nuclear Officer to eliminate the annual management directive to all unit personnel responsible for the control room command function; and (3) deleted the TS 6.2.2.2.d footnote that references Control Room Supervisors who do not possess a Senior Reactor Operator NRC License.

Date of issuance: October 5, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 293. A publicly-available version is in ADAMS under Accession No. ML17233A138; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–50: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register****:* August 1, 2017 (82 FR 35840).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 5, 2017.

No significant hazards consideration comments received: No.

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: December 22, 2016.

Brief description of amendments: The amendments updated the St. Lucie Plant, Unit No. 1, and St. Lucie Plant, Unit No. 2, Technical Specifications (TSs) to relocate the Component Cyclic or Transient Limits Program requirements to the Administrative Controls sections of the TSs. The amendments also deleted the Component Cyclic or Transient Limits TS tables, which detail the allowable transient limits, and will place these tables in licensee-controlled documents.

Date of issuance: October 5, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 241 and 192. A publicly available version is in ADAMS under Accession No. ML17235A565; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–67 and NPF–16: Amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register**:* February 28, 2017 (82 FR 12133).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 5, 2017.

No significant hazards consideration comments received: No.

Florida Power & Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of amendment request: December 21, 2016, as supplemented by letter dated May 18, 2017.

Brief description of amendments: The amendments revised the Technical Specifications for the Engineered Safety Features Actuation System instrumentation. The amendments modified the completion times for required actions for inoperable instrumentation channels for auxiliary feedwater actuation on bus stripping and on trip of all main feedwater pump breakers.

Date of issuance: September 28, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos: 276 and 271. A publicly-available version is in ADAMS under Accession No. ML17209A319. Documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register**:* March 14, 2017 (82 FR 13666). The supplemental letter dated May 18, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a safety evaluation dated September 28, 2017.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, (VCSNS) Fairfield County, South Carolina

Date of amendment request: December 16, 2015, as supplemented by letters dated March 7, 2016, February 6, 2017, June 22, 2017, July 6, 2017, and September 27, 2017.

Brief description of amendment: This amendment revises Technical Specification (TS) ¾.3.1, ''Reactor Trip System Instrumentation,'' and TS ¾.3.2, ''Engineered Safety Feature Actuation System Instrumentation,'' to implement the Allowed Outage Time, Bypass Test Time, and Surveillance Frequency changes approved by the NRC in WCAP–15376–P–A, Rev. 1, ''Risk-Informed Assessment of the Reactor Trip System (RTS) and Engineered Safety Features Actuation System (ESFAS) Surveillance Test Intervals and Reactor Trip Breaker Test and Completion Times.''

Date of issuance: October 4, 2017.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 209. A publicly-available version is in ADAMS under Accession No. ML17206A412, documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–12: Amendment revised the Renewed Facility Operating License and the Technical Specifications.

*Date of initial notice in **Federal Register**:* April 12, 2016 (81 FR 21601). The supplemental letters dated March 7, 2016, February 6, 2017, June 22, 2017, July 6, 2017, and September 27, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 4, 2017.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant (Farley), Units 1 and 2, Houston County, Alabama

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant (VEGP), Units 1 and 2, Burke County, Georgia

Date of amendment request: November 21, 2016.

Brief description of amendments: The amendments revise the requirements on control and shutdown rods, and rod and bank position indication in Technical Specifications (TS) 3.1.4, ''Rod Group Alignment Limits,'' TS 3.1.5, ''Shutdown Bank Insertion Limits,'' TS 3.1.6, ''Control Bank Insertion Limits,'' and TS 3.1.7, ''Rod Position Indication'' consistent with Nuclear Regulatory Commission (NRC) approved Technical Specification Task Force Traveler (TSTF)-547, Revision 1, ''Clarification of Rod Position Requirements'' dated March 4, 2016.

Date of issuance: October 2, 2017.

Effective date: As of its date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: Farley Unit 1—214, Farley Unit 2—211, VEGP Unit 1—193, VEGP Unit 2—176. A publicly-available version is in ADAMS under Accession No. ML17214A546; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–2, NPF–8, NPF–68, and NPF–81: The amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register**:* January 31, 2017 (82 FR 8872).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 2, 2017.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3 (BFN), Limestone County, Alabama

Tennessee Valley Authority, Docket Nos. 50–390 and 50–391, Watts Bar Nuclear Plant, Units 1 and 2 (WBN), Rhea County, Tennessee

Date of amendment request: April 5, 2017.

Brief description of amendment: The amendments revised technical specification surveillance requirements (SRs) that required operating ventilation

systems with charcoal filters for 10 hours each month. Specifically, BFN SRs 3.6.4.3.1 and 3.7.3.1, and WBN SRs 3.6.9.1 and 3.7.12.1 are revised, consistent with NRC-approved Technical Specification Task Force (TSTF) Traveler TSTF–522, Revision 0, ''Revise Ventilation System Surveillance Requirements to Operate for 10 hours per Month,'' to require operation of the systems for 15 continuous minutes every 31 days.

Date of issuance: October 2, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 300 (Unit 1), 324 (Unit 2), and 284 (Unit 3) for BFN; and 115 (Unit 1) and 15 (Unit 2) for WBN. A publicly-available version is in ADAMS under Accession No. ML17215A243; documents related to these amendments are listed in the Safety Evaluations enclosed with the amendments.

Renewed Facility Operating License (RFOL) Nos. DPR–33, DPR–52, and DPR–68 for BFN; and Facility Operating License (FOL) Nos. NPF–90 and NPF–96 for WBN: Amendments revised the RFOLs and FOLs and technical specifications.

Date of initial notice in ***Federal Register****:* June 6, 2017 (82 FR 26139).

The Commission's related evaluations of the amendments are contained in Safety Evaluations dated October 2, 2017.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 16th day of October 2017.

For the Nuclear Regulatory Commission.

Eric J. Benner,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–22680 Filed 10–23–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting Notice

DATE: Weeks of October 23, 30, November 6, 13, 20, 27, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of October 23, 2017

Tuesday, October 24, 2017

10:00 a.m. Strategic Programmatic Overview of the Operating Reactors Business Line (Public) (Contact: Trent Wertz: 301–415–1568).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 30, 2017—Tentative

Monday, October 30, 2017

4:00 p.m. Briefing on Export Licensing (Closed—Ex. 1 & 9)

Week of November 6, 2017—Tentative

There are no meetings scheduled for the week of November 6, 2017.

Week of November 13, 2017—Tentative

There are no meetings scheduled for the week of November 13, 2017.

Week of November 20, 2017—Tentative

There are no meetings scheduled for the week of November 20, 2017.

Week of November 27, 2017—Tentative

Tuesday, November 28, 2017

10:00 a.m. Briefing on Security Issues (Closed—Ex. 1)

Thursday, November 30, 2017

10:00 a.m. Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business (Public); (Contact: Larniece McKoy Moore: 301–415–1942).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: October 19, 2017.

Denise L. McGovern,

Policy Coordinator Office of the Secretary.

[FR Doc. 2017–23096 Filed 10–20–17; 11:15 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–13 and CP2018–26; CP2018–27]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 30, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance

date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2018–13 and CP2018–26; *Filing Title:* USPS Request to Add Parcel Select Contract 24 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 18, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et. seq.; Public Representative:* Max E. Schnidman; *Comments Due:* October 30, 2017.

2. *Docket No(s).:* CP2018–27; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* October 18, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Curtis E. Kidd; *Comments Due:* October 30, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–23060 Filed 10–23–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2018–25]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 27, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–25; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* October 17, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Curtis E. Kidd; *Comments Due:* October 27, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–22952 Filed 10–23–17; 8:45 am]

BILLING CODE 7710–FW–FW–P

POSTAL SERVICE

Product Change—Parcel Select 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 24, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 18, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Parcel Select Contract 24 to Competitive Product List.* Documents are available at

www.prc.gov, Docket Nos. MC2018–13, CP2018–26.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–22982 Filed 10–23–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81893; File No. 4–443]

Joint Industry Plan; Notice of Filing of the Fourth Amendment to the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options

October 18, 2017.

On August 16, 2017, Chicago Board Options Exchange, Incorporated, on behalf of the BATS Exchange, Inc.; Box Options Exchange, LLC; C2 Options Exchange, Incorporated; EDGX Exchange, Inc.; Miami International Securities Exchange, LLC; MIAX PEARL, LLC; Nasdaq BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; Nasdaq Options Market, LLC; Nasdaq PHLX, LLC; NYSE American, LLC; NYSE Arca, Inc.; and the Options Clearing Corporation (''OCC'') (together, the ''Plan Sponsors''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') pursuant to section 11A(a)(3) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 608 thereunder,[2] a proposal to amend the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options (''OLPP'' or ''Plan'').[3] The amendment would: (1) Change, to a single date from three separate dates, the earliest date on which new January Long-term Equity AnticiPation series on equity options, options on Exchange Traded Funds, or options on Trust Issued Receipts may be added; (2) allow equity, Exchange Traded Fund, and Trust Issued Receipt option series to be added based on trading following regular trading hours; (3) make certain administrative and procedural changes to the processes relating to options class certifications and by which notice is given under the terms of the OLPP; and (4) correct a technical cross-referencing error in section 7 of the Plan.[4] The Commission is publishing this notice to solicit comments on the amendment from interested persons.

I. Description and Purpose of the Amendment

The OLPP Participant Exchanges (''Participants'') and the OCC (collectively the ''Plan Participants'' or ''Plan Sponsors''), have agreed to amend the OLPP (the ''Amendment''). The purpose of the Amendment is to: (i) Change the earliest date of introduction of new January Long-term Equity AnticiPation (''LEAP'') series on equity options, options on Exchange Traded Funds (''ETF''), or options on Trust Issued Receipts (''TIR'') to a single date (from three separate months); (ii) allow equity, ETF, and TIR option series to be added based on trading following regular trading hours; (iii) make other administrative changes within the OLPP related to the options class certification process and the process by which notice is given under the terms of the OLPP and (iv) fix a technical error in the section related to new plan sponsors.

January LEAPs Series

The Plan Participants propose to change the earliest possible date on which new January LEAPs series on equity, ETF, and TIR options classes may be added.

Section 3(e) of the OLPP currently states, in part, ''With regard to the listing of new January [LEAPs] . . . the Series Selecting Exchange and any other exchange that lists and trades the same option class shall not add new LEAP series on that option class: (i) Earlier than September (which is 28 months before the expiration), for an option class on the January expiration cycle; (ii) Earlier than October (which is 27 months before expiration), for an option class on the February expiration cycle; and (iii) Earlier than November (which is 26 months before expiration), for an option class on the March expiration cycle.''

The Plan Participants propose to remove any reference to an option class' expiration cycle as it relates to when new January LEAPs series may be added and replace it with a single date, the Monday prior to the September expiration. The new language of section 3(e) will state, ''With regard to the listing of new January [LEAPs] . . . the Series Selecting Exchange and any other exchange that lists and trades the same option class shall not add new LEAP series on that option class earlier than the Monday prior to the September expiration (which is 28 months before the expiration).''

In the past there were operational concerns related to adding new January LEAPs series for all options classes on which LEAPs were listed on a single trading day. The addition of new series in a pre-electronic trading environment was a manual process. Accordingly, the addition of new January LEAPs series was spread across three months (September, October, and November).

Today, these operational concerns related to January LEAPs have been alleviated as new series can be added in bulk electronically. The Plan Participants believe that moving the addition of new January LEAPs series to no earlier than the Monday prior to the September expiration will reduce marketplace confusion about available January LEAPs series. Where previously January LEAPs series for options classes on the February or March expiration cycles would not have been available as early as January LEAPs series for options classes on the January expiration cycle, under the proposed change, all January LEAPs series will be available concurrently.

