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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary of Agriculture

7 CFR Part 1

Rules of Practice and Procedure Governing Formal Rulemaking Proceedings Instituted by the Secretary

AGENCY: Office of the Secretary of Agriculture, USDA.

ACTION: Final rule.

SUMMARY: The U.S. Department of Agriculture (USDA) is adopting a final rule to establish rules of practice and procedure governing formal rulemaking proceedings instituted by the Secretary. This final rule applies to rulemakings that are not subject to the rules of practice and procedure for the promulgation of, or an amendment to, marketing orders or research and promotion orders.

DATES: This final rule is effective on December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Rupa Chilukuri, Trial Attorney, Office of the General Counsel, telephone: 202–720–4982, email: *Rupa.Chilukuri@ogc.usda.gov.*

SUPPLEMENTARY INFORMATION: USDA is issuing this final rule to establish rules of practice and procedure for formal rulemakings to implement certain statutes under the Secretary's purview in a new subpart P under 7 CFR part 1.

The Agricultural Marketing Service has rules of practice and procedure to formulate marketing agreements and marketing orders under 7 CFR part 900. Those rules of practice and procedure are applicable to proceedings under the Agricultural Marketing Agreement Act of 1937, as amended (50 Stat. 246). In addition, rules of practice and procedure also exist for proceedings under the Cotton Research and Promotion Act, as amended (7 U.S.C. 2101–2119), the Egg Research and Consumer Information Act, as amended (7 U.S.C. 2701–2718), the Pork Promotion, Research, and Consumer Information Act (7 U.S.C. 4801–4819), and the Potato Research and Promotion Act, as amended (7 U.S.C. 2611–2627). Those rules appear under 7 CFR part 1200.

This new subpart largely reflects language in 7 CFR part 900 and 7 CFR part 1200. For purposes of efficiency and modernization, this subpart also includes: A provision requiring that interested persons notify the Administrator of their intent to participate in the hearing, a provision requiring pre-hearing submissions of direct testimony, and a provision allowing the notice of hearing to include alternative procedures.

5 U.S.C. 553, 601, and 804

This final rule establishes agency rules of practice and procedure. Under the Administrative Procedure Act, prior notice and opportunity for comment are not required for the promulgation of agency rules of practice and procedure. 5 U.S.C. 553(b)(3)(A). Only substantive rules require publication 30 days prior to their effective date. 5 U.S.C. 553(d). Therefore, this final rule is effective upon publication in the **Federal Register**.

Furthermore, under 5 U.S.C. 804, this rule is not subject to congressional review under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121. In addition, because prior notice and opportunity for comment are not required to be provided for this final rule, this rule is exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Executive Orders 12866 and 13563

This rule does not meet the definition of a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563. Because this rule is not a significant regulatory action, it has not been reviewed by the Office of Management and Budget.

Executive Order 13771

Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements of Executive Order 13771. *See* OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs''' (February 2, 2017).

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative proceedings that must be exhausted before parties may file suit in court challenging this rule.

Executive Order 13132

This rule has been reviewed in accordance with the requirements of Executive Order 13132, Federalism. The review reveals that this rule does not contain policies with federalism implications sufficient to warrant federalism consultation under Executive Order 13132.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on tribal governments and would not have significant tribal implications.

Paperwork Reduction Act

This rule contains no information collections or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 1

Administrative practice and procedure.

■ Accordingly, Subpart P is added to Part 1 of Subtitle A of Title 7 of the Code of Federal Regulations to read as follows:

PART 1—ADMINISTRATIVE REGULATIONS

Subpart P—Rules of Practice and Procedure Governing Formal Rulemaking Proceedings Instituted by the Secretary

Sec.

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Authority: Pub. L. 89–554, 80 Stat. 378, 5 U.S.C. 301.

Subpart P—Rules of Practice and Procedure Governing Formal Rulemaking Proceedings Instituted by the Secretary

§ 1.800 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the context may require.

§ 1.801 Scope and applicability of this subpart.

Except for proceedings covered by 7 CFR part 900, and by 7 CFR part 1200, the rules of practice and procedure in this subpart shall be applicable to all formal rulemaking proceedings.

§ 1.802 Definitions.

As used in this subpart:

Administrator means the Administrator of the Agency administering the statute involved, or any officer or employee of the Agency to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act for the Administrator.

Department means the U.S. Department of Agriculture.

Federal Register means the publication provided for by the Federal Register Act, approved July 26, 1935 (44 U.S.C. 1501–1511), and acts supplementing and amending it.

Hearing means that part of the proceeding that involves the submission of evidence.

Hearing clerk means the Hearing Clerk, U.S. Department of Agriculture, Washington, DC

Judge means any administrative law Judge appointed pursuant to 5 U.S.C. 3105 and assigned to conduct the hearing.

Party means:

(1) Any employee or contractor of the Department acting in an official capacity; or

(2) A person who intends to cross examine a witness at the hearing and has notified the person named in the notice of hearing by specified dates of his or her intent to participate in the hearing as a ''party'' pursuant to § 1.804.

Proceeding means a proceeding before the Secretary arising under a statute in which the Secretary uses formal rulemaking procedures as set forth in this subpart.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act for the Secretary.

Witness means any person who:

(1) Has notified the person named in the notice of hearing by the specified date of his or her intent to participate in the hearing as a witness pursuant to § 1.804; and

(2) Who submits written direct testimony on the proposed regulations pursuant to § 1.807; and

(3) Testifies orally at the hearing.

§ 1.803 Institution of proceedings.

(a) *Filing and contents of the notice of hearing.* A proceeding under this subpart shall be instituted by the Secretary or designee through filing the notice of hearing with the hearing clerk.The notice of hearing shall state:

(1) The legal authority under which the rule is proposed.

(2) The scope and nature of the hearing, including witness instructions for testifying, including the means and timing of the submission of pre-hearing documents, and scheduling, as necessary.

(3) The terms or substance of the proposed rule or a description of the subjects and issues involved.

(4) The time and place of such hearing.

(5) The final date for notification of intent to participate as a party or witness in the hearing pursuant to § 1.804.

(6) The person to whom notification of intent to participate as a party or witness is to be provided pursuant to § 1.804, and the means by which such notifications are to be provided.

(7) Any alternative procedures established pursuant to paragraph (d) of this section.

(b) *Giving notice of hearing.* (1) The Administrator shall give or cause to be given notice of hearing in the following manner:

(i) By publication of the notice of hearing in the **Federal Register**.

(ii) By posting of the notice of hearing to the USDA Web site.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by paragraph (b)(1)(i) of this section.

(c) *Record of notice.* A copy of the notice of hearing published in the **Federal Register** pursuant to paragraph (b)(1)(i) of this section shall be filed with the hearing clerk and submitted to the Judge at the hearing.

(d) *Alternative procedures.* The Administrator may establish alternative procedures for the proceeding that are in addition to or in lieu of one or more procedures in this subpart, provided that the procedures are consistent with 5 U.S.C. 556 and 557. The alternative procedures must be described in the notice of hearing, as required in paragraph (a)(7) of this section.

§ 1.804 Notification by interested persons.

(a) Any person desiring to participate as a party or witness at the hearing shall notify the person named in the notice of hearing, as prescribed in the notice of hearing, on or before the date specified in the notice of hearing. A person may be both a party and a witness.

(b) The notification must clearly state whether the interested person is participating at the hearing as a party, witness, or both.

(c) If a party or witness will be participating with or through a representative or counsel, the notification must so state and provide the name of the representative or counsel.

(d) Persons who fail to comply with this section and any specified instructions in the notice of hearing shall be deemed to have waived their right to participate in the hearing. Failure to comply with this section shall result in the exclusion of any filed written testimony.

§ 1.805 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

§ 1.806 Judge.

(a) *Assignment.* No Judge who has any pecuniary interest in the outcome of a proceeding shall serve as Judge in such proceeding.

(b) *Power of Judge.* Subject to review by the Secretary, as provided elsewhere in this subpart, the Judge in any proceeding shall have power to:

(1) Rule upon motions and requests;

(2) Change the time and place of hearings, and adjourn the hearing from time to time or from place to place;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine and cross-examine witnesses and receive evidence;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or law; and

(7) Do all acts and take all measures necessary for the maintenance of order at the hearings and the efficient conduct of the proceeding.

(c) *Who may act in absence of the Judge.* In case of the absence of the Judge or that Judge's inability to act, the powers and duties to be performed by the Judge under this subpart in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other Judge.

(d) *Disqualification of Judge.* The Judge may at any time withdraw as Judge in a proceeding if such Judge deems himself or herself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a Judge, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as the Secretary may deem appropriate in the circumstances.

§ 1.807 Direct testimony submitted as written documents.

Any person desiring to participate as a witness at the hearing shall submit direct testimony as written documents as prescribed by the following:

(a) Direct testimony by a witness, including accompanying exhibits, must be submitted as specified in the notice of the hearing pursuant to § 1.803. Exhibits constituting part of such direct testimony, referred to in the direct testimony and made a part thereof must be attached to the direct testimony. Direct testimony submitted with exhibits must state the issue(s) to which the exhibit relates; if no such statement is made, the Judge, at the hearing, shall determine the relevance of the exhibit to the issues published in the **Federal Register**.

(b) The direct testimony submitted shall contain:

(1) A concise statement of the witness' interest in the proceeding and his or her position regarding the issues presented. If the direct testimony is presented by a witness who is not a party, the witness shall state the witness' relationship to the party on behalf of whom the testimony is proffered; and

(2) Facts that are relevant and material.

(c) Copies of all direct testimony, including accompanying exhibits, must be submitted as prescribed by the notice of hearing.

(d) Upon receipt, direct testimony shall be assigned a number and stamped with that number and the docket number.

§ 1.808 Motions and requests.

(a) *General.* (1) Parties shall file all motions and requests with the hearing clerk except that those made during the course of the hearing may be filed with the Judge or may be stated orally and made a part of the transcript.

(2) Except as provided in § 1.816(b), such motions and requests shall be addressed to, and ruled on by, the Judge if made prior to certification of the transcript pursuant to § 1.811 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The Judge may, in his or her discretion, submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the Judge.

§ 1.809 Conduct of the hearing.

(a) *Time and place.* The hearing shall be held at the time and place established in the notice of hearing. If the Judge subsequently changes the time or place, the Judge shall file a notice of such changes with the hearing clerk, and the Administrator shall give or cause to be given notice in the **Federal Register** in the same manner as provided in § 1.803. If the change in time or place of hearing is made less than five days prior to the date previously established for the hearing, the Judge, either in addition to, or in lieu of, causing the notice of the change to be given, shall announce the change at the time and place previously established for the hearing.

(b) *Appearances*—(1) *Right to appear.* Any interested person shall be given an opportunity to appear, as a witness, with or without, authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding, provided that such interested person complies with §§ 1.804, 1.807, and any alternative procedures included in the hearing notice pursuant to § 1.803. In addition to compliance with any witness instructions set forth in the notice of hearing, any witness who desires to be heard in person at any hearing shall, before proceeding to testify do so under oath or affirmation.