Option Series To Be Added Based on Trading Following Regular Trading Hours

The Plan Participants propose to allow equity, ETF, and TIR options series to be added based on trading following regular trading hours. Regular trading hours is defined in Rule 600(b)(64) of Regulation NMS [5] as between 9:30 a.m. and 4:00 p.m. Eastern Time, unless otherwise specified pursuant to the procedures established

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] On July 6, 2001, the Commission approved the OLPP, which was proposed by the American Stock Exchange LLC, Chicago Board Options Exchange, Incorporated, International Securities Exchange LLC, the OCC, Philadelphia Stock Exchange, Inc., and Pacific Exchange, Inc. *See* Securities Exchange Act Release No. 44521, 66 FR 36809 (July 13, 2001). *See also* Securities Exchange Act Release Nos. 49199 (February 5, 2004), 69 FR 7030 (February 12, 2004) (adding Boston Stock Exchange, Inc. as a Plan Sponsor); 57546 (March 21, 2008), 73 FR 16393 (March 27, 2008) (adding Nasdaq Stock Market, LLC as a Plan Sponsor); 61528 (February 17, 2010), 75 FR 8415 (February 24, 2010) (adding BATS Exchange, Inc. as a Plan Sponsor); 63162 (October 22, 2010), 75 FR 66401 (October 28, 2010) (adding C2 Options Exchange Incorporated as a Plan Sponsor); 66952 (May 9, 2012), 77 FR 28641 (May 15, 2012) (adding BOX Options Exchange LLC as a Plan Sponsor); 67327 (June 29, 2012), 77 FR 40125 (July 6, 2012) (adding Nasdaq OMX BX, Inc. as a Plan Sponsor); 70765 (October 28, 2013), 78 FR 65739 (November 1, 2013) (adding Topaz Exchange, LLC as a Plan Sponsor); 70764 (October 28, 2013), 78 FR 65733 (November 1, 2013) (adding Miami International Securities Exchange, LLC as a Plan Sponsor); 76822 (January 1, 2016), 81 FR 1251 (January 11, 2016) (adding EDGX Exchange, Inc. as a Plan Sponsor); 77323 (March 8, 2016), 81 FR 13433 (March 14, 2016) (adding ISE Mercury, LLC as a Plan Sponsor); 82 FR 9263 (February 3, 2017) (adding MIAX PEARL, LLC as a Plan Sponsor).

[4] *See* Letter from the Plan Sponsors to Brent J. Fields, Secretary, Commission, dated August 15, 2017 (''Transmittal Letter'').

[5] 17 CFR 242.600(b)(64).

in Rule 605(a)(2).[6] Section 3(g) of the OLPP relates to the listing of new series. Section 3(g)(i) currently states, in part, ''. . . if the price of the underlying security is less than or equal to $20, the Series Selecting Exchange shall not list new option series with an exercise price more than 100% above or below the price of the underlying security. However, the foregoing restriction shall not prohibit the listing of at least three exercise prices per expiration month in an option class. If the price of the underlying security is greater than $20, the Series Selecting Exchange shall not list new option series with an exercise price more than 50% above or below the price of the underlying security. The price of the underlying security is measured by: (1) For intra-day add-on series and next-day series additions, the daily high and low of all prices reported by all national securities exchanges; (2) for new expiration months, the daily high and low of all prices reported by all national securities exchanges on the day the Series Selecting Exchange determines its preliminary notification of new series; and (3) for option series to be added as a result of pre-market trading, the most recent share price reported by all national securities exchanges between 7:45 a.m. and 8:30 a.m. (Chicago time).''

The OLPP does not currently allow for option series to be added based on trading following regular trading hours. Accordingly, the Plan Participants are unable to add new option series that may result from trading following regular trading hours until the morning after the trading following regular trading hours occurs. Events that occur after regular trading hours, such as earnings releases, often have a significant impact on the price of an underlying security. The inability to add series as a result of trading following regular trading hours is a burden on public customers and the members or participants of the Plan Participants as they do not know what options series will be available until markets open the following day.

The Plan Participants propose to add a 4th category by which the price of an underlying security may be measured. The proposed language states, ''for option series to be added based on trading following regular trading hours, the most recent share price reported by all national securities exchanges between 3:15 p.m. and 5:00 p.m. (Chicago Time).''

The proposed addition will allow for the listing of options series to be more contemporaneous with market events in that it will now allow listing based on trading following regular trading hours, in addition to pre-market and intra-day trading. Currently, options series may not be added based on trading following regular trading hours and need to wait until pre-market trading, beginning at 7:45 a.m. (Chicago Time) the following day to be added. Under the proposed rule, option series to be added based on trading following regular trading hours may be added as early as 3:15 p.m. (Chicago Time) the day the trading following regular trading hours occurs. The proposed rule will not affect when new series additions will be available for trading. Option series added based on trading following regular trading hours will be available for trading on the open of the regular trading session (*i.e.* 8:30 a.m. Chicago Time) on the options markets the following day (along with any series added as the result of pre-market trading activity).

Allowing option series to be added based on trading following regular trading hours will provide investors with additional notice regarding the option series that will be available for trading the following day. Earlier notice regarding what options series will be available for trading the following day will allow investors to plan their option trading activity earlier and accordingly help perfect the mechanism of a free and open market and a national markets system, and, in general, protect investors and the public interest.

Administrative Changes to Class Certification and Notice Processes

Finally, the Plan Participants propose to make other administrative changes related to the notification process whereby OCC confirms certifications received each day and the means of submission for listing certifications to OCC.

Currently, section 1 of the OLPP, which describes the certification process, requires OCC to provide daily to each Participant a customized email confirming the option classes newly certified for trading, if any, by that Participant. Similarly, OCC must notify each Participant daily of all options a Participant previously certified for trading that were subsequently certified by another Participant on that day.

Although OCC is required to email the Participants such notifications, a list of all certifications received and processed each day is made available to the public on the OCC Web site. Since the daily list of options certifications is made publicly available under the current practice, the Plan Participants propose to streamline the process by replacing the existing requirement for customized email notifications with a requirement for a daily general notification from OCC to all Participants to inform them that the daily list of certifications is viewable on the OCC Web site. To codify such changes and consolidate repetitive language regarding the certificate submission and notification process contained in section 1 of the OLPP, the Plan Participants propose to modify section 1 as follows.

Specifically, the current sections 1(b)(ii) and 1(c) are to be replaced by a new section 1(c), and the content of current section 1(b)(i) is maintained in its entirety, with the exception of the removal of ''option symbol'' in the last sentence,[7] as new section b. The current sections 1(b)(ii) and 1(c) contain identical time frame requirements for OCC to provide notification to exchanges daily for new listing certifications and listing certifications for which one exchange is certifying an option that is already traded by another exchange (''adds to existing certifications''). In lieu of describing the 1:00 p.m. notification time line twice as stated in current sections 1(b)(ii) and 1(c), the proposed new section 1(c) provides the same time frame requirement (1:00 p.m. Chicago time) in one consolidated location in the OLPP that is applicable to both new listing certifications and adds to existing certifications.

As an associated change to the consolidation of the notification timing requirements to Participants, the language describing the customized email notifications sent by OCC has been excluded from new section (c) because, as discussed above, customized emails will no longer be required. In addition, certain details required in the current customized email notifications will not specifically be provided on the OCC Web site in the area designated for daily listing certifications as such information will instead be available on other portions of the OCC Web site or will be viewable to Participants through

[6] 17 CFR 242.605(a)(2).

[7] The last sentence of current section 1(b)(i), which states, ''The option symbol, initial exercise prices, the expiration cycle and position and exercise limits* for the selected option class shall be as provided in the Certificate that OCC determined to be the first submitted;'' will be modified to eliminate ''option symbol'' from this provision. With the implementation of the Options Symbology Initiative in 2010, options generally have the same symbol as the underlying security. As a result, Participants no longer submit conflicting option symbols for new certifications, as was the case prior to 2010. The language ''option symbol'' is removed only from the last sentence which addresses the submission of conflicting option symbols by different Participants. The requirements to provide an option symbol elsewhere in section 1(b) and new section 1(c) will remain and are necessary as such information is needed to identify an option for trading.

OCC's system. Proposed section 1(c) requires the portion of the OCC Web site designated for daily listing certifications to provide the name of the underlying security, the option symbol and Selecting Exchange(s) for selected options on that day.[8] Other option attributes, in particular the initial exercise prices and position and exercise limits for a selected option class currently included in the daily customized email notifications sent by OCC, will instead be available on other areas of the OCC Web site where such information is currently found today.[9] The expiration cycle, which is also currently included in the customized email notifications but is not located on the OCC Web site designated for daily listing certifications, is also currently viewable to Participants through OCC's system.[10]

Similar to the deletion of repetitive language discussed above, the Plan Participants propose new section 1(d) to consolidate nearly duplicative language contained in current sections 1(b)(ii) and 1(c) regarding when an option may begin trading. The new section 1(d) states that trading for an option symbol submitted to OCC for certification on a given day may begin on the first trading day after submission. This provision applies to both new listing certifications and adds to existing certifications, thereby eliminating repetitive language in current sections 1(b)(ii) and 1(c).

Likewise, Plan Participants are proposing the addition of new section 1(e) to consolidate and amend nearly duplicative language contained in current sections 1(b)(ii) and 1(c) regarding the withdrawal of a certification. As is the case currently, new section 1(e) specifies that a Participant may withdraw a certification by notifying OCC prior to the time when OCC sends the daily email notification to Participants. If an exchange notifies OCC of a withdrawal after the daily notification has been sent, OCC will send an updated notification to all Participants to inform them of the change to that day's certifications. The communication for an updated notification to all Participants is a change from the existing process under the OLPP whereby currently only exchanges that have also certified the withdrawn option will be notified. This change reflects the intended departure from customized email notifications. Such customized emails are no longer needed since the information is publicly available on the OCC Web site.[11]

The Plan Participants also propose to streamline the means of certification submission as contained in section 5 of the OLPP. Currently, section 5 provides that all class certificates must be submitted to OCC through telefacsimile. To modernize the process, Plan Participants are proposing to amend this language to state that class certificates and any associated information and/or documentation must be submitted via ''such electronic means reasonably agreed upon among the Plan Sponsors.'' Participants will agree annually as to the means for such communications. Each Participant will document in writing agreement to such means and submit such documentation to OCC. It is anticipated that Plan Participants will use functionality provided by OCC's system as the electronic means for submission of listing certifications and any documents associated with such certifications.

In addition, the Plan Participants are proposing to amend section 5 to describe when a notice is deemed to have been given by electronic means. The new language in section 5 states ''All other notices required under the terms of this Plan shall be deemed to have been duly given if communicated through electronic mail or other electronic means reasonably agreed upon among the Plan Sponsors. Notices by New Plan Sponsors (as defined in section 7 below) to then-existing Plan Sponsors of the execution of the Plan shall be deemed to be duly given if communicated by electronic mail or other electronic means reasonably agreed upon among the Plan Sponsors to each Plan Sponsor.'' It is anticipated that notices by New Plan Sponsors and all such ''other notices'', which shall include notifications made pursuant to section 2 of the OLPP, will generally be made using electronic mail. Participants will agree annually to the means for such communications in the same manner as described above for listing certification submissions.

The above changes are intended to modernize section 1 of the OLPP by simplifying and consolidating language that allows for more efficient processes for certifications as well as for communication. The Plan Participants recognize that certain requirements of the OLPP are currently not adaptable to technology advancements. For example and as discussed above, the Plan Participants have been bound to continue to use telefacsimile for certification submissions because of the definitive language in the OLPP. Additionally, resources are currently allocated to create customized communications to the Participants as required under the OLPP whereas all such information is available publicly on the OCC Web site. The Plan Participants believe the proposed amendments collectively will enhance the certification and notification processes and will also allow the requirements of the OLPP to be more adaptable to any future technology improvements that may make these processes more agile and efficient.

Technical Error in Section Related to New Plan Sponsors

Section 7(ii) of the OLPP currently states, ''To become a Plan Sponsor, an amendment to the Plan may be effected by a new Eligible Exchange executing a copy of the Plan, as then in effect (with the only change being the addition of the new Plan Sponsor's name in section 8 below) and submitting such executed Plan to the SEC. Such amendment will be effective when it has been approved by the SEC or otherwise becomes effective pursuant to section 11A of the Exchange Act and Rule 11Aa3–2.'' The reference to the names of new Plan Sponsors being added to section 8 of the OLPP is incorrect. The names of Plan Sponsors are contained in section 9 of the OLPP. The Plan Participants propose to correct this technical error by replacing the reference to ''section 8'' with ''section 9.''

Governing or Constituent Documents

Not applicable.

Implementation of Amendment

The OLPP, as amended, will become effective upon Commission approval. The Plan Participants will implement the OLPP, as amended, pursuant to the terms of the Amendment upon Commission approval.

[8] Daily listing certifications can be viewed on the OCC Web site at *https://www.theocc.com/market-data/series/new-listings/*.

[9] Exercise prices can be found on the OCC Web site at *https://www.theocc.com/webapps/series-added-today* and *https://www.theocc.com/webapps/series-search*. Position and exercise limits can be found at *https://www.theocc.com/webapps/position-limits*. Such information will be available to the public on these Web sites for a selected option class on the day the option class commences trading, as is the case currently.

[10] Functionality currently available through a portion of OCC's clearing system allows option exchanges to view option attributes, including series and expiration cycle for options. Plan Participants currently obtain expiration cycle information from the customized email notifications or by accessing such information in OCC's system. The posting of daily listing certifications on the OCC Web site does not presently include expiration cycles and will not under the new process. Such information will be accessed by Participants if needed through OCC's system as they can do currently. Expiration cycle can also be inferred from the public Web site through examination of series data.

[11] Daily listing certifications are located at *https://www.theocc.com/market-data/series/new-listings/*.

Development and Implementation Phases

Not applicable.

Analysis of Impact on Competition

The proposed OLPP, as amended, does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Plan Participants do not believe that the proposed OLPP, as amended, introduces terms that are unreasonably discriminatory for the purposes of section 11A(c)(1)(D) of the Exchange Act.

Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

The Participants have no written understandings or agreements relating to an interpretation of the Amendment. Section 7 of the OLPP sets forth how any entity registered as a national securities exchange or national securities association may become a Plan Sponsor.

Approval of Amendment of the Plan

The Amendment has been approved by the Plan Sponsors in accordance with the terms of the plan. Each of the Plan Participants have executed a signed copy of the Amendment.

Terms and Conditions of Access

Section 7 of the OLPP provides that any Eligible Exchange, as defined therein, may become a Plan Sponsor by (a) executing a copy of the Plan; (b) providing each then-current Plan Sponsor with a copy of such executed Plan; and (c) effecting an amendment to the Plan as specified therein.

Method of Determination and Imposition, and Amount of, Fees and Charges

Not applicable.

Method and Frequency of Processor Evaluation

Not applicable.

Dispute Resolution

Not applicable.

II. Implementation of Amendment

The OLPP, as amended, will become effective upon Commission approval. The Plan Participants will implement the OLPP, as amended, pursuant to the terms of the Amendment upon Commission approval.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed OLPP Amendment 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 4–443 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 4–443. 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 plan that are filed with the Commission, and all written communications relating to the plan between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the Plan Sponsors' principal offices. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number 4–443, and should be submitted on or before November 14, 2017.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22972 Filed 10–23–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81895; File No. SR–BatsBZX–2017–56]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of Specified Series of the Innovator Shield Strategy S&P 500 Monthly Index Series and Innovator Ultra Shield Strategy S&P 500 Monthly Index Series Under Rule 14.11(c)(3)

October 18, 2017.

On August 22, 2017, Bats BZX Exchange, Inc. (''Exchange'' or ''BZX'') 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 specified series of the Innovator Shield Strategy S&P 500 Monthly Index Series and Innovator Ultra Shield Strategy S&P 500 Monthly Index Series under BZX Rule 14.11(c)(3). The proposed rule change was published for comment in the **Federal Register** on September 5, 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 for this filing is October 20, 2017.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. 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 Exchange's proposal, as described above. Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates December 4, 2017, as the date by which the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81495 (August 29, 2017), 82 FR 42003.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File No. SR–BatsBZX–2017–56).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22974 Filed 10–23–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81894; File No. SR–NYSEArca–2017–119]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend NYSE Arca Rule 1.1 and Rule 7.35–E To Make Technical and Conforming Updates in Connection With the Recent Merger of NYSE Arca Equities, Inc.

October 18, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 5, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Rule 1.1 and Rule 7.35–E to make technical and conforming updates in connection with the recent merger of NYSE Arca Equities, Inc. (''NYSE Arca Equities'') with and into the Exchange. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE Arca Rule 1.1 (Definitions) and Rule 7.35–E(d)(4) (Auctions) to make technical and conforming updates in connection with the recent merger of its wholly-owned subsidiary NYSE Arca Equities, Inc. with and into the Exchange (the ''Merger'').

On June 2, 2017, the Exchange filed rule changes with the Securities and Exchange Commission (''Commission'') in connection with the proposed Merger.[4] On August 15, 2017, the Exchange filed a partial amendment to such filing (as amended, the ''Merger Filing'').[5] On August 17, 2017, the Commission approved the proposed rule changes, as amended, and the Merger occurred on that same date.[6]

Prior to the Merger, NYSE Arca had two rulebooks: The NYSE Arca rules for its options market and the NYSE Arca Equities rules for its equities market. At the Merger, the NYSE Arca Equities rules were integrated into the NYSE Arca rules, so that there is now one NYSE Arca rulebook.[7] In that process, NYSE Arca Rule 1.1 was amended to incorporate NYSE Arca Equities Rule 1.1 (Definitions), including by adding definitions from the NYSE Arca Equities rule that were unique to the equities market.[8]

However, due to an oversight, the Merger Filing did not incorporate the NYSE Arca Equities definitions for ''NYSE Arca Book'' or ''UTP Security.'' Accordingly, the Exchange proposes to make the following amendments to Rule 1.1:

- Add new Rule 1.1(jj) with the following definition of NYSE Arca Book: ''The term 'NYSE Arca Book' refers to the NYSE Arca Marketplace's electronic file of orders, which contains all orders entered on the NYSE Arca Marketplace.''[9]
- Add new Rule 1.1(iii) with the following definition of NYSE Arca Book: ''The term 'UTP Security' means a security that is listed on a national securities exchange other than the Exchange and that trades on the NYSE Arca Marketplace pursuant to unlisted trading privileges.''[10]
- Renumber the other paragraphs in Rule 1.1 to reflect the addition of new paragraphs (jj) and (iii).

In addition, the Exchange proposes to amend Rule 7.35–E(d)(4) to update cross references to the definition of ''Official Closing Price'' in Rule 1.1.

Rule 7.35–E has a notice stating that an amended version of the rule has been approved but is not yet operative. The notice links to the amended version of the rule and the relevant approval order. Accordingly, the Exchange proposes to update the cross reference in the amended version of the rule. Exhibit 5B sets forth the proposed change to the amended but not yet operative version of the rule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,[11] in general, and with Section 6(b)(1)[12] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 80929 (June 14, 2017), 82 FR 28157 (June 20, 2017) (SR–NYSEArca–2017–40) (Notice).

[5] *See* Partial Amendment 2 to SR–NYSEArca–2017–40 (August 15, 2017). The Amendment also was submitted to the Commission as a comment letter on the Original Filing. *See* letter from Martha Redding, Associate General Counsel, NYSE Group, to Brent J. Fields, Secretary, Commission (August 15, 2017), available at *https://www.sec.gov/comments/sr-nysearca-2017-40/nysearca201740-2221802-160732.pdf.*

[6] *See* Securities Exchange Act Release No. 81419 (August 17, 2017), 82 FR 40044 (August 23, 2017) (SR–NYSEArca–2017–40) (Approval Order).

[7] *See id.* at 40044.

[8] *See id.* at 40047.

[9] *See* Securities Exchange Act Release No. 79078 (October 11, 2016), 81 FR 71559 (October 17, 2016) (SR–NYSEArca–2016–135).

[10] *See* Securities Exchange Act Release No. 75467 (July 16, 2015), 80 FR 43515 (July 22, 2015) (SR–NYSEArca–2015–58). *See also* Securities Exchange Act Release No. 76198 (October 20, 2015), 80 FR 65274 (October 26, 2015) (SR–NYSEArca–2015–58).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(1).

The Exchange believes that the proposed changes to Rule 1.1 would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members, because, by incorporating the definitions of NYSE Arca Book and UTP Security, the proposed change would correct the oversight of the definitions' omission and ensure that the changes made to Rule 1.1 to reflect the Merger were accurate and complete.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[13] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system in general, to protect investors and the public interest, because, by incorporating the definitions of NYSE Arca Book and UTP Security, the proposed change would ensure that the changes made to Rule 1.1 to reflect the Merger were accurate and complete, thereby reducing potential investor or market participant confusion.

Similarly, the Exchange believes that the non-substantive changes to Rule 1.1 to renumber the other paragraphs in Rule 1.1 to reflect the addition of new paragraphs (jj) and (iii) and to Rule 7.35–E(d)(4) to update the cross references would remove impediments to and perfect the mechanism of a free and open market and a national market system in general, to protect investors and the public interest, because such changes would add clarify [sic] and transparency to the Rules, ensuring that market participants can more easily navigate and understand the Exchange's rules and reducing potential market participant confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the Exchange's rules to incorporate the definitions of NYSE Arca Book and UTP Security from the rules of NYSE Arca Equity [sic] in place prior to the Merger.

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 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [17] 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. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Exchange indicates that the two definitions were omitted inadvertently from the Merger Filing and that waiver of the operative delay would ensure that the Exchange's rules include without delay the definitions of terms that are used elsewhere in the Exchange's rulebook.[18] The Commission believes that allowing the definitions to be incorporated into the NYSE Arca rulebook without delay would add clarity to the rulebook and would help reduce any investor or market participant confusion that otherwise could result. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[19]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2017–119 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–119. 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

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] *Id.*

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See, e.g.,* Exchange Rules 1.1(ggg) (definition of Regulatory Halt), 7.11–E (Limit Up—Limit Down Plan and Trading Pauses in Individual Securities Due to Extraordinary Market Volatility), 7.18–E (Halts), and 7.23–E (Obligations of Market Makers).

[19] 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).

public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–119 and should be submitted on or before November 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22973 Filed 10–23–17; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Advisers Act Release No. 4797; File No. 803–00238]

Stephens Inc.

October 18, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an exemptive order under Section 206A of the Investment Advisers Act of 1940 (the ''Act'') and Rule 206(4)–5(e).

APPLICANT: Stephens Inc. (''Applicant'' or ''Adviser'').

RELEVANT SECTIONS OF THE ACT: Exemption requested under section 206A of the Act and rule 206(4)–5(e) from rule 206(4)–5(a)(1) under the Act.