(2) *Appearance with or through counsel or representative.* (i) A witness may appear with counsel or a representative if the witness identifies the counsel or representative in the notification submitted pursuant to § 1.804.

(ii) The counsel or representative shall, before proceeding with the witness testimony, state for the record the authority to act as such counsel or representative, and the names, addresses, and occupations of such counsel or representative.

(iii) The witness or his or her counsel or representative shall give such other information respecting the witness' appearance as the Judge may request.

(3) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before the Judge, such Judge finds that a person, acting as counsel or representative for any party or witness, is guilty of unethical or unprofessional conduct, the Judge may order that such person be precluded from further acting as counsel or representative in such proceeding.

(ii) Except as provided in paragraph (b)(3)(iii) of this section, an appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal.

(iii) In case the Judge has ordered that a person be precluded from further action as counsel or representative in the proceeding, the Judge within a reasonable time thereafter shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Secretary as the Secretary finds to be appropriate.

(4) *Failure to appear.* If any interested person, who complied with §§ 1.804, 1.807, fails to appear at the hearing, that person shall be deemed to have waived the right to be heard in the proceeding and such failure to appear shall result in the exclusion of that person's written testimony.

(c) *Order of procedure.* (1) The Judge shall, at the opening of the hearing prior to the taking of testimony, note as part of the record the notice of hearing as published in the **Federal Register**.

(2) Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the Judge shall announce.

(d) *Evidence*—(1) *General.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

(i) Every witness shall, before proceeding to testify, be sworn or make an affirmation.

(ii) When necessary, in order to prevent undue prolongation of the hearing, the Judge may:

(A) Limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

(B) Limit cross examination of a witness by time, scope, or as appropriate, provided that the Judge announces the time limit at the beginning of the hearing, prior to the taking of testimony.

(iii) The Judge shall exclude from the record evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to any other ruling of the Judge during the hearing, such party shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Judge. The ruling of the Judge on any objection shall be a part of the transcript. Only objections made before the Judge may subsequently be relied upon in the proceeding.

(3) Upon proper motion, the Judge may accept direct testimony submitted pursuant to § 1.807 into evidence without a witness reading the direct testimony into evidence. Such direct testimony shall become a part of the record subject to exclusion of irrelevant and immaterial parts thereof. A party shall be deemed to have waived the right to introduce pre-hearing written direct testimony and documents if such party fails to present a witness to introduce those documents. The witness introducing direct testimony and documents shall do so under oath or affirmation and shall:

(i) State his or her name, address and occupation.

(ii) State qualifications for introducing the direct testimony. If an expert, the witness shall briefly state the scientific or technical training which qualifies the witness as an expert.

(iii) Identify the direct testimony and documents previously submitted pursuant to § 1.807 of this subpart.

(iv) Submit to direct and cross examination determined to be necessary and appropriate by the Judge.

(4) *Cross examination.* For purposes of this section, the Administrator's or his or her representative's interest shall be considered adverse to all parties. The Judge may:

(i) Require the cross-examiner to outline the intended scope of the cross examination, which shall generally be limited to the scope of the direct testimony.

(ii) Prohibit parties from cross-examining witnesses unless the Judge has determined that the cross-examiner has an adverse interest on the facts at issue to the party or witness.

(iii) Limit the number of times any party or parties having a common interest may cross-examine an adverse witness on the same matter.

(5) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the presence of the person who made or prepared the same. The Judge shall exercise discretion in determining whether an official publication of such record or document shall be necessary, or whether a copy would be permissible. If permissible such a copy shall be attested to by the person having legal custody of it, and accompanied by a certificate that such person has the custody.

(6) *Exhibits.* (i) All written statements, documents, charts, tabulations, or data offered into evidence at the hearing shall, after identification by the witness or his or her counsel or representative and upon satisfactory showing of authenticity, relevancy, and materiality, be numbered as exhibits and received in evidence and made a part of the record.

(ii) Such exhibits shall be submitted in quadruplicate and in documentary form.

(7) *Official notice.* (i) Subject to paragraph (d)(7)(ii) of this section, official notice at the hearing may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character.

(ii) Interested persons shall be given an adequate period of time, at the hearing or subsequent to it, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(8) *Offer of proof.* (i) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript.

(ii) The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement, it shall be inserted into the transcript; if the evidence consists of an exhibit(s), it shall be inserted into the record for the purpose of an offer of proof. In such event, it shall be considered a part of the record if the Secretary determines that the Judge's ruling in excluding the evidence was erroneous.

(iii) The Judge shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In such event, if the Secretary determines that the Judge erred in excluding the evidence, and that such error was substantial, the hearing may be reopened to permit the taking of such evidence.

§ 1.810 Oral and written arguments.

(a) *Oral argument before the Judge.* Oral argument before the Judge shall be in the discretion of the Judge. Such argument, when permitted, may be limited by the Judge to any extent that the Judge finds necessary for the expeditious disposition of the proceeding and shall be made part of the transcript.

(b) *Briefs, proposed findings, and conclusions.* (1) The Judge shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears.

(2) Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the rule.

(3) If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the Judge, as provided in § 1.809(d), that person shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

§ 1.811 Certification of the transcript.

(a) The Judge shall notify the hearing clerk of the close of a hearing and of the time for filing transcript corrections, written arguments, briefs, proposed findings, and proposed conclusions.

(b)(1) After the hearing, the Administrator, shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file with the hearing clerk.

(2) The Judge shall attach to the original transcript of the testimony a certificate stating that, to the best of the

Judge's knowledge and belief, the transcript is a true transcript of the testimony given at the hearing, except in such particulars as the Judge shall specify, and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as the Judge shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony.

(3) In accordance with such certificate the hearing clerk shall note upon the official record copy, and cause to be noted on other copies of the transcript, each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the Judge.

(4) The hearing clerk shall obtain and file certifications to the effect that such corrections have been effectuated in copies other than the official record copy.

§ 1.812 Copies of the transcript.

(a) During the period in which the proceeding has an active status in the Department, a copy of the transcript and exhibits shall be kept on file with the hearing clerk where it shall be available for examination during official hours of business. Thereafter the transcript and exhibits shall be made available by the hearing clerk for examination during official hours of business after prior request and reasonable notice to the hearing clerk.

(b) A copy of the transcripts of the hearing shall be made available to any person at actual cost of duplication.

§ 1.813 Administrator's recommended decision.

(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions the Administrator shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Administrator's recommended decision shall include:

(1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law and proposed findings and conclusions about such issues, including the reasons or basis for such proposed findings.

(2) A ruling upon proposed findings or conclusions submitted by interested persons.

(3) An appropriate proposed rule effectuating the Administrator's recommendations.

(c) *Exceptions to recommended decision.* (1) Immediately following the filing of the recommended decision, the Administrator shall give notice thereof and opportunity to file exceptions thereto by publication in the **Federal Register**.

(2) Within the period of time specified in such notice, any interested person may file with the hearing clerk exceptions to the Administrator's proposed rule and a brief in support of such exceptions.

(3) Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript, and may suggest appropriate changes in the proposed rule.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of the Secretary's functions imperatively and unavoidably requires such omission.

§ 1.814 Submission to Secretary.

(a) Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding.

(b) Such record shall include:

(1) All motions and requests filed with the hearing clerk and rulings thereon.

(2) The certified transcript.

(3) Any proposed findings or conclusions or written arguments or briefs that may have been filed.

(4) The Administrator's recommended decision, if any.

(5) Filed exceptions.

§ 1.815 Decision by the Secretary.

After due consideration of the record, the Secretary shall render a decision. Such decision shall become a part of the record and shall include:

(a) A statement of findings and conclusions, including the reasons or basis for such findings, upon all the material issues of fact or law presented on the record.

(b) A ruling upon proposed findings and proposed conclusions not previously ruled upon in the record.

(c) A ruling upon exceptions filed by interested persons.

(d) Either a denial of the proposal to issue a rule, or, if the findings upon the record so warrant, a rule, the provisions of which shall be set forth and such rule shall be complete.

§ 1.816 Filing, extension of time, effective date of filing, and computation of time.

(a) *Number of copies.* Except as provided otherwise, all documents or papers required or authorized by the foregoing provisions hereof to be filed with the hearing clerk shall be filed in quadruplicate. Any documents or papers so required or authorized to be filed with the hearing clerk shall be filed with the Judge during the course of an oral hearing.

(b) *Extension of time.* (1) The time for filing of any document or paper required or authorized by the foregoing provisions to be filed may be extended by the Judge (before the record is so certified by the Judge) or by the Administrator (after the record is so certified by the Judge but before it is transmitted to the Secretary), or by the Secretary (after the record is transmitted to the secretary) upon request filed, and if, in the judgment of the Judge, Administrator, or the Secretary, as the case may be, there is good reason for the extension.

(2) All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

(c) *Effective date of filing.* Any document or paper required or authorized in this subpart to be filed shall be deemed to be filed at the time it is received by the Hearing Clerk.

(d) *Computation of time.* (1) Each day, including Saturdays, Sundays, and legal public holidays, shall be included in computing the time allowed for filing any document or paper.

(2) That when the time for filing a document or paper expires on a Saturday, Sunday, or legal public holiday, the time allowed for filing the document or paper shall be extended to include the following business day.

§ 1.817 Ex parte communications.

(a) For the purposes of this section, ex parte communication means any oral or written communication not on the public record with respect to which reasonable prior notice to all interested parties is not given, but which shall not include requests for status reports (including requests on procedural matters) on a proceeding.

(b) At no stage of the proceeding following the issuance of a notice of hearing and prior to the issuance of the Secretary's decision thereon shall an employee of the Department who is or may reasonably be expected to be involved in the decision process of the proceeding discuss ex parte the merits of the proceeding with any person having an interest in the proceeding or with any representative of such person. This prohibition does not include communications about:

(1) Procedural matters and status reports.

(2) The merits of the proceeding if all parties known to be interested in the proceeding have been given notice and an opportunity to participate. A memorandum of any such discussion shall be included in the record of the proceeding.

(c) No interested person outside the Department shall make or knowingly cause to be made to an employee of the Department who is or may reasonably be expected to be involved in the decisional process of the proceeding, an ex parte communication relevant to the merits of the proceeding except as provided in paragraph (a) of this section.

(d) If an employee of the Department who is or may reasonably be expected to be involved in the decisional process of the proceeding receives or makes or knowingly causes to be made a communication prohibited by this section, the Department shall place on the public record of the proceeding:

(1) All such written communications;

(2) Memoranda stating the substance of all such oral communications; and

(3) All written responses, and memoranda, stating the substance of all oral responses thereto.

(e) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this section, the Department may, to the extent consistent with the interest of justice and the policy of the underlying statute, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(f) This section does not constitute authority to withhold information from Congress.