SUMMARY OF APPLICATION: Applicant requests that the Commission issue an order under section 206A of the Act and rule 206(4)–5(e) exempting it from rule 206(4)–5(a)(1) under the Act to permit Applicant to receive compensation from certain government entities for investment advisory services provided to the government entities within the two-year period following a contribution by a covered associate of the Applicant to an official of the government entities.

FILING DATES: The application was filed on December 20, 2016, and an amended and restated application was filed on June 21, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the application 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 November 13, 2017, and should be accompanied by proof of service on Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicant: Stephens Inc., 111 Center Street, Little Rock, AR 72201.

FOR FURTHER INFORMATION CONTACT: Rachel Loko, Senior Counsel, or Holly Hunter-Ceci, 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 at *http://www.sec.gov/rules/iareleases.shtml* or by calling (202) 551–8090.

Applicant's Representations

1. Applicant is a financial services firm established in Little Rock, Arkansas and registered with the Commission as an investment adviser under the Act. Applicant provides discretionary investment advisory services to a wide variety of investors.

2. The individual who made the campaign contribution that triggered the two-year compensation ban (the ''Contribution'') is J. Bradford Eichler (the ''Contributor''). The Contributor is an Executive Vice President of the Applicant and is the head of Investment Banking for the firm. The Contributor's role focuses on oversight of the Adviser's corporate finance division. Applicant submits that, because the Contributor is and at the time of the contribution was, an executive officer of the Adviser, he is, and at all relevant times was, a covered associate.

3. Three of the Adviser's clients are government entities of the City of Little Rock (the ''Clients''). Client A and Client B are city pension funds and Client C is a fund maintained by the city for certain expenses. The Clients are government entities as defined in Rule 206(4)–5(f)(5)(i).

4. The recipient of the Contribution was Capi Peck (the ''Official''), who, at the time of the Contribution, was seeking the office of director on the Little Rock Board of Directors. The Board of Directors appoints a board member of Client A, appoints a city official with authority to hire an investment manager for Client B and has ultimate investment authority over Client C. Due to her position as a director, the Official is an ''official'' of the Clients as defined in Rule 206(4)–5(f)(6)(ii). As of the date of the application, the Official has not participated in the appointment of anyone with authority on Client A or Client B's decision to select an investment adviser, nor has she participated in a decision affecting Client C's investment with the Adviser.

5. The Contribution that triggered rule 206(4)–5's prohibition on compensation under rule 206(4)–5(a)(1) was made online on October 17, 2016 for the amount of $1,000. Applicant submits that the Contribution was not motivated by any desire to influence the award of investment advisory business. Applicant represents that the Contributor does live in Little Rock and has a longstanding friendship with the Official. The Contributor has known the Official for approximately 30 years and known her ex-husband and business partner for approximately 35 years. The Contributor and the official's ex-husband also have a shared interest in competitive swimming. The Contributor lived with them for a long time during college, worked at their restaurant and has maintained close relationships. His decision to make the Contribution was spontaneous and motivated by his longstanding friendship with the Official. Applicant submits that although the Contributor and the Official are friends, they have not discussed the Adviser's advisory business or the potential investments by the Clients. The Contributor did not seek or coordinate any other contribution for the Official. Applicant represents that the Contributor did not have any intention to seek, and no action was taken by the Contributor or the Applicant to obtain, any direct or indirect influence from the Official or any other person.

6. The Adviser has been doing business with Little Rock, its home city,

since its founding in 1933. The investments were all made before the date of the Contribution and before the Official took office. The Clients current accounts were initiated between 2006 and 2014. Applicant represents that none of the Clients have materially increased the amounts of assets managed by the Adviser, initiated new investment mandates, or opened new accounts with the Adviser since the Contribution was made. Neither the Contributor nor anyone whom he supervises was in any way involved in soliciting the Clients with respect to any business.

7. The Adviser became aware of the Contribution on November 16, 2016 when the Contributor remembered that, pursuant to the Adviser's pay-to-play policy (the ''Policy''), he was required to obtain pre-approval for his political contributions and, at his initiative, contacted the Adviser's general counsel to inform him about the Contribution. The Contributor requested a refund of the full $1,000 that day and received the refund on November 18, 2016. The Adviser established an escrow account on December 5, 2016 into which it has been depositing an amount equal to the compensation received with respect to the Clients' investments since the date of the Contribution, October 17, 2016. Applicant submits that all management fees earned with respect to Clients' investments since the date of the Contribution have been placed in escrow and will continue to be placed in escrow pending the outcome of this application.

8. The Policy was adopted on March 3, 2011. The Applicant submits that all contributions by the Adviser's managing members, executive officers and other ''covered associates,'' as well as those who could in the future become covered associates, to any person who was at the time of the contribution an incumbent, candidate or successful candidate for an elective office of a government entity must be precleared. There is no *de minimis* exception from the pre-clearance requirement. Under the existing Policy, the Adviser circulated reminders of the need to preclear. Employees subject to the Policy must certify quarterly their contributions. In addition, annual employee audit questionnaires ask about the employee's political contributions, the Adviser does internet searches for contributions and verifies the results of the quarterly certifications with its preclearance records.

Applicant's Legal Analysis

1. Rule 206(4)–5(a)(1) under the Act prohibits a registered investment adviser from providing investment advisory services for compensation to a government entity within two years after a contribution to an official of a government entity is made by the investment adviser or any covered associate of the investment adviser. Each of the Clients is a ''government entity,'' as defined in rule 206(4)–5(f)(5), the Contributor is a ''covered associate'' as defined in rule 206(4)–5(f)(2), and the Official is an ''official'' as defined in rule 206(4)–5(f)(6).

2. Section 206A of the Act authorizes the Commission to ''conditionally or unconditionally exempt any person or transaction . . . from any provision or provisions of [the Act] or of 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 investors and the purposes fairly intended by the policy and provisions of [the Act].''

3. Rule 206(4)–5(e) provides that the Commission may conditionally or unconditionally grant an exemption to an investment adviser from the prohibition under rule 206(4)–5(a)(1) upon consideration of the factors listed below, among others:

(1) Whether the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act;

(2) Whether the investment adviser: (i) Before the contribution resulting in the prohibition was made, adopted and implemented policies and procedures reasonably designed to prevent violations of the rule; and (ii) prior to or at the time the contribution which resulted in such prohibition was made, had no actual knowledge of the contribution; and (iii) after learning of the contribution: (A) Has taken all available steps to cause the contributor involved in making the contribution which resulted in such prohibition to obtain a return of the contribution; and (B) has taken such other remedial or preventive measures as may be appropriate under the circumstances;

(3) Whether, at the time of the contribution, the contributor was a covered associate or otherwise an employee of the investment adviser, or was seeking such employment;

(4) The timing and amount of the contribution which resulted in the prohibition;

(5) The nature of the election (*e.g.,* federal, state or local); and

(6) The contributor's apparent intent or motive in making the contribution which resulted in the prohibition, as evidenced by the facts and circumstances surrounding such contribution.

4. Applicant requests an order pursuant to section 206A and rule 206(4)–5(e), exempting it from the two-year prohibition on compensation imposed by rule 206(4)–5(a)(1) with respect to investment advisory services provided to the Clients within the two-year period following the Contribution.

5. Applicant submits that the exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further submits that the other factors set forth in rule 206(4)–5(e) similarly weigh in favor of granting an exemption to the Applicant to avoid consequences disproportionate to the violation.

6. Applicant contends that given the nature of the Contribution, and the lack of any evidence that the Adviser or the Contributor intended to, or actually did, interfere with any client's merit-based process for the selection or retention of advisory services, the Clients' interests are best served by allowing the Adviser and its Clients to continue their relationship uninterrupted. Applicant states that causing the Adviser to serve without compensation for a two- year period could result in a financial loss of approximately $1 million or 1000 times the amount of the Contribution. Applicant suggests that the policy underlying rule 206(4)–5 is served by ensuring that no improper influence is exercised over investment decisions by governmental entities as a result of campaign contributions and not by withholding compensation as a result of unintentional violations.

7. Applicant represents that the Policy was adopted and published in March 2011, well before the Contribution was made. Applicant further represents that, at all times, the Policy has conformed to the requirements of rule 206(4)–5 and has been more rigorous than rule 206(4)–5's requirements as the Adviser does internet testing as part of its annual audit process and requires covered associates to certify their compliance with the Policy and disclose all contributions quarterly.

8. Applicant asserts that at no time did any employee or covered associate of the Adviser other than the Contributor have any knowledge that the Contribution had been made before its discovery by the Adviser in November 2016 when the Contributor self-reported the Contribution to the Adviser.

9. Applicant asserts that after learning of the Contribution, the Adviser caused

the Contributor to immediately obtain a full refund of the Contribution. Applicant submits that the Adviser reviewed its Policy and concluded that it was adequate for preventing impermissible contributions.

10. Applicant states that after learning of the Contribution, it confirmed that the although the Contributor's job would not ordinarily cause him to interact with the Clients, after learning of the Contribution, the Adviser, out of an abundance of caution, instructed him not to solicit or otherwise communicate with the Clients for two years following the date of the Contribution.

11. Applicant asserts that the Clients' decisions to invest with the Adviser occurred long before the Contribution was made, in October 2016. Furthermore, no investments were made in the month-long period between the date of the Contribution and the day it was refunded. Applicant states that, at the time of the Contribution and at the time of the investments by the Clients, the Official has not had any role in the Clients' investment decisions. Applicant also submits that the apparent intent in making the Contribution was not to influence the selection or retention of the Adviser. Applicant represents that the Contributor and the Official have a long standing friendship as the Contributor worked at the Official's restaurant and lived with the Official and her ex-husband when he was in college. Applicant finally states that it was because of that relationship, and not any desire to influence the award of investment advisory business that the Contributor made the Contribution to the Official's campaign.

12. Applicant submits that neither the Adviser nor the Contributor sought to interfere with the Clients' merit-based selection process for advisory services, nor did they seek to negotiate higher fees or greater ancillary benefits than would be achieved in arms' length transactions. Applicant further submits that there was no violation of the Adviser's fiduciary duty to deal fairly or disclose material conflicts given the absence of any intent or action by the Adviser or the Contributor to influence the selection process. Applicant contends that in the case of the Contribution, the imposition of the two-year prohibition on compensation does not achieve rule 206(4)–5's purposes and would result in consequences disproportionate to the mistake that was made.

Applicant's Conditions

The Applicant agrees that any order of the Commission granting the requested relief will be subject to the following conditions:

1. The Contributor will be prohibited from discussing the business of the Adviser with any ''government entity'' client for which the Official is an ''official,'' each as defined in Rule 206(4)–5(f), until October 18, 2018.

2. The Contributor will receive a written notification of this condition and will provide a quarterly certificate of compliance until October 18, 2018. Copies of the certifications will be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in an appropriate office of the Adviser, and be available for inspection by the staff of the Commission.

3. The Adviser will conduct testing reasonably designed to prevent violations of the conditions of the Order and maintain records regarding such testing, which will be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in an appropriate office of the Adviser, and be available for inspection by the staff of the Commission.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22955 Filed 10–23–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, October 26, 2017.

PLACE: Closed Commission Hearing Room 10800.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Chairman Clayton, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: October 19, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–23123 Filed 10–20–17; 11:15 am]

BILLING CODE 8011–01–P

SELECTIVE SERVICE SYSTEM

Forms Submitted to the Office of Management and Budget for Extension of Clearance

AGENCY: Selective Service System.

ACTION: Notice.

The following forms have been submitted to the Office of Management and Budget (OMB) for extension of clearance in compliance with the Paperwork Reduction Act:

SSS Forms 2, 3A, 3B and 3C

Title: Selective Service System Change of Information, Correction/Change Form, and Registration Status Forms.

Purpose: To insure the accuracy and completeness of the Selective Service System registration data.

Respondents: Registrants are required to report changes or corrections in data submitted on the SSS Form 1.

Frequency: When changes in a registrant's name or address occur.

Burden: A burden of two minutes or less on the individual respondent.

Copies of the above identified forms can be obtained upon written request to the Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

Written comments and recommendations for the proposed extension of clearance of the form should be sent within 60 days of the publication of this notice to the Selective Service System, Reports Clearance Officer, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

A copy of the comments should be sent to the Office of Information and

Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, Room 3235, Washington, DC 20503.

Donald M. Benton,

Director.

[FR Doc. 2017–23010 Filed 10–23–17; 8:45 am]

BILLING CODE 8015–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2017–0058]

Notice of Senior Executive Service Performance Review Board Membership

AGENCY: Social Security Administration.

ACTION: Notice of Senior Executive Service Performance Review Board Membership.

Title 5, U.S. Code, 4314(c)(4), requires that the appointment of Performance Review Board members be published in the **Federal Register** before service on said Board begins.

The following persons will serve on the Performance Review Board which oversees the evaluation of performance appraisals of Senior Executive Service members of the Social Security Administration:

Michael Kramer
Bonnie Doyle *
Joanne Gasparini
Erik Hansen *
John Lee
Joseph Lytle *
Natalie Lu
Dan Parry *
Patrice Stewart

* New Member

Marianna LaCanfora,

Deputy Commissioner for Human Resources.

[FR Doc. 2017–22961 Filed 10–23–17; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–83]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before November 13, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0919 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lynette Mitterer, AIR–673, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *Lynette.Mitterer@faa.gov,* phone (425) 227–1047; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, email *alphonso.pendergrass@faa.gov,* phone (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

Suzanne Masterson,

Acting Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2017–0919.
Petitioner: Bombardier Aerospace.
Section of 14 CFR Affected: § 25.901(c).
Description of Relief Sought: Bombardier Aerospace is petitioning for an exemption to 14 CFR 25.901(c) for single failures of the Throttle Quadrant Assembly (TQA) and the Propulsion control system that result in Uncontrollable High Thrust (UHT). The Bombardier Model BD–700–2A12 and BD–700–2A13 Series airplanes (Global 7000 and Global 8000, respectively) may not be controllable under certain landing and takeoff scenarios during a UHT event that occurs in crosswinds in excess of 15 knots.

[FR Doc. 2017–23059 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0044]

Proposed Memorandum of Understanding (MOU) Assigning Certain Federal Environmental Responsibilities to the State of Arizona, Including National Environmental Policy Act (NEPA) Authority for Certain Categorical Exclusions (CEs)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed MOU; request for comments.

SUMMARY: The FHWA and the State of Arizona, acting by and through its Department of Transportation (State), propose participation of the State in the Categorical Exclusion Assignment program. This Program allows FHWA to assign to States its authority and responsibility for determining whether certain designated activities within the geographic boundaries of the State, as specified in the proposed Memorandum of Understanding (MOU), are categorically excluded from preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act.

DATES: Comments must be received on or before November 24, 2017.

ADDRESSES: You may submit comments, identified by DOT Document Management System (DMS) Docket Number [FHWA–2017–0044], by any of the methods described below. To ensure that you do not duplicate your

submissions, please submit them by only one of the means below. Electronic or facsimile comments are preferred because Federal offices experience intermittent mail delays from security screening.

Federal eRulemaking Portal: Go to Web site: *http://www.regulations.gov/.* Follow the instructions for submitting comments on the DOT electronic docket site.

Facsimile (Fax): 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590.

Hand Delivery: 1200 New Jersey Avenue SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Eastern Time, Monday through Friday, except Federal holidays.

For access to the docket to view a complete copy of the proposed MOU, or to read background documents or comments received, go to *http://www.regulations.gov/* at any time or to 1200 New Jersey Ave. SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Eastern Time, Monday through Friday, except for Federal holidays.

Instructions: You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For FHWA: Alan Hansen; by email at *alan.hansen@dot.gov* or by telephone at 602–382–8964. The FHWA Arizona's Division Office's normal business hours are 8 a.m. to 4:30 p.m. (Arizona Time), Monday–Friday, except for Federal Holidays. For State of Arizona: Joanie Cady; by email at *JCady@azdot.gov;* by telephone at (602) 712–8633. The Arizona Department of Transportation's business hours are 8 a.m. to 5 p.m. (Arizona Time), Monday–Friday, except for State and Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may reach the Office of the Federal Register's home page at: *http://www.archives.gov/* and the Government Publishing Office's database: *http://www.fdsys.gov/.* An electronic version of the proposed MOU may be downloaded by accessing the DOT DMS docket, as described above, at *http://www.regulations.gov/.*

Background

Section 326 of Title 23 U.S. Code, creates a program that allows the Secretary of the DOT (Secretary), to assign, and a State to assume, responsibility for determining whether certain highway projects are included within classes of action that are categorically excluded (CE) from requirements for environmental assessments or environmental impact statements pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA). In addition, this program allows the assignment of other environmental review requirements applicable to Federal highway projects. The FHWA is authorized to act on behalf of the Secretary with respect to these matters.

FHWA would execute Arizona's participation in this program through an MOU. Statewide decision-making responsibility would be assigned for all activities within the categories listed in 23 CFR 771.117(c) and those listed as examples in 23 CFR 771.117(d), and any activities added through FHWA rulemaking to those listed in 23 CFR 771.117(c) or example activities listed in 23 CFR 771.117(d) after the date of the execution of this MOU. In addition to the NEPA CE determination responsibilities, the MOU would assign to the State the responsibility for conducting Federal environmental review, consultation, and other related activities for projects that are subject to the MOU with respect to the following Federal laws and Executive Orders:

- Clean Air Act (CAA), 42 U.S.C. 7401–7671q (determinations of project-level conformity if required for the project);
- Noise Control Act of 1972, 42 U.S.C. 4901–4918;
- Compliance with the noise regulations in 23 CFR part 772 (except approval of the State noise policy in accordance with 23 CFR 772.7);
- Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531–1544, and 1536;
- Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d;
- Migratory Bird Treaty Act, 16 U.S.C. 703–712;
- Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108;
- Archeological Resources Protection Act of 1979, 16 U.S.C. 470aa, *et seq.;*
- Section 4(f) of the U.S. Department of Transportation Act of 1966, 23 U.S.C. 138 and 49 U.S.C. 303; 23 CFR part 774;
- Preservation of Historical and Archeological Data, 54 U.S.C. 312501–312508;
- Native American Grave Protection and Repatriation Act, 25 U.S.C. 3001–3013; 18 U.S.C. 1170;
- American Indian Religious Freedom Act, 42 U.S.C. 1996;
- Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209;
- Clean Water Act, 33 U.S.C. 1251–1377;
- Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–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;
- Flood Disaster Protection Act, 42 U.S.C. 4001–4128;
- FHWA wetland and natural habitat mitigation regulations at 23 CFR part 777;
- Land and Water Conservation Fund (LWCF), Public Law 88–578, 78 Stat. 897 (known as section 6(f));
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675;
- Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 9671–9675;
- Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k;
- Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319;
- E.O. 11990, Protection of Wetlands;
- E.O. 11988, Floodplain Management (except approving design standards and determinations that a significant encroachment is the only practicable alternative under 23 CFR 650.113 and 650.115);
- 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. 13007, Indian Sacred Sites;
- E.O. 13112, Invasive Species;
- Planning and Environmental Linkages, 23 U.S.C. 168, except for those FHWA responsibilities associated with 23 U.S.C. 134 and 135;
- Programmatic Mitigation Plans, 23 U.S.C. 169 except for those FHWA responsibilities associated with 23 U.S.C. 134 and 135.

The MOU allows the State to act in the place of the FHWA in carrying out the functions described above, except with respect to government-to-government consultations with federally recognized Indian tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian tribes, which is required under some of the above-listed laws and executive orders. The State also may assist the FHWA with formal consultations, with consent of a tribe,

but the FHWA remains responsible for the consultation.

This assignment includes transfer to the State of Arizona the obligation to fulfill the assigned environmental responsibilities on any proposed projects meeting the criteria in Stipulation I(B) of the MOU that were determined to be CEs prior to the effective date of the proposed MOU but that have not been completed as of the effective date of the MOU.

The FHWA will consider the comments submitted on the proposed MOU when making its decision on whether to execute this MOU. The FHWA will make the final, executed MOU publicly available. (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. 326; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 40 CFR 1507.3, 1508.4.

Issued on: October 18, 2017.

Karla S. Petty,

Division Administrator.

[FR Doc. 2017–23011 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0062]

Tentative Decision That Certain Canadian-Certified Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for comments.

SUMMARY: This notice requests comments on a tentative decision by NHTSA that certain vehicles that do not comply with all applicable Federal motor vehicle safety standards (FMVSS), but that are certified by their original manufacturer as complying with all applicable Canadian motor vehicle safety standards (CMVSS), are nevertheless eligible for importation into the United States. The vehicles in question either are substantially similar to vehicles that were certified by their manufacturers as complying with the U.S. safety standards and are capable of being readily altered to conform to those standards, or have safety features that comply with, or are capable of being altered to comply with, all U.S. safety standards.

DATES: You should submit your comments early enough to ensure that the docket receives them not later than November 8, 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 be 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.

Notice of the final 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 identification 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).

FOR FURTHER INFORMATION CONTACT: Mr. Neil Thurgood, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–0712.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided, either pursuant to a petition from the manufacturer or registered importer or on its own initiative, (1) that the nonconforming motor vehicle is substantially similar to a motor vehicle of the same model year that was originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with all applicable FMVSS, and (2) that the nonconforming motor vehicle is capable of being readily altered to conform to all applicable FMVSS. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if NHTSA decides that its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Most Recent Decision

On November 26, 2012, NHTSA published a notice in the **Federal Register** announcing that it had made a final decision on its own initiative that certain motor vehicles that are certified by their original manufacturer as complying with all applicable CMVSS are eligible for importation into the United States (77 FR 70538). The notice identified these vehicles as:

(a) All passenger cars manufactured on or after September 1, 2009, and before September 1, 2010, that, as originally manufactured, comply with FMVSS Nos. 118, 138, 201, 202a, 206, 208, 213, 214, 225, and 401;

(b) All passenger cars manufactured on or after September 1, 2010, and before September 1, 2011, that, as originally manufactured, comply with FMVSS Nos. 118, 138, 201, 202a, 206, 208, 213, 214, and 225;

(c) All passenger cars manufactured on or after September 1, 2011 and before September 1, 2017, that, as originally manufactured, comply with FMVSS Nos. 138, 201, 206, 208, 213, 214, and 225;

(d) All multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating (GVWR) of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2011, and before September 1, 2012, that, as originally manufactured, comply with FMVSS Nos. 201, 202a, 206, 208, 213, 214, and 216, and insofar as they are applicable, with FMVSS Nos. 138 and 225; and

(e) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2012, and before September 1, 2017, that, as originally manufactured, comply with FMVSS Nos. 201, 206, 208, 213, 214, and 216, and insofar as they are applicable, with FMVSS Nos. 138, 222, and 225.

In the notice of tentative decision that preceded the final decision, the agency explained that the identified standards incorporated requirements that were not adopted, in whole or in part, by Canada (77 FR 57641; September 18, 2012). The notice proposed limiting the import eligibility decision to vehicles manufactured before September 1, 2017, so that the agency could assess, prior to that date, whether any other requirements were added to the FMVSS that Canada chose not to adopt. This limitation was included in the final eligibility decision published on November 26, 2012.