§ 1.818 Additional documents to be filed with hearing clerk.

In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for filing and shall have custody of all papers, reports, records, orders, and other documents which relate to the administration of any order and which the Secretary is required to issue or to approve.

§ 1.819 Hearing before Secretary.

(a) The Secretary may act in the place and stead of a Judge in any proceeding herein. When the Secretary so acts, the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions, and orders, and the Secretary shall then, after due consideration of the record, issue the final decision in the proceeding.

(b) The Secretary may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

Stephen Alexander Vaden,

Principal Deputy General Counsel, Office of the General Counsel.

[FR Doc. 2017–23877 Filed 11–2–17; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–472]

Schedules of Controlled Substances: Temporary Placement of FUB–AMB Into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Temporary amendment; temporary scheduling order.

SUMMARY: The Administrator of the Drug Enforcement Administration is issuing this temporary scheduling order to schedule the synthetic cannabinoid, methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate [FUB–AMB, MMB–FUBINACA, AMB–FUBINACA], and its optical, positional, and geometric isomers, salts, and salts of isomers into schedule I. This action is based on a finding by the Administrator that the placement of this synthetic cannabinoid into schedule I of the Controlled Substances Act is necessary to avoid an imminent hazard to the public safety. As a result of this order, the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances will be imposed on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle, FUB–AMB.

DATES: This temporary scheduling order is effective November 3, 2017, until November 4, 2019. If this order is extended or made permanent, the DEA will publish a document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Legal Authority

Section 201 of the Controlled Substances Act (CSA), 21 U.S.C. 811, provides the Attorney General with the authority to temporarily place a substance into schedule I of the CSA for two years without regard to the requirements of 21 U.S.C. 811(b) if he finds that such action is necessary to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h)(1). In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1), the Attorney General may extend the temporary scheduling [1] for up to one year. 21 U.S.C. 811(h)(2).

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under section 202 of the CSA, 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 355. 21 U.S.C. 811(h)(1). The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

Background

Section 201(h)(4) of the CSA 21 U.S.C. 811(h)(4), requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of his intention to temporarily place a substance into schedule I of the CSA.[2] The Acting Administrator transmitted notice of his intent to place FUB–AMB into schedule I on a temporary basis to the Assistant Secretary for Health by letter dated May 19, 2017. The Assistant Secretary responded to this notice by letter dated June 9, 2017, and advised that based on a review by the Food and Drug Administration (FDA), there were no active investigational new drug applications or approved new drug

[1] Though DEA has used the term ''final order'' with respect to temporary scheduling orders in the past, this notification adheres to the statutory language of 21 U.S.C. 811(h), which refers to a ''temporary scheduling order.'' No substantive change is intended.

[2] As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the Department of Health and Human Service (HHS) in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

applications for FUB–AMB. The Assistant Secretary also stated that the HHS has no objection to the temporary placement of FUB–AMB into schedule I of the CSA. The DEA has taken into consideration the Assistant Secretary's comments as required by 21 U.S.C. 811(h)(4). FUB–AMB is not currently listed in any schedule under the CSA, and no exemptions or approvals are in effect for FUB–AMB under section 505 of the FDCA, 21 U.S.C. 355. The DEA has found that the control of FUB–AMB in schedule I on a temporary basis is necessary to avoid an imminent hazard to the public safety, and as required by 21 U.S.C. 811(h)(1)(A), a notice of intent to temporarily schedule FUB–AMB was published in the **Federal Register** on September 11, 2017. 82 FR 42624.

To find that placing a substance temporarily into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA, 21 U.S.C. 811(c): The substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. 811(h)(3). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. 811(h)(3).

A substance meeting the statutory requirements for temporary scheduling may only be placed in schedule I. 21 U.S.C. 811(h)(1). Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C. 812(b)(1).

Available data and information for FUB–AMB, summarized below, indicate that this synthetic cannabinoid (SC) has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. The DEA's three-factor analysis and the Assistant Secretary's June 9, 2017 letter are available in their entirety under the tab ''Supporting Documents'' of the public docket of this action at *www.regulations.gov* under FDMS Docket ID: DEA–2017–0010 (Docket Number DEA–472).

FUB–AMB

The illicit use of the synthetic cannabinoid (SC) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (Street names: FUB–AMB, MMB–FUBINACA, AMB–FUBINACA) has dramatically increased over the past 12 months posing an imminent threat to public safety.

Synthetic Cannabinoids

SCs are substances synthesized in laboratories that mimic the biological effects of delta-9-tetrahydrocannabinol (THC), the main psychoactive ingredient in marijuana. It is believed that SCs were first introduced on the designer drug market in several European countries as ''herbal incense'' before the initial encounter in the United States by U.S. Customs and Border Protection (CBP) in November 2008. From 2009 to the present, misuse and abuse of SCs has increased in the United States with law enforcement encounters describing SCs applied onto plant material and in designer drug products intended for human consumption. It has been demonstrated that the substances and the associated designer drug products are abused for their psychoactive properties. With many generations of SCs having been encountered since 2009, FUB–AMB is one of the latest, and the abuse of these substances is negatively impacting communities.

As observed by the DEA and CBP, SCs originate from foreign sources, such as China. Bulk powder substances are smuggled via common carrier into the United States and find their way to clandestine designer drug product manufacturing operations located in residential neighborhoods, garages, warehouses, and other similar destinations throughout the country. According to online discussion boards and law enforcement encounters, applying by spraying or mixing the SCs with plant material provides a vehicle for the most common route of administration—smoking (using a pipe, a water pipe, or rolling the drug-laced plant material in cigarette papers).

FUB–AMB has no accepted medical use in the United States. Use of this specific SC has been reported (see factor 6) to result in adverse effects in humans. Use of other SCs has resulted in signs of addiction and withdrawal and based on the similar pharmacological profile of FUB–AMB, it is believed that there will be similar observed adverse effects.

FUB–AMB is a SC that has pharmacological effects similar to the Schedule I hallucinogen THC and other temporarily and permanently controlled Schedule I synthetic cannabinoid substances. In addition, the misuse of FUB–AMB has been associated with multiple overdoses requiring emergency medical intervention (see factor 6). With no approved medical use and limited safety or toxicological information, FUB–AMB has emerged on the designer drug market, and the abuse of this substance for its psychoactive properties is concerning.

Factor 4. History and Current Pattern of Abuse

Synthetic cannabinoids have been developed by researchers over the last 30 years as tools for investigating the endocannabinoid system, (*e.g.* determining CB1 and CB2 receptor activity). The first encounter of SCs within the United States occurred in November 2008 by CBP. Since then the popularity of SCs and their associated products has increased steadily as evidenced by law enforcement seizures, public health information, and media reports. FUB–AMB was originally encountered in 2014, but has since seen a large increase in its illicit use. The misuse of FUB–AMB has been associated with multiple overdoses involving emergency medical intervention.

Research and clinical reports have demonstrated that SCs are applied onto plant material so that the material may be smoked as users attempt to obtain a euphoric and/or psychoactive ''high,'' believed to be similar to marijuana. Data gathered from a published study, and supplemented by discussions on Internet Web sites, demonstrate that these products are being abused mainly by smoking for their psychoactive properties. The adulterated products are marketed as ''legal'' alternatives to marijuana. In recent overdoses, FUB–AMB has been encountered in the form of herbal products, similar to the SCs that have been previously available.

The powder form of SCs is typically dissolved in solvents (*e.g.,* acetone) before being applied to plant material or dissolved in a propellant intended for use in electronic cigarette devices. Law enforcement personnel have encountered various application methods including buckets or cement mixers in which plant material and one or more SCs are mixed together, as well as large areas where the plant material is spread out so that a dissolved SC mixture can be applied directly. Once mixed, the SC plant material is then allowed to dry before manufacturers package the product for distribution, ignoring any control mechanisms to prevent contamination or to ensure a consistent, uniform concentration of the substance in each package. Adverse health consequences may also occur from directly ingesting the drug during the manufacturing process. FUB–AMB, similar to other SCs, has been encountered in the form of dried leave or herbal blends.

The designer drug products laced with SCs, including FUB–AMB, are often sold under the guise of ''herbal incense'' or ''potpourri,'' use various product names, and are routinely labeled ''not for human consumption.'' Additionally, these products are marketed as a ''legal high'' or ''legal alternative to marijuana'' and are readily available over the Internet, in head shops, or sold in convenience stores. There is an incorrect assumption that these products are safe, that they are a synthetic form of marijuana, and that labeling these products as ''not for human consumption'' is a legal defense to criminal prosecution.

It is believed most abusers of SCs or SC-related products are smoking the product following application to plant material. Law enforcement has also begun to encounter new variations of SCs in liquid form. It is believed abusers have been applying the liquid to hookahs or ''e-cigarettes,'' which allows the user to administer a vaporized liquid that can be inhaled.

Factor 5. Scope, Duration and Significance of Abuse

SCs including FUB–AMB continue to be encountered on the illicit market regardless of scheduling actions that attempt to safeguard the public from the adverse effects and safety issues associated with these substances. Novel substances are encountered each month, differing only by small modifications intended to avoid prosecution while maintaining the pharmacological effects. Law enforcement and health care professionals continue to report the abuse of these substances and their associated products.

As described by the National Institute on Drug Abuse (NIDA), many substances being encountered in the illicit market, specifically SCs, have been available for years but have reentered the marketplace due to a renewed popularity. The threat of serious injury to the individual following the ingestion of FUB–AMB and other SCs persists.

The following information details information obtained through NFLIS [3] (queried on May 16, 2017), including dates of first encounter, exhibits/reports, and locations.

FUB–AMB: NFLIS–6,522 reports, first encountered in June 2014, locations include: Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin and Wyoming.

Factor 6. What, if Any, Risk There Is to the Public Health

FUB–AMB has been identified in overdose cases attributed to its abuse. Adverse health effects reported from these incidents involving FUB–AMB have included: Nausea, persistent vomiting, agitation, altered mental status, seizures, convulsions, loss of consciousness, and cardiotoxicity. By sharing pharmacological similarities with Schedule I substances (Δ9–THC, JWH–018 and other temporarily and permanently controlled schedule I SCs), SCs pose a risk to the abuser. While these adverse effects have been shown by a variety of SCs, similar concerns remain regarding the welfare of the user as it relates to abuse of products laced with FUB–AMB. The risk of adverse health effects is further increased by the fact that similar products vary in the composition and concentration of SCs applied on the plant material.

Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information summarized above, the continued uncontrolled manufacture, distribution, importation, exportation, conduct of research and chemical analysis, possession, and abuse of FUB–AMB poses an imminent hazard to the public safety. The DEA is not aware of any currently accepted medical uses for FUB–AMB in the United States. A substance meeting the statutory requirements for temporary scheduling, 21 U.S.C. 811(h)(1), may only be placed in schedule I. Substances in Schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for FUB–AMB indicate that this SC has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. As required by section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), the Administrator, through a letter dated May 19, 2017, notified the Assistant Secretary of the DEA's intention to temporarily place FUB–AMB in Schedule I.