Additional Actions By the United States and Canada Since the Prior Eligibility Decision

On January 19, 2011, NHTSA published a final rule to establish FMVSS No. 226 *Ejection Mitigation* to mitigate occupant ejection from side windows in rollovers and side impacts (76 FR 3212). This final rule becomes effective September 1, 2017, except for altered and multistage vehicles for which it will be effective September 1, 2018. As Canada has yet to adopt or fully align the requirements of its regulations with those of FMVSS No. 226, the agency has tentatively decided to limit the import eligibility of passenger cars, multipurpose passenger vehicles, and trucks and buses with a GVWR of 4536 kg (10,000 lb) or less, excepting vehicles manufactured in more than one stage, manufactured on or after September 1, 2017, to those that were originally manufactured to comply with FMVSS 226. Eligibility for subject vehicles that are altered (within the meaning of 49 CFR 567.7) or manufactured in two or more stages on or after September 1, 2018, will be limited to vehicles manufactured to comply with FMVSS No. 226.

On April 7, 2014, NHTSA published a final rule that amended FMVSS No. 111 *Rear Visibility* to reduce the risk of backover crashes involving vulnerable populations (including very young children) and to satisfy the mandate of the Cameron Gulbransen Kids Transportation Safety Act of 2007 (79 FR 19178). The amended rule specifies an area behind the vehicle which must be visible to the driver when the vehicle is placed into reverse and establishes other related performance requirements. Owing to this final rule, the U.S. and Canadian versions of Standard No. 111 are no longer harmonized. Full compliance with this standard will be required for passenger cars, multipurpose passenger vehicles, and trucks and buses with a gross vehicle weight of less than 4536 kg (10,000 lb) starting May 1, 2018. The agency has therefore tentatively decided to limit the import eligibility of such vehicles manufactured on or after May 1, 2018, to those that were originally manufactured to comply with the standard.

On June 23, 2015, NHTSA published a final rule to adopt FMVSS No. 136 *Electronic Stability Control Systems for Heavy Vehicles* (80 FR 36050), which establishes requirements for electronic stability control systems in trucks and certain buses with a GVWR greater than 11,793 kilograms (26,000 lb). This final rule will apply to all such vehicles manufactured on or after August 1, 2019. As Canada has not yet adopted this requirement, NHTSA has tentatively decided to limit the import eligibility of trucks and buses with a GVWR greater than 11,793 kg (26,000 lb) manufactured on or after August 1, 2019, to those that were originally manufactured to comply with FMVSS No. 136.

Canada has yet to adopt or fully align the requirements of its regulations with those of FMVSS Nos. 138 *Tire Pressure Monitoring Systems,* 201 *Occupant Protection in Interior Impact,* 208 *Occupant Crash Protection,* 213 *Child Restraint Systems,* 214 *Side Impact Protection, and* 225 *Child Restraint Anchorage Systems.*

The tables below summarize the current state of harmonization between the CMVSS and the FMVSS. Table 1 is a list of all FMVSS that are harmonized to the CMVSS, or for which the differences are such that compliance with the U.S. standard can be readily achieved. Table 2 is a list of all FMVSS that are not harmonized.

TABLE 1—HARMONIZED STANDARDS

U.S. standard (FMVSS)	Canadian equivalent (CMVSS)
102—Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect.	CMVSS 102—Transmission Control Functions.
103—Windshield Defrosting and Defogging Systems	CMVSS 103—Windshield Defrost and Defog.
104—Windshield Wiping and Washing Systems	CMVSS 104—Windshield Wiping and Wash.
105—Hydraulic and Electric Brake Systems	CMVSS 105—Hydraulic and Electric Brakes; TSD 105.
106—Brake Hoses	CMVSS 106—Brake Hoses; TSD 106.
108—Lamps, Reflective Devices and Associated Equipment	CMVSS 108—Lighting Systems and Retroreflective Devices; TSD 108.
110—Tire Selection and Rims for Motor Vehicles with a GVWR of 4,536 kg (10,000 lb) or Less.	CMVSS 110—Tire Selection and Rims; TSD 110.
113—Hood Latch Systems	CMVSS 113—Hood Latch System.
114—Theft Protection and Rollaway Prevention	CMVSS 114—Locking and Immobilization; TSD 114.
116—Motor Vehicle Brake Fluids	CMVSS 116—Hydraulic Brake Fluids; TSD 116.
118—Power-Operated Window, Partition, and Roof Panel Systems	CMVSS 118—Power-operated Windows; TSD 118.
120—Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of More Than 4,536 Kilograms (10,000 pounds).	CMVSS 120—Tire Selection and Rims for Vehicles Other Than Passenger Cars; TSD 120.

TABLE 1—HARMONIZED STANDARDS—Continued

U.S. standard (FMVSS)	Canadian equivalent (CMVSS)
121—Air Brake Systems	CMVSS 121—Air Brakes for Trucks; TSD 121.
122—Motorcycle Brake Systems	CMVSS 122—Motorcycle Brake Systems; TSD 122.
123—Motorcycle Controls and Displays	CMVSS 123—Motorcycle Control & Displays; TSD 123.
124—Accelerator Control Systems	CMVSS 124—Accelerator Control Systems; TSD 124.
126—Electronic Stability Control Systems	CMVSS 126—Electronic Stability Control; TSD 126.
131—School Bus Pedestrian Safety Devices	CMVSS 131—School Bus Pedestrian Safety Devices; TSD 131.
135—Light Vehicle Brake Systems	CMVSS 135—Light Vehicle Brake Systems; TSD 135.
202—Head Restraints; Applicable unless a vehicle is certified to § 571.202a.	CMVSS 202—Head Restraints; TSD 202.
202a—Head Restraints	CMVSS 202—Head Restraints; TSD 202.
203—Impact protection for the driver from the steering control system	CMVSS 203—Driver Impact Protection.
204—Steering control rearward displacement	CMVSS 204—Steering Column Rearward Displacement.
205—Glazing materials	CMVSS 205—Glazing Materials.
205a—Glazing materials before September 1, 2006 and glazing materials used in vehicles manufactured before November 1, 2006.	CMVSS 205—Glazing Materials.
207—Seating systems	CMVSS 207—Anchorage of Seats.
210—Seat belt assembly anchorages	CMVSS 210—Seat Belt Assembly Anchorages.
212—Windshield mounting	CMVSS 212—Windshield Mounting.
216—Roof crush resistance; Applicable unless a vehicle is certified to § 571.216a.	CMVSS 216—Roof Intrusion Protection; TSD 216.
216a—Roof crush resistance; Upgraded standard	CMVSS 216—Roof Intrusion Protection; TSD 216.
217—Bus emergency exits and window retention and release	CMVSS 217—Bus Window Retention and Emergency Exits.
219—Windshield zone intrusion	CMVSS 219—Windshield Zone Intrusion.
220—School bus rollover protection	CMVSS 220—Rollover Protection; TSD 220.
221—School bus body joint strength	CMVSS 221—School Bus Body Joint Strength.
224—Rear impact protection	CMVSS 223—Rear Impact Guards.
301—Fuel system integrity	CMVSS 301—Fuel System Integrity; TSD 301.
302—Flammability of interior materials	CMVSS 302—Flammability; TSD 302.
303—Fuel system integrity of compressed natural gas vehicles	CMVSS 301.2—CNG Fuel System Integrity.
304—Compressed natural gas fuel container integrity	CMVSS 301.2—CNG Fuel System Integrity.
305—Electric-powered vehicles: Electrolyte spillage and electrical shock protection.	CMVSS 305—Electrolyte Spillage and Electrical Shock Protection; TSD 305.
401—Internal trunk release	CMVSS 401—Interior Trunk Release; TSD 401.
500—Low-speed vehicles	CMVSS 500—Low-speed Vehicles; TSD 500.

TABLE 2—STANDARDS THAT HAVE NOT BEEN HARMONIZED

[X denotes "applicable"]

U.S. standard (FMVSS)	Canadian standard (CMVSS)	Passenger cars	Multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 Kg (10,000 lb) or less
FMVSS 101—Controls and Displays	CMVSS 101—Controls and Displays	X	X
FMVSS 111—Rear Visibility	CMVSS 111—Mirrors	X	X
FMVSS 136—Electronic Stability Control Systems for Heavy Vehicles.			Trucks/buses with GVWR greater than 11,793 Kg (26,000 lb) only.
FMVSS 138—Tire Pressure Monitoring Systems.		X	X
FMVSS 201—Occupant Protection in Interior Impact.	CMVSS 201—Occupant Protection	X	X
FMVSS 206—Door locks and door retention components.	CMVSS 206—Door Locks and Door Retention Components.	X	X
FMVSS 208—Occupant Crash Protection.	CMVSS 208—Occupant Restraint Frontal Impact.	X	X
FMVSS 213—Child Restraint Systems	CMVSS 213.4—Built-in Child Restraint Systems.	X	X
FMVSS 214—Side Impact Protection	CMVSS 214—Side Door Strength	X	X
FMVSS 222—School Bus Passenger Seating And Crash Protection.	CMVSS 222—School Bus Passenger Seating and Crash Protection.		School buses only.
FMVSS 225—Child restraint anchorage systems.		X	X
FMVSS 226—Ejection Mitigation		X	X

In light of these developments, NHTSA has tentatively decided to require, as a condition for import eligibility, that Canadian-certified passenger cars manufactured on or after September 1, 2017, and before September 1, 2022, comply, as originally manufactured, with FMVSS Nos. 138, 201, 206, 208, 213, 214, and 225, and insofar as they are applicable, with the updated requirements of FMVSS Nos. 111 and 226. The agency

has also tentatively decided to require, as a condition for import eligibility, that Canadian-certified multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2017, and before September 1, 2022, comply, as originally manufactured, with FMVSS Nos. 138, 201, 206, 208, 213, and 214, and insofar as they are applicable, with FMVSS No. 225, and the updated requirements of FMVSS Nos. 111 and 226. Finally, NHTSA has tentatively decided to require that trucks and buses with a GVWR greater than 4,536 kg (10,000 lb) manufactured on or after August 1, 2019, that are subject to FMVSS No. 136 to comply, as originally manufactured, with that standard in order to be eligible to import. Effective dates for the updated or newly enacted standards are outlined below.

Future Cut-Off Date

To avoid the need to amend any existing eligibility decisions in the event that there are any further requirements imposed under the FMVSS that are not carried into the corresponding CMVSS, NHTSA has tentatively decided to limit its import eligibility decisions for Canadian-certified motor vehicles to those manufactured before September 1, 2022. Prior to that date, the agency will assess whether there is a need to condition the import eligibility of any subsequently manufactured Canadian-certified vehicles on compliance with any additional FMVSS. The agency intends to issue new decisions covering vehicles manufactured on or after September 1, 2022, within a sufficient period before that date is reached.

Tentative Decision

Pending its review of any comments submitted in response to this notice, NHTSA hereby tentatively decides that—

(a) All passenger cars manufactured on or after September 1, 2017, and before May 1, 2018, that as originally manufactured, comply with FMVSS Nos. 138, 201, 206, 208, 213, 214, 225, and insofar as it is applicable with FMVSS No. 226; and

(b) All passenger cars manufactured on or after May 1, 2018, and before September 1, 2022, that as originally manufactured, comply with FMVSS Nos. 111, 138, 201, 206, 208, 213, 214, 225, and insofar as it is applicable, with FMVSS No. 226; and

(c) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after September 1, 2017, and before May 1, 2018, that as originally manufactured, comply with FMVSS Nos. 138, 201, 206, 208, 213, and 214, and insofar as they are applicable, with FMVSS Nos. 222, 225, and, 226; and

(d) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less manufactured on or after May 1, 2018, and before September 1, 2022, that as originally manufactured, comply with FMVSS Nos. 111, 138, 201, 206, 208, 213, and 214, and insofar as they are applicable, with FMVSS Nos. 222, 225, and 226; and

(e) All multipurpose passenger vehicles, trucks, and buses with a GVWR greater than 4,536 kg (10,000 lb) manufactured on or after August 1, 2019, and before September 1, 2022, that as originally manufactured, comply with FMVSS No. 136 insofar as it is applicable; that are certified by their original manufacturer as complying with all applicable CMVSS, are eligible for importation into the United States on the basis that either:

1. They are substantially similar to vehicles of the same make, model, and model year originally manufactured for importation into and sale in the United States, or originally manufactured in the United States for sale therein, and certified as complying with all applicable FMVSS, and are capable of being readily altered to conform to all applicable FMVSS, or

2. They have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

Vehicle Eligibility Number

In order to import a vehicle made admissible under any final decision, the importer must indicate to U.S. Customs and Border Protection that the vehicle has been determined eligible for importation. This is done by indicating the eligibility number, published under that final decision, on the U.S. Department of Transportation declaration form HS–7. Vehicle Eligibility Number VSA–80 is currently assigned to Canadian-certified passenger cars, Vehicle Eligibility Number VSA–81 is currently assigned to Canadian-certified multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less, and Vehicle Eligibility Number VSA–82 is currently assigned to Canadian-certified multipurpose passenger vehicles, trucks, and buses with a GVWR greater than 4,536 kg (10,000 lb). If this tentative decision is made final, all passenger cars admissible under the final decision will be assigned vehicle eligibility number VSA–80, all multipurpose passenger vehicles, trucks, and buses with a GVWR of less than 4,536 kg (10,000 lb) admissible under the final decision will be assigned vehicle eligibility number VSA–81, and all multipurpose passenger vehicles, trucks, and buses with a GVWR greater than 4,536 kg (10,000 lb) admissible under the final decision will be assigned vehicle eligibility number VSA–82.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.8; delegation of authority at 49 CFR 1.95.

Jack Danielson,

Acting Deputy Administrator.

[FR Doc. 2017–22693 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0108; Notice 2]

Reflex & Allen USA, Incorporated, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Reflex & Allen USA, Incorporated (RAUS), has determined that certain Reflex & Allen air brake tubing products do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 106, *Brake Hoses.* RAUS filed a noncompliance information report dated September 1, 2016, and amended it on September 13, 2016. RAUS also petitioned NHTSA on September 30, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information regarding this decision please contact Leroy Angeles, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5304, facsimile (202) 366–3081.

SUPPLEMENTARY INFORMATION:

I. Overview: Reflex & Allen USA, Incorporated (RAUS), has determined that certain Reflex & Allen air brake tubing products do not fully comply with paragraph S7.2.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 106, *Brake Hoses.* RAUS filed a report dated September 1, 2016, and amended it on September 13, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* RAUS also petitioned NHTSA

on September 30, 2016, 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.

Notice of receipt of the petition was published, with a 30-day public comment period, on November 25, 2016, in the **Federal Register** (81 FR 85323). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2016–0108.''

II. Hoses Involved: Approximately 4,500 Reflex & Allen air brake hose products manufactured between October 16, 2015, and August 30, 2016, are potentially involved.

III. Noncompliance: RAUS explains that the noncompliance is that the subject brake hoses are labeled at intervals ranging from 6.5 inches to 11.5 inches, thereby exceeding 6-inch maximum spacing required by paragraph S7.2.1 of FMVSS No. 106.

IV. Rule Text: Paragraph S7.2.1 of FMVSS No. 106 states:

S7.2.1 Hose. Each air brake hose shall be labeled, or cut from bulk hose that is labeled, at intervals of not more than 6 inches, measured from the end of one legend to the beginning of the next, in block capital letters and numerals at least one-eighth of an inch high, with the information listed in paragraphs (a) through (e) of this section. The information need not be present on hose that is sold as part of a brake hose assembly or a motor vehicle.

V. Summary of RAUS's Petition: RAUS 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, RAUS submitted the following reasoning:

(a) RAUS notified NHTSA in a 573 report in early September of 2016, of a potential noncompliance within a population of air brake tubing products. The report was subsequently amended to correct affected part numbers. As described in RAUS's noncompliance notification, the subject air brake tubing is labeled with the complete and correct identifying data, but due to a production error, the labeling appears at intervals that exceed the 6-inch maximum spacing required by the standard.

(b) RAUS noted that all affected products are labeled in accordance with the requirements of FMVSS No. 106 S7.2.1 except for the print legend spacing.

(c) These products are sold only to one Original Equipment Manufacturer (OEM), Volvo Trucks North America (VTNA), which then paints the complete chassis to include painting over the tubing. These products meet all applicable performance requirements of FMVSS No. 106. These products perform exactly as designed. The safety of the vehicle is uncompromised.

(d) The noncompliant products were produced between October 16, 2015 and August 30, 2016. VTNA first notified RAUS of the noncompliance on August 30, 2016. Immediately on that date, RAUS recalibrated the equipment to ensure compliance on all future tubing products and is conducting initial and secondary quality checks to guarantee compliance prior to shipment to VTNA. VTNA is the only customer that receives these products and is fully aware of the situation. RAUS fully believes that these labeling errors are inconsequential to motor vehicle safety because the tubing is properly identified with all required identifiers and meets the standards in every other way. The only noncompliance is the spacing in which the print legends exceed 6 inch intervals in various measurements ranging from 6.5 inches to 11.5 inches.

(e) This noncompliance does not create an unreasonable risk of death or injury in an accident, nor does it create any operational issues or safety concerns regarding the vehicle. The Safety Act allows for exemptions for manufacturers from the Safety Act's notice and remedy requirements particularly when the noncompliance does not create an unreasonable risk of death or injury in an accident.

(f) The subject brake tubing was marked correctly with all required identifiers yet the print legends fell beyond the maximum 6 inch intervals. This error is inconsequential to motor vehicle safety. One of the main purposes FMVSS No. 106, S7.2.1 is to identify the manufacturer of the brake tubing in the event of a product recall. If a recall of this air brake tubing were to become necessary in the future, the affected products could still be easily identified by the markings which are conspicuously printed on all of the tubing.

(g) There are several examples of NHTSA granting petitions from the reporting and notification requirements based on determinations of inconsequential noncompliance for similar marking/labeling issues including the granting of the Grote Industries LLC petition on January 23, 2015.

RAUS 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.

NHTSA Decision

NHTSA Analyses: NHTSA has reviewed and accepts RAUS's analysis that the subject noncompliance is inconsequential to motor vehicle safety. Specifically, the labeling interval of the brake hose ranging from 6.5 inches to 11.5 inches poses little if any risk to motor vehicle safety given the fact that every product manufactured by RAUS is labeled with all information required by FMVSS No. 106.

RAUS stated that the subject hoses are sold to only one vehicle manufacturer, Volvo Trucks North America (VTNA) and are marked with all the required identifiers. In addition, RAUS states that the subject hoses meet all FMVSS No. 106 requirements other than the labeling interval. As part of NHTSA's review of RAUS's petition, NHTSA contacted RAUS to verify that every hose produced is in fact labeled. RAUS responded that the subject hoses are manufactured in continuous lengths that are labeled. Then the subject bulk hose is shipped or transported from RAUS's facilities to VTNA on cardboard reels. RAUS stated that VTNA cuts individual hoses from the bulk hose and installs them onto vehicle chassis frames. The chassis frames and hoses are painted after the brake hoses are installed on the chassis.

NHTSA evaluated if having the required labeling information in intervals of 6.5 to 11.5 inches was inconsequential to safety under these circumstances. NHTSA reiterates the need for brake hose labeling required by paragraph S7.2 of FMVSS No. 106 which can be summarized as: (a) The symbol DOT, constituting the manufacturer's certification that the hose conforms to all applicable FMVSS; (b) manufacturer's designation; (c) date of manufacture; (d) nominal inside hose diameter; and (e) hose type designation. In this situation, all required labeling was present on every item sold by RAUS to VTNA. The bulk hose was labeled at an interval that ranged from 6.5 to 11.5 inch. NHTSA agrees that the users of the bulk brake hose would have ready access to all required information during handling and processing of the bulk hose. Furthermore, NHTSA agrees with RAUS, that in the event of a recall, RAUS or VTNA would be able to easily identify the subject hoses by the required markings on the bulk hose

before the hose is cut or installed in vehicles.

As part of its analysis, NHTSA also considered if the hoses need to be labeled after they are installed on vehicles. Paragraph S7.2.1 of FMVSS No. 106 states ''. . . The information need not be present on hose that is sold as part of a brake hose assembly or a motor vehicle.'' The vehicle manufacturer who installs the subject hoses into their vehicles, in this case VTNA, is required to certify the vehicles they manufacture meet all applicable Federal Motor Vehicle Safety Standards, including FMVSS No. 106. Therefore, VTNA, by cutting and installing the hose on its vehicles takes responsibility for the hose as part of the vehicle. Should there be an issue with the brake hoses installed on VTNA vehicles, VTNA would be responsible for identifying scope and conducting a recall of the vehicles.

RAUS stated that on August 30, 2016, they recalibrated their equipment and implemented quality checks to ensure compliance of all future hoses delivered to VTNA.

NHTSA's Decision: In consideration of the foregoing, NHTSA finds that RAUS has met its burden of persuasion that the subject FMVSS No. 106 noncompliance is inconsequential to motor vehicle safety. Accordingly, NHTSA hereby grants RAUS's petition and RAUS is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

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 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject hoses that RAUS no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant hoses under their control after RAUS 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. 2017–22993 Filed 10–23–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for REG–132455–11 Reporting of Minimum Essential Coverage (TD 9660–Final)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; 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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 1094–B, Transmittal of Health Coverage Information Returns and Form 1095–B, Health Coverage.

DATES: Written comments should be received on or before December 26, 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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Taquesha Cain, at (202) 317–8979, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Taquesha.R.Cain@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Transmittal of Health Coverage Information Returns and Health Coverage.

OMB Number: 1545–2252.

Form Number: 1094–B and 1095–B.

Abstract: The Form 1094–B and Form 1095–B under the authority of IRC section 6055, added by Public Law 111–148, Patient Protection and Affordable Care Act (ACA), section 1502(a). Section 6055(a) requires every health insurance issuer, sponsor of a self-insured health plan, government agency that administers government-sponsored health insurance programs and other entity that provides minimum essential coverage to file annual returns reporting information for each individual for whom minimum essential coverage is provided. Form 1094–B, serves as a transmittal for Form 1095–B, Health Coverage.

Current Actions: There is no change to this existing regulation. However, the agency has updated the number of respondents to reflect the most recent data available.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

1094–B:

Estimated Number of Respondents: 30,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 5,000.

1095–B:

Estimated Number of Respondents: 125,000,000.

Estimated Time per Respondent: 1 minute.

Estimated Total Annual Burden Hours: 2,083,333.

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: October 18, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–23084 Filed 10–23–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefit Plans (T.D. 8814)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: 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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning information collection requirements related to the treatment amounts deferred under certain nonqualified deferred compensation plans.

DATES: Written comments should be received on or before December 26, 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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Taquesha Cain, at (202) 317–8979 room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Taquesha.R.Cain@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefit Plans.

OMB Number: 1545–1643.