A notice of intent was subsequently published in the **Federal Register** on September 11, 2017. 82 FR 42624.

Conclusion

In accordance with the provisions of section 201(h) of the CSA, 21 U.S.C. 811(h), the Administrator considered available data and information, and herein set forth the grounds for his determination that it is necessary to temporarily schedule methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate [FUB–AMB, MMB–FUBINACA, AMB–FUBINACA] into schedule I of the CSA to avoid an imminent hazard to the public safety.

Because the Administrator hereby finds it necessary to temporarily place this SC into schedule I of the CSA to avoid an imminent hazard to the public safety, this temporary order scheduling this substance is effective on the date of publication in the **Federal Register,** and is in effect for a period of two years, with a possible extension of one additional year, pending completion of the regular (permanent) scheduling process. 21 U.S.C. 811(h)(1) and (2).

The CSA sets forth specific criteria for scheduling a drug or other substance. Permanent scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures done ''on the record after opportunity for a hearing'' conducted pursuant to the provisions of 5 U.S.C. 556 and 557. 21 U.S.C. 811. The permanent scheduling process of formal rulemaking affords interested parties with appropriate process and the government with any additional relevant information needed to make a determination. Final decisions that conclude the permanent scheduling process of formal rulemaking are subject to judicial review. 21 U.S.C. 877. Temporary scheduling orders are not subject to judicial review. 21 U.S.C. 811(h)(6).

Requirements for Handling

Upon the effective date of this final order, FUB–AMB will be subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, engagement in research, and conduct of instructional activities or chemical analysis with, and possession of schedule I controlled substances including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, imports, exports,

[3] The National Forensic Laboratory Information System (NFLIS) is a national drug forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by state and local forensic laboratories in the United States.

engages in research, or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, FUB–AMB must be registered with the DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312, as of November 3, 2017. Any person who currently handles FUB–AMB and is not registered with the DEA, must submit an application for registration and may not continue to handle FUB–AMB as of November 3, 2017, unless the DEA has approved that application for registration. Retail sales of schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity of this substance in a manner not authorized by the CSA on or after November 3, 2017 is unlawful and those in possession of any quantity of this substance may be subject to prosecution pursuant to the CSA.

2. *Disposal of stocks.* Any person who does not desire or is not able to obtain a schedule I registration to handle FUB–AMB must surrender all quantities of currently held FUB–AMB.

3. *Security.* FUB–AMB is subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, 871(b), and in accordance with 21 CFR 1301.71–1301.93, as of November 3, 2017.

4. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of FUB–AMB must be in compliance with 21 U.S.C. 825, 958(e), and be in accordance with 21 CFR part 1302. Current DEA registrants shall have 30 calendar days from November 3, 2017, to comply with all labeling and packaging requirements.

5. *Inventory.* Every DEA registrant who possesses any quantity of FUB–AMB on the effective date of this order, must take an inventory of all stocks of this substance on hand, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. Current DEA registrants shall have 30 calendar days from the effective date of this order to be in compliance with all inventory requirements. After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including FUB–AMB) on hand on a biennial basis, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records.* All DEA registrants must maintain records with respect to FUB–AMB pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR parts 1304 and 1312, 1317 and § 1307.11. Current DEA registrants authorized to handle FUB–AMB shall have 30 calendar days from the effective date of this order to be in compliance with all recordkeeping requirements.

7. *Reports.* All DEA registrants who manufacture or distribute FUB–AMB must submit reports pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312 as of November 3, 2017.

8. *Order Forms.* All DEA registrants who distribute FUB–AMB must comply with order form requirements pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305 as of November 3, 2017.

9. *Importation and Exportation.* All importation and exportation of FUB–AMB must be in compliance with 21 U.S.C. 952, 953, 957, 958, and in accordance with 21 CFR part 1312 as of November 3, 2017.

10. *Quota.* Only DEA registered manufacturers may manufacture FUB–AMB in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303 as of November 3, 2017.

11. *Liability.* Any activity involving FUB–AMB not authorized by, or in violation of the CSA, occurring as of November 3, 2017, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Matters

Section 201(h) of the CSA, 21 U.S.C. 811(h), provides for a temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety. As provided in this subsection, the Attorney General may, by order, schedule a substance in schedule I on a temporary basis. Such an order may not be issued before the expiration of 30 days from (1) the publication of a notice in the **Federal Register** of the intention to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary. 21 U.S.C. 811(h)(1).

Inasmuch as section 201(h) of the CSA directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, the DEA believes that the notice and comment requirements of the Administrative Procedure Act (APA) at 5 U.S.C. 553, do not apply to this temporary scheduling action. In the alternative, even assuming that this action might be subject to 5 U.S.C. 553, the Administrator finds that there is good cause to forgo the notice and comment requirements of section 553, as any further delays in the process for issuance of temporary scheduling orders would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety.

Further, the DEA believes that this temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget.

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA) is inapplicable, as it applies only to rules. However, if this were a rule, pursuant to the CRA, ''any rule for which an agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the federal agency promulgating the rule determines.'' 5 U.S.C. 808(2). It is in the public interest to schedule this substance immediately to avoid an imminent hazard to the public safety. This temporary scheduling action is taken pursuant to 21 U.S.C. 811(h), which is specifically designed to enable the DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h) exempts the temporary scheduling order from standard notice and comment rulemaking procedures to ensure that the process moves swiftly. For the same reasons that underlie 21 U.S.C. 811(h), that is, the need to move quickly to place this substance into schedule I because it poses an imminent hazard to public safety, it would be contrary to the public interest to delay implementation of the temporary scheduling order. Therefore, this order

shall take effect immediately upon its publication.

The DEA has submitted a copy of this temporary order to both Houses of Congress and to the Comptroller General, although such filing is not required under the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act), 5 U.S.C. 801–808, because as noted above, this action is an order, not a rule.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, the DEA amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. Amend § 1308.11 by adding paragraph (h)(18) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(h) * * *

(18) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: FUB–AMB, MMB–FUBINACA, AMB–FUBINACA) (7021)

* * * * *

Dated: October 27, 2017.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2017–24010 Filed 11–2–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0979]

Drawbridge Operation Regulation; Kent Island Narrows, Grasonville, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the U.S. Route 50/301 (Kent Narrows) Bridge across the Kent Island Narrows, mile 1.0, at Grasonville, MD. The deviation is necessary to facilitate a routine inspection. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 9 a.m. on November 7, 2017, to 3 p.m. on November 9, 2017.

ADDRESSES: The docket for this deviation [USCG–2017–0979] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Mickey Sanders, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6587, email *Mickey.D.Sanders2@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Maryland State Highway Administration, owner and operator of the U.S. Route 50/301 (Kent Narrows) Bridge across the Kent Island Narrows, mile 1.0, at Grasonville, MD, has requested a temporary deviation from the current operating schedule to accommodate a routine inspection. The bridge has a vertical clearance of 18 feet above mean high water (MHW) in the closed position.

The current operating schedule is set out in 33 CFR 117.561. Under this temporary deviation, the bridge will require 30 minutes advanced notice to open from 9 a.m. on November 7, 2017, to 3 p.m. on November 9, 2017.

The Kent Island Narrows is used by a variety of vessels including small commercial vessels, recreational vessels and tug and barge traffic. The Coast Guard has carefully coordinated the restrictions with waterway users in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so if at least 15 minutes notice is given. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by this temporary deviation.

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

Dated: October 31, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017–24028 Filed 11–2–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 61 and 62

RIN 2900–AQ07

Homeless Veterans

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations that govern homeless veterans to conform to recent statutory requirements. VA is amending the definition of homeless veterans by including veterans who would otherwise be ineligible to receive certain benefits because of their length of service or type of discharge from the Armed Forces. This rule will also increase the payment of per diem in cases where homeless veterans are placed in transitional housing that will become permanent housing. This final rule is an essential part of VA's attempts to eliminate homelessness among the veteran population.

DATES: This final rule is effective December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Guy Liedke, *guy.liedke@va.gov,* Program Analyst, Grant/Per Diem Program, (673/GPD), VA National Grant and Per Diem Program Office, 10770 N. 46th Street, Suite C–200, Tampa, FL 33617, (877) 332–0334. (This is a toll-free number.)

SUPPLEMENTARY INFORMATION: In an effort to reduce homelessness in the veteran population, Congress has required VA to expand its definition of veteran as it applies to benefits for homeless veterans. See Public Law 114–315, sec. 701, 702, and 703 (Dec. 16, 2016). This new definition will remove restrictions on length of military service for a homeless veteran receiving certain benefits from VA, as well as authorize certain benefits for veterans with types of discharges from the Armed Forces that would normally bar an individual from receiving VA benefits. Congress also required VA to increase the per diem payments for transitional housing assistance that will become permanent housing for homeless veterans. See Public Law 114–315, sec. 711 (Dec. 16,

2016). This increase will compensate for the increase in operational costs associated with transitional housing assistance. This final rule amends VA's Homeless Providers Grant and Per Diem Program regulations, at title 38 Code of Federal Regulations (CFR) sections 61.1, and 61.33, and Supportive Services for Veteran Families Program regulation at 38 CFR 62.2, to accurately reflect these changes in law.

61.1 Definitions

Section 61.1 defines the terms that apply to the VA Homeless Providers Grant and Per Diem Program. VA defines the term veteran as ''a person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable.'' We are amending the definition of veteran, as it applies to this part, to now state that a veteran is a person who served in the active military, naval, or air service, regardless of length of service, and who was discharged or released therefrom. The definition excludes a person who received a dishonorable discharge from the Armed Forces or was discharged or dismissed from the Armed Forces by reason of the sentence of a general court-martial. This definition will also incorporate section 703 of the Public Law by clarifying that ''the length of service restrictions under 38 U.S.C. 5303A do not apply.'' VA similarly defines the term veteran in § 62.2 for the Supportive Services for Veteran Families Program (SSVF). We are amending the definition of veteran in § 62.2, as it applies to part 62, to mirror the new definition of veteran in § 61.1. These amendments are made to implement sections 701, 702, and 703 of Public Law 114–315.

61.33 Payment of Per Diem

Section 61.33 provides for the payment of per diem for the VA Homeless Providers Grant and Per Diem Program. Paragraph (b) establishes the rate of payments for service to individual veterans. We are amending § 61.33 to revise paragraph (b) introductory text and add a new paragraph (b)(3) to state that for a veteran who is placed in housing that will become permanent housing for that veteran on termination of supportive housing services, the rate of payment will be the lesser of 150 percent of the current VA state home program per diem rate for domiciliary care, as set by the Secretary under 38 U.S.C. 1741(a)(1) or the daily cost of care estimated pursuant to paragraph (b)(1) of the section. We are making these changes to implement section 711 of Public Law 114–315.

Administrative Procedure Act

This final rule implements the mandates of sections 701, 702, 703 and 711 of Public Law 114–315. Section 705 of Public Law 114–315 mandates that VA have regulations in place to implement sections 701–704 of the law no later than 270 days after the enactment of the Public Law, which is September 12, 2017. Similarly, section 706 states ''This subtitle and the amendments made by this subtitle shall apply to individuals seeking benefits under chapter 20 of title 38, United States Code, before, on, and after the date of the enactment of this Act.'' VA has been applying the mandates of the Public Law, to include section 711, since its enactment on December 16, 2016, with no adverse impact and is merely codifying the Public Law into regulation. Accordingly, because this rule simply incorporates current statutory requirements, it is exempt from the prior notice-and-comment and delayed-effective-date requirements, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3).

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this final 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 final rule will directly affect only those small entities who seek to participate in the VA Homeless Providers Grant and Per Diem Program or SSVF. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking would be exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

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,'' requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, 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 regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

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 one year. This final 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 for this final rule are as follows: 64.024 VA Homeless Providers Grant and Per Diem Program; 64.033 VA Supportive Services for Veteran Families Program.

List of Subjects

38 CFR Part 61

Administrative practice and procedure, Alcohol abuse, Alcoholism, Day care, Dental health, Drug abuse, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Mental health programs, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

38 CFR Part 62

Administrative practice and procedure, Day care, Disability benefits, Government contracts, Grant programs—health, Grant programs—social services, Grant programs—transportation, Grant programs—veterans, Grants—housing and community development, Heath care, Homeless, Housing, Housing assistance payments, Indian—lands, Individuals with disabilities, Low and moderate income housing, Manpower training program, Medicare, Medicaid, Public assistance programs, Public housing, Relocation assistance, Rent subsidies, Reporting and recordkeeping requirements, Rural areas, Social security, Supplemental security income (SSI), Travel and transportation expenses, Unemployment compensation, Veterans.

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 October 2, 2017, for publication.

Dated: October 31, 2017.

Michael Shores,

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

For the reasons set forth in the preamble, we are amending 38 CFR parts 61 and 62 as follows:

PART 61—VA HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM

■ 1. The authority citation for part 61 continues to read as follows:

Authority: 38 U.S.C. 501, 2001, 2002, 2011, 2012, 2061, 2064.

■ 2. Amend § 61.1 by revising the definition of ''Veteran'' to read as follows:

§ 61.1 Definitions.

* * * * *

Veteran means a person who served in the active military, naval, or air service, regardless of length of service, and who was discharged or released therefrom. Veteran excludes a person who received a dishonorable discharge from the Armed Forces or was discharged or dismissed from the Armed Forces by reason of the sentence of a general court-martial. The length of service restrictions under 38 U.S.C. 5303A do not apply.

* * * * *

■ 3. Amend § 61.33 by revising paragraph (b) introductory text and adding paragraph (b)(3) to read as follows:

§ 61.33 Payment of per diem.

* * * * *

(b) *Rate of payments for individual veterans.* Except as provided in paragraph (b)(3) of this section, the rate of per diem for each veteran in supportive housing shall be the lesser of:

* * * * *

(3) For a veteran who is placed in housing that will become permanent housing for that veteran upon termination of supportive housing services, the rate of payment shall be the lesser of 150 percent of the current VA state home program per diem rate for domiciliary care, as set by the Secretary under 38 U.S.C. 1741(a)(1) or the daily cost of care estimated pursuant to paragraph (b)(1) of this section.

* * * * *

PART 62—SUPPORTIVE SERVICES FOR VETERAN FAMILIES PROGRAM

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

Authority: 38 U.S.C. 501, 2044, and as noted in specific sections.

■ 5. Amend § 62.2 by revising the definition of ''Veteran'' to read as follows:

§ 62.2 Definitions.

* * * * *

Veteran means a person who served in the active military, naval, or air service, regardless of length of service, and who was discharged or released therefrom. Veteran excludes a person who received a dishonorable discharge from the Armed Forces or was discharged or dismissed from the Armed Forces by reason of the sentence of a general court-martial. The length of service restrictions under 38 U.S.C. 5303A do not apply.

* * * * *

[FR Doc. 2017–23945 Filed 11–2–17; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FRL–9970–25–OP]

Final Report on Review of Agency Actions That Potentially Burden the Safe, Efficient Development of Domestic Energy Resources Under Executive Order 13783

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final report; notification of availability.

SUMMARY: The EPA is announcing the availability of its *Final Report on Review of Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources Under Executive Order 13738.*

DATES: November 3, 2017.

FOR FURTHER INFORMATION CONTACT: Samantha Dravis, Office of Policy, Mail Code 1803–A, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Telephone: 202–564–4332; email address: *PolicyOffice@epa.gov.*

SUPPLEMENTARY INFORMATION: On March 28, 2017, President Trump signed Executive Order 13783, Promoting Energy Independence and Economic Growth. The Executive Order establishes a national policy to promote the clean and safe development of domestic energy resources while avoiding unnecessary regulatory burdens. It directs federal agencies to ''review all existing regulations, orders,

guidance documents, policies, and any other similar agency actions (collectively, ''agency actions'') that potentially burden the development or use of domestically produced energy resources[.]'' [1] The Executive Order also orders the EPA to review specific rules. As part of E.O. 13783, agencies are to develop a report detailing this review that includes recommendations for reducing unnecessary regulatory burdens. The EPA's final report is available at *https://www.epa.gov/laws-regulations/regulatory-reform.*

Dated: October 30, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–23988 Filed 11–2–17; 8:45 am]

BILLING CODE 6560–50–P

[1] 82 FR 16093 (Mar. 28, 2017).

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 13–249; FCC 17–119]

Revitalization of the AM Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends certain Commission rules applying to AM broadcast stations using directional antenna arrays. AM directional antenna arrays are multiple-tower installations designed to direct radio energy primarily in certain directions in order to avoid interfering with other AM broadcast stations. Approximately 40 percent of all AM broadcasters use directional arrays during some part of the broadcast day. These rule amendments are intended to decrease the burdens and expense of installing and maintaining directional arrays, especially for AM broadcasters using Method of Moments (MoM) modeling for proofs of performance of their directional arrays.

DATES: Effective December 4, 2017, except for the amendments to 47 CFR 73.151(c)(1)(ix) and (x) and (c)(3), 47 CFR 73.154(a), and 47 CFR 73.155, which contain new or modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), and which will become effective after the Commission publishes a document in the **Federal Register** announcing such approval and the relevant effective date.

FOR FURTHER INFORMATION CONTACT: Peter Doyle, Chief, Media Bureau, Audio Division, (202) 418–2700 or *Peter.Doyle@fcc.gov;* Thomas Nessinger, Senior Counsel, Media Bureau, Audio Division, (202) 418–2700 or *Thomas.Nessinger@fcc.gov.*

For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams at 202–418–2918, or via the Internet at *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Third Report and Order (Third R&O), FCC 17–119, adopted September 22, 2017, and released September 25, 2017. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, 445 Twelfth Street SW., Room CY–A257, Portals II, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Paperwork Reduction Act of 1995 Analysis

The Third R&O contains new and modified information collection requirements subject to the PRA (Pub. L. 104–13, 109 Stat 163 (1995) (codified in 44 U.S.C. 3501–3520)). It will be submitted to the OMB for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding in a separate **Federal Register** notice.

Synopsis

1. In the Third R&O, the Commission adopted many of the proposals set forth in the Further Notice of Proposed Rule Making in this proceeding (FCC 15–142, 30 FCC Rcd 12145 (2015)) (AMR FNPRM). Specifically, the Commission modified the partial proof of performance rules to reduce the expense and burden of such proofs, and made a number of changes to the rules and policies surrounding Method of Moments (MoM) modeling, also to reduce burdens on broadcasters using AM directional antenna arrays.

2. Partial proof of performance measurements are currently required for AM stations using directional antennas whenever the licensee has reason to believe that the radiated fields may be exceeding the limits for which the station is authorized. Such measurements are also required whenever minor directional antenna system repairs are made that result in certain changes to the station's licensed operating parameters. Some commenters, in response to the original Notice of Proposed Rule Making in this proceeding (FCC 13–139, 28 FCC Rcd 15221 (2013)) (AMR NPRM) requested that the current rule governing partial proof of performance field strength measurements for AM directional antenna arrays, 47 CFR 73.154, be modified to require measurements only on radials containing a monitoring point. Currently, the rule requires field strength measurements on radials from the latest complete field strength proof of performance that are adjacent to the monitored radials, if the array has fewer than four monitored radials, in addition to measurements on monitored radials. Commenters claimed that eliminating the requirement to take measurements on non-monitored radials will reduce the cost to maintain AM directional antenna systems without affecting authorized service. The Commission proposed in the AMR FNPRM to require measurements only on radials containing a monitoring point.

3. The Commission adopted the rule change as proposed in the AMR FNPRM. Many commenters stated that a partial proof of performance measuring only the monitored radials will adequately demonstrate that the directional pattern is properly adjusted, and would result in cost savings to AM broadcasters. Other commenters noted that radials containing a monitor point provide the best indication of a station's directional pattern condition. Although some commenters favored a return to the prior rule requiring ten field strength measurements along each radial containing a monitoring point, compared to the current rule requiring at least eight such measurements, the Commission's experience showed that the eight-point partial proof minimum is sufficient to evaluate antenna system performance, and that returning to the 10-point minimum would only increase the burden on AM broadcasters in exchange for little more in the way of useful data. The Commission therefore rejected the request to require 10 field strength measurements, and adopted this rule change as proposed.

4. Since the Commission first permitted MoM computer modeling to verify AM directional antenna performance, over 220 MoM directional antenna proofs of performance have been prepared and submitted to the Commission in support of AM station applications for license. This analysis

technique has proven to reliably verify directional antenna system performance at a much lower cost. Based on this experience, in the AMR FNPRM the Commission proposed several modifications or eliminations of rules pertaining to AM directional arrays using MoM proofs, intended to improve the quality of the MoM proofs and eliminate expenses to AM licensees. First, 47 CFR 73.155 currently requires that an AM station licensed with a directional antenna pattern pursuant to an MoM proof of performance be re-certified at least once within every 24-month period, including disconnection and calibration of base sampling devices. Because of the demonstrated reliability of MoM models, the Commission proposed in the AMR FNPRM to eliminate or modify this requirement. The Commission's review of the comments led it to adopt the proposal to eliminate the recertification requirement, with one exception. Commenters favoring the proposal to eliminate the recertification rule stated that other means could be employed to troubleshoot and restore the system to its initial condition, and that disconnecting and reconnecting sampling system components was expensive and possibly damaging to the components. The Commission found that system recertification becomes less valuable when the removal of base sampling devices is no longer required, thus refuting commenters who argued for longer recertification intervals but without disconnection of such devices. Therefore, the Commission agreed with those commenters who supported the proposal to eliminate the recertification requirement altogether. The Commission, however, adopted one commenter's suggested change to the original proposal: To retain 47 CFR 73.155 but, rather than prescribing a set recertification interval, to require recertification only in the case of repair to or replacement of affected system components, and then only as to the repaired or replaced components, such recertification to be conducted on such component(s) in the same manner as an initial certification of the component(s) pursuant to the standards set forth in 47 CFR 73.151(c)(2)(i).