Regulation Project Number: T.D. 8814

Abstract: Internal Revenue Code section 3121(v)(2) provides guidance as to when amounts deferred under or paid from a nonqualified deferred compensation plan are taken into account as wages for purposes of the employment taxes imposed by the Federal Insurance Contributions Act (FICA). Section 3121(v)(2), relating to treatment of certain nonqualified deferred compensation, was added to the Code by section 324 of the Social Security Amendments of 1983. These regulations provide guidance to employers who maintain nonqualified deferred compensation plans and to participants in those plans.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and not-for-profit institutions.

Estimated Number of Respondents: 2,500.

Estimated Time per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 12,500.

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: October 18, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–23087 Filed 10–23–17; 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, 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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning the declaration for federal employment.

DATES: Written comments should be received on or before December 26, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, room 6529, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Continuation Sheet for Item #16 (Additional Information) OF–306, Declaration for Federal Employment.

OMB Number: 1545–1921.

Regulation Project Number: Form 12114.

Abstract: This form is used by recruitment personnel of the Covington Host Site. This form is provided to applicants when completing OF 306, Declaration for Federal Employment. It is used as a continuation sheet to clearly define additional information that is requested in item 15 of the OF 306. Due to lack of space on the OF 306 this form can be used in lieu of an additional sheet of paper.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 24,813.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 6,203.

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: October 18, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–23078 Filed 10–23–17; 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, 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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning the health insurance marketplace statement.

DATES: Written comments should be received on or before December 26, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Health Insurance Marketplace Statement.

OMB Number: 1545–2232.

Regulation Project Number: Form 1095–A.

Abstract: The IRS developed Form 1095–A under the authority of ICR section 36B(f)(3) for individuals to compute the amount of premium tax credit to which they are entitled under the Patient Protection and Affordable Care Act, Public Law 111–148, as amended, and file an accurate tax return. Marketplaces also must report certain information monthly to the IRS about individuals who receive from the Marketplace a certificate of exemption from the individual shared responsibility provision.

Current Actions: There is no change to this existing regulation. However, the agency has updated the number of respondents to reflect the most recent data available.

Type of Review: Revision of a currently approved collection.

Affected Public: State, local, or tribal government.

Estimated Number of Respondents: 3,250,000.

Estimated Time per Respondent: .3 minutes.

Estimated Total Annual Burden Hours: 16,250.

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: October 18, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–23083 Filed 10–23–17; 8:45 am]

BILLING CODE 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, 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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning the treaty-based return position disclosure.

DATES: Written comments should be received on or before December 26, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b).

OMB Number: 1545–1354.

Regulation Project Number: Form 8833.

Abstract: Form 8833 is used by taxpayers that are required by section 6114 to disclose a treaty-based return position to disclose that position. The form may also be used to make the treaty-based position disclosure required by regulations section 301.7701(b)–7(b) for ''dual resident'' taxpayers.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 4,100.

Estimated Time per Respondent: 6 hours, 16 minutes.

Estimated Total Annual Burden Hours: 25,740 hours.

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: October 18, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–23076 Filed 10–23–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee; Change

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of change of meeting date.

SUMMARY: In the **Federal Register** notice that was originally published on October 5, 2017, (Volume 82, Number 192, Page 46611), the meeting date is now changed. The new date for the meeting is, Tuesday, November 14, 2017.

DATES: The meeting will be held Tuesday, November 14, 2017.

FOR FURTHER INFORMATION CONTACT: Lisa Billups at 1–888–912–1227 or (214) 413–6523.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Tuesday, November 21, 2017, at 4:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Lisa Billups. For more information please contact Lisa Billups at 1–888–912–1227 or 214–413–6523, or write TAP Office 1114 Commerce Street, Dallas, TX 75242–1021, or post comments to the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: October 18, 2017

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2017–23074 Filed 10–23–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0601]

Agency Information Collection Activity Under OMB Review: Requirements for Interest Rate Reduction Refinancing Loans

AGENCY: Loan Guaranty Service, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Loan Guaranty Service, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before *November 24, 2017.*

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0601'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0601'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Requirements for Interest Rate Reduction Refinancing Loans.

OMB Control Number: 2900–0601.

Type of Review: Extension of a currently approved collection.

Abstract: Pursuant to 38 U.S.C. 3710, VA may guarantee loans to veterans to refinance existing mortgage loans previously guaranteed by VA provided the veteran still owns the property used as security for the loan. Lenders must collect certain information concerning the veteran and the veteran's credit history (and spouse or other co-borrower, as applicable), in order to properly underwrite delinquent Interest Rate Reduction Refinancing Loans

(IRRRLs). Under these requirements, VA requires that the lender provide VA with the credit information to assure itself that IRRRLs to refinance delinquent loans are underwritten in a reasonable and prudent manner.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR Page 38761 on August 15, 2017, page 38761.

Affected Public: Individuals or Households.

Estimated Annual Burden: 25.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 50.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017–23032 Filed 10–23–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No.2900–0501]

Agency Information Collection Activity: Veterans Mortgage Life Insurance Inquiry

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administrations, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed from Veterans for the proper maintenance of Veterans Mortgage Life Insurance accounts.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 26, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administrations (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0501'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521; 38 U.S.C. 2106 and 38 CFR 8a.3(e).

Title: Veterans Mortgage Life Insurance Inquiry (VA Form 29–0543).

OMB Control Number: 2900–0501.

Type of Review: Reinstatement of a previously approved collection.

Abstract: The Veterans Mortgage Life Insurance Inquiry solicits information needed from Veterans for the proper maintenance of Veterans Mortgage Life Insurance accounts. The form is authorized by 38 U.S.C. 2106 and 38 CFR 8a.3(e).

Affected Public: Individuals and households.

Estimated Annual Burden: 17 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On Occasion.

Estimated Number of Respondents: 200.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017–23031 Filed 10–23–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0759]

Agency Information Collection Activity: VA National Veterans Sports Programs and Special Events

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Office of National Programs and Special Events (NVSP), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 26, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Joshua McCoy, Office of Public and Intergovernmental Affairs (OPIA), (002C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *Joshua.McCoy2@va.gov.* Please refer to ''OMB Control No. 2900–0759'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Joshua McCoy at 202–461–0456.

SUPPLEMENTARY INFORMATION:

Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OPIA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OPIA's

functions, including whether the information will have practical utility; (2) the accuracy of OPIA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–21.

Titles:

a. National Disabled Veterans Winter Sports Clinic Application, VA Form 0924a, c, d and VA Form 2900–0925 (SF).

b. Cross Country Ski Instructor Personnel Application, VA Form 0924n.

c. Downhill Skill Instructor Personnel Application, VA Form 0924s.

d. Volunteer Application, VA Form 0924t.

e. National Veterans Wheelchair Games Event Application, VA Form 0925b.

f. Voluntary Service Application, VA Form 0925d.

g. National Veteran Golden Age Games Application, VA Form 0926a, b, d, e, g, h.

h. Voluntary Application, VA Form 0926j.

i. National Veterans TEE Tournament Event Application, VA Form 0927a, c, e.

j. Voluntary Service Application, VA Form 0927f.

k. National Veterans Summer sports Clinic Event Application, VA Form 0928a, c.

l. Volunteer Application, VA Form 0928h.

m. Surfing Personnel Application, VA Form 0928i.

n. Venue Personnel Application, VA Form 0928j.

o. National Veteran Creative Arts Festival Event Application, VA0929a, b, c, d, e, f, g, h.

OMB Control Number: 2900–0759.

Type of Review: Reinstatement of a currently approved collection.

Abstract: Veterans who are enrolled for VA health care may apply to participate in therapeutic rehabilitation programs such as the National Veterans Wheelchair Games, National Veterans Golden Age Games, National Veterans Creative Arts Festival, National Veterans TEE Tournament, National Disabled Veterans Winter Sports Clinic and the National Veterans Summer Sports Clinic. The data collected will be used to plan, distribute and utilize resources and to allocate clinical and administrative support to patient treatment services.

Affected Public: Individuals and households.

Estimated Annual Burden:

a. VA Form 0924a, c, d and VA Form 2900–0925 (SF)—133.3 hours.

b. VA Form 0924n—2.8 hours.

c. VA Form 0924s—16.67.

d. VA Form 0924t—1.25 hours.

e. VA Form 0925b—119 hours.

f. VA Form 0925d—167 hours.

g. VA Form 0926a, b, d, e, g, h—333 hours.

h. VA Form 0926j—67 hours.

i. VA Form 0927a, c, e—65 hours.

j. VA Form 0927f—8 hours.

k. VA Form 0928a, c—14 hours.

l. VA Form 0928h—2.58 hours.

m. VA Form 0928i—.50 hours.

n. VA Form 0928j—1.33 hours.

o. VA0929a, b, c, d, e, f, g, h—116.6 hours.

Estimated Average Burden per Respondent:

a. VA Form 0924a, c, d, and VA Form 2900–0925 (SF)—20 minutes.

b. VA Form 0924n—5 minutes.

c. VA Form 0924s—5 minutes.

d. VA Form 0924t—5 minutes.

e. VA Form 0925b—10 minutes.

f. VA Form 0925d—5 minutes.

g. VA Form 0926a, b, d, e, g, h—20 minutes.

h. VA Form 0926j—5 minutes.

i. VA Form 0927a, c, e—13 minutes.

j. VA Form 0927f—5 minutes.

k. VA Form 0928a, c—7 minutes.

l. VA Form 0928h—5 minutes

m. VA Form 0928i—5 minutes.

n. VA Form 0928j—5 minutes.

o. VA0929a, b, c, d, e, f, g, h—35 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. VA Form 0924a, c, d, and VA Form 2900–0925 (SF)—400.

b. VA Form 0924n—25.

c. VA Form 0924s—200.

d. VA Form 0924t—15.

e. VA Form 0925b—715.

f. VA Form 0925d—2,000.

g. VA Form 0926a, b, d, e, g, h—1,000.

h. VA Form 0926j—800.

i. VA Form 0927a, c, e—300.

j. VA Form 0927f—100.

k. VA Form 0928a, c—120.

l. VA Form 0928h—31.

m. VA Form 0928i—6.

n. VA Form 0928j—16.

o. VA0929a, b, c, d, e, f, g, h—200.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017–23030 Filed 10–23–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Tuesday,

No. 204 October 24, 2017

Part II

The President

Executive Order 13814—Amending Executive Order 13223

Federal Register
Vol. 82, No. 204
Tuesday, October 24, 2017

Presidential Documents

Title 3—

The President

Executive Order 13814 of October 20, 2017

Amending Executive Order 13223

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and in furtherance of the objectives of Proclamation 7463 of September 14, 2001 (Declaration of National Emergency by Reason of Certain Terrorist Attacks), which declared a national emergency by reason of the terrorist attacks of September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks on the United States, and in order to provide the Secretary of Defense additional authority to manage personnel requirements in a manner consistent with the authorization provided in Executive Order 13223 of September 14, 2001 (Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation), it is hereby ordered as follows:

Section 1. *Amendment to Executive Order 13223.* Section 1 of Executive Order 13223 is amended by adding at the end: ''The authorities available for use during a national emergency under sections 688 and 690 of title 10, United States Code, are also invoked and made available, according to their terms, to the Secretary concerned, subject in the case of the Secretaries of the Army, Navy, and Air Force, to the direction of the Secretary of Defense.''

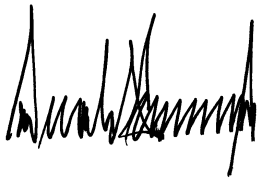
Sec. 2. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department 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.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
October 20, 2017.

[FR Doc. 2017–23270
Filed 10–23–17; 11:15 am]
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S. 178/P.L. 115–70
Elder Abuse Prevention and Prosecution Act (Oct. 18, 2017; 131 Stat. 1208)

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