5. In the AMR FNPRM, the Commission proposed to modify the requirement for reference field strength measurements set forth in 47 CFR 73.151(c)(3). Currently, when an initial license application is submitted for a directional antenna system based on MoM modeling, reference field strength measurements are required. The proposed rule change would eliminate the need to submit new reference field strength measurements with subsequent license applications for the same directional antenna system and physical facilities, while still retaining the requirement of initial reference field strength measurements, notwithstanding commenter suggestions that this requirement be eliminated in its entirety. Although commenters were roughly evenly divided between those supporting the proposal and those favoring elimination of the requirement for reference field strength measurements in its entirety, the Commission found on balance that the original proposal should be adopted, stating that at least one, initial set of reference measurements provides external verification that an AM directional array is operating properly, while agreeing with commenters that the expense of further reference field strength measurements should not be required on subsequent license applications when the antenna pattern and physical facilities are unchanged. The Commission adopted the proposed rule change as set forth in the AMR FNPRM.

6. Section 73.151(c)(1)(ix) of the rules (47 CFR 73.151(c)(1)(ix)) requires that a station applying for a directional antenna array using MoM modeling to confirm the antenna pattern must obtain a post-construction certificate from a licensed surveyor, verifying that the towers in the array have the proper spacing and orientation. The Commission's Media Bureau clarified that a licensed station applying to be re-licensed under the MoM rules was exempt from the survey requirement provided that there was no change in the authorized theoretical pattern or patterns. A commenter responding to the AMR NPRM suggested, and the Commission therefore proposed in the AMR FNPRM, that the Commission exempt from the survey requirement any directional antenna pattern on any frequency using towers in an authorized AM array, as long as the tower geometry is not altered and no towers are added to the array. The commenter contended that such an exemption would encourage stations to co-locate on existing arrays and provide relief to broadcasters that would otherwise have difficulty locating sufficient land for their own directional arrays. The Commission proposed to adopt this exemption and, as all but one commenter to the AMR FNPRM supported the proposal, it adopted the proposal as set forth in the AMR FNPRM, and modified 47 CFR 73.151(c)(1)(ix) to codify this exemption.

7. Section 73.151(c)(1)(viii) of the rules (47 CFR 73.151(c)(l)(viii)) provides: ''The shunt capacitance used to model base region effects shall be no greater than 250 pF unless the measured or manufacturer's stated capacitance for each device other than the base insulator is used. The total capacitance of such devices shall be limited such that in no case will their total capacitive reactance be less than five times the magnitude of the tower base operating impedance without their effects being considered.'' The Commission proposed to clarify that this rule applies only when total capacitance used to model base region effects exceeds 250 pF and should apply only when base current sampling is used. No commenters opposed this proposal, and therefore the Commission adopted it as proposed.

8. The Commission also posed a set of specific inquiries in the AMR FNPRM concerning whether to permit use of MoM modeling for skirt-fed towers. A skirt-fed tower employs a design different from that of the more typical AM tower. Because the physical characteristics of a skirt-fed tower vary from those of a traditional monopole, and are much more difficult to model, skirt-fed towers are excluded from computer modeling. Commenters were asked whether the Commission and the engineering community had gained sufficient experience with MoM modeling to allow such modeling of skirt-fed towers. Some commenters stated that such modeling should be allowed, while other opined that more experience was needed. The Commission agreed with commenters that stated that more experience was necessary before allowing MoM modeling of skirt-fed towers, and so retained the present limitation on the use of MoM modeling to those arrays using simple, series-fed towers with standard ground systems, excluding antenna systems with skirt-fed or sectionalized towers, and arrays that use non-standard ground systems such as those consisting of short, elevated radials. The Commission stated that it may revisit this conclusion at a later date and propose specific standards for use in more complex analyses.

9. The Commission also proposed to clarify when new MoM proofs must be submitted after antennas were added or other changes were made above the base of a tower in an AM directional array. The Commission adopted this AMR FNPRM proposal, noting that Subpart BB of its Part 1 rules sets forth procedures to be followed when Commission authorization holders or

applicants propose to, among other things, add an antenna to an AM tower, and specifically that 47 CFR 1.30003(b)(2) dictates procedures to be followed when adding an antenna to a tower in an AM directional array when the station is licensed via an MoM proof of performance, requiring a base impedance measurement on the tower being modified, and submission of a new license application only if the base resistance and reactance values exceed a specified deviation from those values as contained in the last MoM proof. Although that rule refers specifically to the addition of antennas, the Commission agreed with commenters and clarified that the rule applies to any modification to tower or system components above the tower base, stating that re-proofing should not be needed if a change is made that does not affect the modeled values used in the license proof. The Commission thus modified 47 CFR 73.151(c)(1) to reflect the applicability of the 47 CFR 1.30003(b)(2) procedures in such instances.

10. Finally, the Commission proposed to eliminate the requirement, found in the conditions attached to a construction permit for an AM station, that current distribution measurements be made when the applicant employs a top-loaded antenna, instead permitting use of MoM modeling to determine antenna characteristics. The Commission received no objections to this proposal, which will eliminate an unnecessary regulatory burden. The Commission therefore directed its staff to modify the conditions attached to AM construction permits accordingly.

11. The Commission also noted that, as part of a Notice of Inquiry set forth with the AMR FNPRM, it requested comment as to whether the main studio requirements, contained in 47 CFR 73.1125 and in Commission precedent, should be relaxed in order to offer relief to AM broadcasters. This aspect of the Notice of Inquiry, however, has been superseded by a new proceeding, MB Docket No. 17–106, in which the Commission proposed to eliminate the main studio requirements for all broadcasters. Accordingly, the Commission will not further consider issues pertaining to main studio requirements for AM stations in the AM Revitalization proceeding.

Final Regulatory Flexibility Analysis

12. As required by the Regulatory Flexibility Act of 1980, as amended (RFA) (5 U.S.C. 603), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the AMR FNPRM (30 FCC Rcd 12145, 12202–05 (2015)). The Commission sought written public comment on the proposals in the AMR FNPRM, including comment on the IRFA. The Commission received no comments on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA (see 5 U.S.C. 604).

Need for, and Objectives of, the First Report and Order

13. This Third Report and Order (Third R&O) adopts several changes to the rules, many of which were first suggested by commenters in the initial round of commenting in this proceeding. First, the Commission proposed to modify the rules on submission of partial proofs of performance of directional AM antenna arrays. The current rules require that field strength measurements be taken on all radials containing a monitoring point (a specific location at which regular measurements are taken), as well as on radials adjacent to monitored radials if the array has fewer than four monitored radials. The Commission proposed to eliminate the second requirement, of taking measurements on non-monitored radials, in order to ease regulatory burdens on and expense to AM broadcasters using directional antenna arrays. Most commenters concurred with the proposal or with slight variations to it, with two commenters suggesting more stringent analyses of such directional antenna arrays. Overall, the Commission agreed with most commenters that measurement of monitored radials is sufficient to verify the integrity of the antenna pattern, and that dropping the adjacent-radials requirement would save broadcasters time and expense. The Commission therefore adopted the rule change as proposed.

14. The next set of proposed changes concerned modifications of rules pertaining to Method of Moments (MoM) proofs of directional AM antenna system performance. The rules provide for two methods of verifying the performance of a directional AM array. The traditional method is by taking field strength measurements of the antenna pattern. In 2008, the Commission promulgated rules for verifying directional array performance through MoM proofs. An MoM proof allows an AM licensee to verify antenna performance with MoM software, which uses measurements of internal parameters in conjunction with a physical model of the antenna to compute the contribution of each antenna element to the directional pattern. MoM proofs are thus a less expensive alternative to taking field strength measurements of the directional pattern. In the years since the Commission first allowed submission of MoM proofs, over 220 such proofs have been submitted. Based on that experience, the Commission took note of commenter requests to modify some of the rules pertaining to MoM analyses in order to make them even less burdensome.

15. The Commission proposed and, based on comments, adopted the following rule changes: (1) Eliminating the requirement for biennial recertification of the performance of a directional pattern licensed pursuant to an MoM proof, except as to any system components that have been repaired or replaced, under 47 CFR 73.155; (2) retaining the requirement for an initial set of reference field strength measurements, but eliminating the requirement to submit further reference field strength measurements on relicensing, under 47 CFR 73.151(c)(3); (3) eliminating the requirement of a licensed surveyor's certification under 47 CFR 73.151(c)(1)(ix) for relicensing of any existing AM station directional array, provided that the tower geometry is not being modified and no new towers are being added to the array; and (4) clarifying that the provisions of 47 CFR 73.151(c)(1)(viii) apply only when total capacitance used to model base region effects exceeds 250 pF and should apply only when base current sampling is used. All of these changes received support in the record, sometimes with variations suggested, and were adopted in order to lessen the burdens and expense to AM licensees.

16. Additionally, the Commission proposed in the AMR FNPRM to allow MoM modeling of skirt-fed towers, but based on comments it concluded that more experience with modeling such towers is needed before allowing and promulgating standards for such analyses. It did not adopt any new rules in this regard. Finally, the Commission proposed to codify the standards under which a new proof of performance was to be filed when adding antennas or adding or modifying other system components above the base insulator of a tower in an AM array. The rules (47 CFR 1.30003(b)(2)) already provide such standards in reference to adding antennas to towers. The Third R&O adopts a rule section codifying the same procedures already set forth in 47 CFR 1.30003(b)(2) with regard to the addition or modification of any system components above the base insulator, not limited to antennas. This clears up any ambiguity regarding whether addition or modification of such components requires filing new proofs of performance with the Commission.

17. The Commission also released a Notice of Inquiry along with the AMR FNPRM, in which among other things it asked whether its rules for siting and staffing an AM station main studio should be relaxed. Since release of the Notice of Inquiry, however, the Commission released a Notice of Proposed Rule Making in a new proceeding, in which it proposes to eliminate main studio rules for all broadcast services. (Elimination of Main Studio Rule, Notice of Proposed Rule Making, MB Docket No. 17–106, 32 FCC Rcd 4415 (2017)). Accordingly, in the Third R&O the Commission stated that it would no longer consider this issue in the AM Revitalization proceeding.

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

18. There were no comments to the IRFA filed.

Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

19. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. 5 U.S.C. 604(a)(3). The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

Description and Estimate of the Number of Small Entities to Which the Rules Apply

20. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the rules adopted herein. 5 U.S.C. 603(b)(3). The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' small organization,'' and ''small government jurisdiction.'' 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). 15 U.S.C. 632.

21. The subject rules and policies will apply to those AM radio broadcasting licensees and potential licensees employing directional antenna arrays. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. 15 U.S.C. 632. Included in this industry are commercial, religious, educational, and other radio stations. *Id.* Radio broadcasting stations which primarily are engaged in radio broadcasting and which produce radio program materials are similarly included. *Id.* However, radio stations that are separate establishments and are primarily engaged in producing radio program material are classified under another NAICS number. *Id.* The SBA has established a small business size standard for this category, which is: Firms having $38.5 million or less in annual receipts. 13 CFR 121.201, NAICS code 515112 (updated for inflation in 2008). According to the BIA/Kelsey, MEDIA Access Pro Database on July 27, 2017, 4,644 (99.94%) of 4,647 AM radio stations have revenue of $38.5 million or less. Therefore, the majority of such entities are small entities. We note, however, that, in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations (13 CFR 121.103(a)(1)) must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

22. As described, the rule changes will not result in substantial increases in burdens on applicants, and in fact will decrease burdens on many applicants. The rule changes adopted in the Third R&O do not involve application changes, and to the extent they affect reporting or recordkeeping requirements they reduce those burdens by exempting AM broadcasters with directional antenna arrays from certain field strength measurements; from biennial recertification of antenna arrays; from filing new proofs of performance or surveyor's reports in many cases; and from making current distribution measurements. Thus, the rule changes adopted in the Third R&O, at most, do not change reporting requirements, or recordkeeping requirements beyond what is already required, and in many cases reduce reporting and recordkeeping requirements for AM broadcasters operating with directional antenna arrays. The elimination of main studio rules for AM stations will also eliminate certain reporting requirements, but the Commission has indicated that it will not consider the elimination of such rules further in this proceeding.

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

23. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c)(1)–(c)(4).

24. The majority of commenters who commented on the proposals adopted in the Third R&O supported the proposals. Some suggested variations on the rule changes as proposed; a few rejected the proposed changes, some with little comment other than to voice their opposition. Based on the comments, the Commission adopted the proposed change to the partial proof of performance rules, and six out of seven discrete proposals with regard to MoM proofs. The Commission concurred with those commenters that stated, at some length, that the Commission and the engineering community did not yet have sufficient experience with MoM modeling of skirt-fed towers to allow the Commission to set forth rules regarding such analyses. The Commission also changed the proposal regarding recertification of an AM station licensed with a directional antenna pattern pursuant to an MoM proof from that originally proposed. While the Commission proposed in the AMR FNPRM to delete the recertification requirement entirely for an AM station licensed with a directional antenna pattern pursuant to an MoM proof, the Commission based on a commenter suggestion decided to retain the recertification requirement only in the case of repair to or replacement of affected system components, and then only as to those components. In general, the Commission favored those comments that resulted in relaxed regulatory burdens on AM broadcasters, to the extent this could be accomplished without compromising the technical integrity of the AM broadcast service.

25. *Report to Congress.* The Commission will send a copy of the

Third R&O, including this FRFA, in a report to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 801(a)(1)(a). In addition, the Commission will send a copy of the Third R&O, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Second R&O and FRFA (or summaries thereof) will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

Ordering Clauses

26. Accordingly, *it is ordered* that, pursuant to the authority contained in Sections 1, 2, 4(i), 303, and 307 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 303, and 307, this Third Report and Order *is adopted.*

27. *It is further ordered* that, pursuant to the authority found in Sections 1, 2, 4(i), 303, and 307 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 303, and 307, the Commission's rules *are hereby amended* as set forth in Appendix A to the Third Report and Order.

28. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Third Report and Order, including the Final Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

29. *It is further ordered* that the Commission *shall send* a copy of this Third Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

30. *It is further ordered* that the rule change to 47 CFR 73.151(c)(1)(viii) adopted herein *will become effective* 30 days after the date of publication in the **Federal Register**.

31. *It is further ordered* that the rule changes to 47 CFR 73.151(c)(1)(ix), 73.151(c)(1)(x), 73.151(c)(3), 73.154(a), and 73.155, all of which contain new or modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the PRA, *will become effective* after the Commission publishes a notice in the **Federal Register** announcing such approval and the relevant effective date.

List of Subjects in 47 CFR Part 73

Communications equipment, Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 309, 310, 334, 336, and 339.

■ 2. Section 73.151 is amended by revising paragraphs (c)(1)(viii) and (ix), adding paragraph (c)(1)(x), and revising paragraph (c)(3) to read as follows:

§ 73.151 Field strength measurements to establish performance of directional antennas.

* * * * *

(c) * * *

(1) * * *

(viii) The shunt capacitance used to model the base region effects shall be no greater than 250 pF unless the measured or manufacturer's stated capacitance for each device other than the base insulator is used. The total capacitance of such devices shall be limited such that in no case will their total capacitive reactance be less than five times the magnitude of the tower base operating impedance without their effects being considered. This ''five times'' requirement only applies when the total capacitance used to model base region effects exceeds 250 pF and when base current sampling is used.

(ix) The orientation and distances among the individual antenna towers in the array shall be confirmed by a post-construction certification by a land surveyor (or, where permitted by local regulation, by an engineer) licensed or registered in the state or territory where the antenna system is located. Stations submitting a moment method proof for a pattern using towers that are part of an authorized AM array are exempt from the requirement to submit a surveyor's certification, provided that the tower geometry of the array is not being modified and that no new towers are being added to the array.

(x) An AM station that verified the performance of its directional antenna system using computer modeling and sampling system verification under this rule section, that makes modifications to tower or system components above the base insulator, shall follow the procedures set forth in section 1.30003(b)(2) of this chapter.

* * * * *

(3) When the application for an initial license for a directional antenna system is submitted that is based on computer modeling and sample system verification, reference field strength measurement locations shall be established in the directions of pattern minima and maxima. On each radial corresponding to a pattern minimum or maximum, there shall be at least three measurement locations. The field strength shall be measured at each reference location at the time of the proof of performance. The license application shall include the measured field strength values at each reference point, along with a description of each measurement location, including GPS coordinates and datum reference. New reference field strength measurements are not required for subsequent license applications for the same directional antenna pattern and physical facilities.

■ 3. Section 73.154 is amended by revising paragraph (a) to read as follows:

§ 73.154 AM directional antenna partial proof of performance measurements.

(a) A partial proof of performance consists of at least 8 field strength measurements made on each of the radials that includes a monitoring point.

* * * * *

■ 4. Revise § 73.155 to read as follows:

§ 73.155 Directional antenna performance recertification.

A station licensed with a directional antenna pattern pursuant to a proof of performance using moment method modeling and internal array parameters as described in § 73.151(c) shall recertify the performance of the antenna monitor sampling system only in the case of repair to or replacement of affected system components, and then only as to the repaired or replaced system components. Any recertification of repaired or replaced system components shall be performed in the same manner as an original certification of the affected system components under § 73.151(c)(2)(i) of this part. The results of the recertification measurements shall be retained in the station's public inspection file.

[FR Doc. 2017–23908 Filed 11–2–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 161222999–7413–01]

RIN 0648–XF715

Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #12 Through #18

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

ACTION: Modification of fishing seasons.

SUMMARY: NMFS announces seven inseason actions in the ocean salmon fisheries. These inseason actions modified the commercial and recreational salmon fisheries in the area from the U.S./Canada border to Humbug Mountain, OR.

DATES: The effective dates for the inseason actions are set out in this document under the heading Inseason Actions.

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at 206–526–4323.

SUPPLEMENTARY INFORMATION:

Background

In the 2017 annual management measures for ocean salmon fisheries (82 FR 19630, April 28, 2017), NMFS announced the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, beginning May 1, 2017, and 2018 salmon fisheries opening earlier than May 1, 2018. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions). The state management agencies that participated in the consultations described in this document were: California Department of Fish and Wildlife (CDFW), Oregon Department of Fish and Wildlife (ODFW), and Washington Department of Fish and Wildlife (WDFW).

Management of the salmon fisheries is generally divided into two geographic areas: North of Cape Falcon (U.S./Canada border to Cape Falcon, OR) and south of Cape Falcon (Cape Falcon, OR, to the U.S./Mexico border). The inseason actions reported in this document affected fisheries north and south of Cape Falcon. All times mentioned refer to Pacific daylight time.

Inseason Actions

Inseason Action #12

Description of action: Inseason action #12 transferred 2,600 coho from the north of Falcon commercial fishery to the recreational fishery in the Westport subarea. The adjusted coho quota for the north of Falcon commercial fishery is 3,000. The adjusted coho quota for the Westport subarea is 18,140.

Effective dates: Inseason action #12 took effect on August 10, 2017, and remained in effect through the end of the 2017 salmon fishing season.

Reason and authorization for the action: The purpose of this action was to provide additional coho quota to the north of Cape Falcon recreational fishery in the Westport subarea in order to extend the season and avoid closing this subarea while adjacent subareas remained open. The commercial fishing representatives on the Council's Salmon Advisory Subpanel (SAS) supported the quota transfer. The Regional Administrator (RA) considered fishery effort and coho landings to date in the recreational and commercial fisheries, and determined that this inseason action was necessary to meet the management objectives set preseason. Inseason actions to modify quotas or fishing seasons are authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #12 occurred on August 10, 2017. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #13

Description of action: Inseason action #13 transferred 500 coho from the north of Cape Falcon commercial salmon fishery and 1,027 coho from the north of Cape Falcon recreational salmon fishery in the Westport subarea to the north of Cape Falcon recreational salmon fishery in the Columbia River subarea. The revised recreational coho quota for the Westport subarea is 17,113, and the Columbia River subarea is 22,527. The revised coho quota for the north of Cape Falcon commercial fishery is 2,500.

Effective dates: Inseason action #13 took effect on August 17, 2017, and remained in effect through the end of the 2017 salmon fishing season.

Reason and authorization for the action: The purpose of this action was to provide additional coho quota to the north of Cape Falcon recreational fishery in the Columbia River subarea in order to extend the season and allow the adjacent Columbia River and Westport subareas to remain open for recreational salmon fishing until these subareas could be closed simultaneously through inseason action #16, below. The commercial fishing representatives on the Council's SAS supported the quota transfer. The RA considered fishery effort and coho landings to date in the recreational and commercial fisheries, and determined that this inseason action was necessary to meet the management objectives set preseason. Inseason actions to modify quotas or fishing seasons are authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #13 occurred on August 17, 2017. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #14

Description of action: Inseason action #14 transferred 400 coho from the north of Cape Falcon recreational salmon fishery in the Neah Bay subarea to the north of Cape Falcon recreational salmon fishery in the La Push subarea. The revised coho quota for Neah Bay is 3,970, and for La Push 1,490.

Effective dates: Inseason action #14 took effect on August 17, 2017, and remained in effect through the end of the 2017 salmon fishing season.

Reason and authorization for the action: The purpose of this action was to provide additional coho quota to the north of Cape Falcon recreational fishery in the La Push subarea in order to extend the season in that subarea and allow the adjacent La Push and Neah Bay subareas to remain open for recreational salmon fishing until these subareas could be closed simultaneously on September 4, 2017, as scheduled preseason. The RA considered fishery effort and coho landings to date in the recreational fisheries, and determined that this inseason action was necessary to meet the management objectives set preseason. Inseason actions to modify quotas or fishing seasons are authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #14 occurred on August 17, 2017. Representatives from NMFS, WDFW,

ODFW, and the Council participated in this consultation.

Inseason Action #15

Description of action: Inseason action #15 modified the open period in the commercial salmon fishery from the U.S./Canada border to the Queets River, WA, from five days per week (Friday through Tuesday) to seven days per week. Inseason action #15 also modified the landing and possession limit from 75 Chinook and 10 coho per vessel per open period to 100 Chinook and 10 coho per vessel per open period; this landing limit modification superseded inseason action #7 (82 FR 43192, September 14, 2017).

Effective dates: Inseason action #15 took effect on August 21, 2017, and remained in effect through the end of the 2017 salmon fishing season.

Reason and authorization for the action: The purpose of this action was to increase access to the available quota, as Chinook landings in the affected area were well below the level anticipated preseason. The RA considered Chinook landings to date and fishery effort, and determined that this inseason action was necessary to meet the management objectives set preseason. Inseason actions to modify quotas and/or fishing seasons are authorized by 50 CFR 660.409(b)(1)(i) and inseason actions to modify regulations limiting retention are authorized by 50 CFR 660.409(b)(1)(ii).

Consultation date and participants: Consultation on inseason action #15 occurred on August 17, 2017. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #16

Description of action: Inseason action #16 closed the north of Cape Falcon recreational salmon fisheries in the Columbia River and Westport subareas at 11:59 p.m., Tuesday, August 22, 2017.

Effective dates: Inseason action #16 took effect August 22, 2017, and remains in effect through the end of the 2017 salmon fishing season.

Reason and authorization for the action: The purpose of this action was to avoid exceeding the coho quota for recreational fisheries from Leadbetter Point, WA, to Cape Falcon, OR. The RA considered coho landings to date and fishery effort, and determined that this inseason action was necessary to meet the management objectives for fishery impacts set preseason. Inseason actions to modify quotas or fishing seasons are authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #16 occurred on August 17, 2017. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #17

Description of action: Inseason action #17 modified the quota in the recreational fishery in the area from Cape Falcon to Humbug Mountain. Unused coho quota from the mark-selective coho season, June 24, 2017 through July 31, 2017, was transferred, on an impact-neutral basis, to the non-mark-selective coho fishery, scheduled for September 2, 2017 through September 30, 2017. The adjusted quota for the non-mark-selective coho fishery is 7,900 coho.

Effective dates: Inseason action #17 took effect August 28, 2017 and remains in effect through the end of the 2017 salmon fishing season.

Reason and authorization for the action: This action was taken consistent with the annual management measures (82 FR 19630, April 28, 2017) which provided that any remainder of the mark-selective quota may be transferred on an impact-neutral basis to the September non-mark-selective quota from Cape Falcon to Humbug Mountain. The STT calculated that the quota transfer would add 1,900 coho to the 6,000 non-mark-selective coho quota set preseason, for an adjusted quota of 7,900 coho. The RA considered the landings from the mark-selective fishery and the STT's calculations and determined that this inseason action was necessary to meet the management objectives set preseason. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #17 occurred on August 28, 2017. Representatives from NMFS, ODFW, and CDFW participated in this consultation. Council staff were unavailable to participate but were notified of the RA's decision immediately after the consultation.

Inseason Action #18

Description of action: Inseason action #18 closed the non-mark-selective coho recreational salmon fishery from Cape Falcon, OR, to Humbug Mountain, OR, at 11:59 p.m., September 7, 2017, due to projected attainment of the non-mark-selective coho quota.

Effective dates: Inseason action #18 took effect September 7, 2017, and remains in effect through the end of the 2017 salmon fishing season.

Reason and authorization for the action: The purpose of this action was to prevent exceeding the quota for the non-mark-selective coho fishery. The RA considered coho landings to date, and determined that this inseason action was necessary to meet the management objectives for fishery impacts set preseason. Inseason actions to modify quotas or fishing seasons are authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #18 occurred on September 6, 2017. Representatives from NMFS, ODFW, and CDFW participated in this consultation. Council staff were unavailable to participate but were notified of the RA's decision immediately after the consultation.

All other restrictions and regulations remain in effect as announced for the 2017 ocean salmon fisheries and 2018 salmon fisheries opening prior to May 1, 2018 (82 FR 19631, April 28, 2017) and as modified by prior inseason actions.

The RA determined that the best available information indicated that Chinook and coho salmon abundance forecasts, Chinook and coho salmon landings, and expected fishery effort supported the above inseason actions recommended by the states of Washington and Oregon. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice of the described regulatory actions was given, prior to the time the action was effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (82 FR 19631, April 28, 2017), the Pacific Coast Salmon Fishery Management Plan (FMP), and regulations implementing the FMP, 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment

between the time Chinook and coho salmon catch and effort projections were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information, ensuring that conservation objectives and Endangered Species Act consultation standards are not exceeded. The AA also finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3), as a delay in effectiveness of these actions would allow fishing at levels inconsistent with the goals of the FMP and the current management measures.

These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

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

Dated: October 31, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–24019 Filed 11–2–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF808

Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is exchanging unused flathead sole and rock sole Community Development Quota (CDQ) for yellowfin sole CDQ acceptable biological catch (ABC) reserves in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2017 total allowable catch of yellowfin sole in the Bering Sea and Aleutian Islands management area to be harvested by the Aleutian Pribilof Islands Community Development Association (APICDA).

DATES: Effective November 3, 2017 through December 31, 2017.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands management area (BSAI) according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2017 flathead sole, rock sole, and yellowfin sole CDQ reserves specified in the BSAI are 1,228 metric tons (mt), 5,165 mt, and 16,677 mt as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and revised by flatfish exchange (82 FR 49539, October 26, 2017). The 2017 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 6,078 mt, 11,431 mt and 11,229 mt as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and revised by flatfish exchange (82 FR 49539, October 26, 2017).

The APICDA has requested that NMFS exchange 100 mt of flathead sole sole CDQ reserves and 400 mt of rock sole CDQ reserves for 500 mt of yellowfin sole CDQ ABC reserves under § 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 100 mt of flathead sole CDQ reserves and 400 mt of rock sole CDQ reserves for 500 mt of yellowfin sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017), and revised by flatfish exchange (82 FR 49539, October 26, 2017), are further revised as follows:

TABLE 11—FINAL 2017 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
TAC	7,900	7,000	9,000	14,076	46,825	154,699
CDQ	845	749	963	1,128	4,765	17,177
ICA	100	60	10	4,000	5,000	4,500
BSAI trawl limited access	695	619	161	0	0	18,151
Amendment 80	6,259	5,572	7,866	8,949	37,060	114,871
Alaska Groundfish Cooperative	3,319	2,954	4,171	918	9,168	45,638
Alaska Seafood Cooperative	2,940	2,617	3,695	8,031	27,893	69,233

Note: Sector apportionments may not total precisely due to rounding.

TABLE 13—FINAL 2017 AND 2018 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	2017 Flathead sole	2017 Rock sole	2017 Yellowfin sole	2018 Flathead sole	2018 Rock sole	2018 Yellowfin sole
ABC	68,278	155,100	260,800	66,164	143,100	250,800
TAC	14,076	46,825	154,699	14,500	47,100	154,000
ABC surplus	54,202	108,275	106,101	51,664	96,000	96,800
ABC reserve	54,202	108,275	106,101	51,664	96,000	96,800
CDQ ABC reserve	6,178	11,831	10,729	5,528	10,272	10,358
Amendment 80 ABC reserve	48,024	96,444	95,372	46,136	85,728	86,442
Alaska Groundfish Cooperative for 2017 [1]	4,926	23,857	37,891	n/a	n/a	n/a
Alaska Seafood Cooperative for 2017 [1]	43,098	72,587	57,481	n/a	n/a	n/a

[1] The 2018 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2017.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the flatfish exchange by the APICDA in the BSAI. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 25, 2017.

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

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

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

Dated: October 31, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–24015 Filed 10–31–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 212
Friday, November 3, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR 890

RIN: 3206–AN33

Federal Employees Health Benefits (FEHB) Program: FEHB Employee Premium Contributions for Employees in Leave Without Pay or Other Nonpay Status

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule; withdrawal.

SUMMARY: The United States Office of Personnel Management (OPM) is withdrawing a previously published Notice of Proposed Rulemaking (NPRM) that would have amended the Federal Employees Health Benefits (FEHB) regulations at 5 CFR part 890 to provide flexibility to agencies regarding payment for FEHB coverage for employees entering leave without pay (LWOP) or any other type of nonpay status, except when nonpay is as a result of a lapse of appropriations. The regulation also would have affected employees who have insufficient pay to cover their premium contribution, and certain categories of employees were exempt.

DATES: OPM is withdrawing the proposed rule published August 30, 2016 (81 FR 59518) as of November 3, 2017.

FOR FURTHER INFORMATION CONTACT: Julia Elam, Program Analyst at (202) 606–0004.

SUPPLEMENTARY INFORMATION: On August 30, 2016, OPM published an NPRM (81 FR 59518) that would complement the FEHB Modification of Eligibility final regulation (79 FR 62325, published on October 17, 2014) which allows generally for certain temporary, intermittent and seasonal employees to enroll in the FEHB Program if they are expected to work at least 130 hours per month for at least 90 days. In the NPRM, OPM recognized that the expansion of eligibility for FEHB coverage may impact an agency's budget due to the required FEHB Government health benefit contributions for newly eligible employees who elect to participate in FEHB coverage and go into LWOP or other nonpay status based on the intermittent nature of the work performed. The NPRM would have provided flexibility to agencies regarding payment for FEHB coverage for employees entering leave without pay (LWOP) or any other type of nonpay status, except when nonpay is as a result of a lapse of appropriations.

OPM received comments from Federal employees, Federal agencies, a Federal shared service provider, and unions representing Federal employees. The majority of commenters objected to the regulation based on concerns that the rule would place an undue financial burden on Federal employees on LWOP or other nonpay status and would make it difficult for these employees to maintain health insurance. OPM also received comments about the impact of the rule on Permanent Seasonal Employees (PSEs). The commenters stated that PSEs are placed in nonpay status annually and there is a reasonable expectation that these employees will return to employment and repay the unpaid premiums that have been incurred as a debt.

In reviewing these objections, OPM attempted to determine whether the potential cost savings from this proposed rulemaking outweighs the negative impact asserted by commenters. To estimate cost savings, OPM requested the current amount of unrecoverable premium debt from employees on LWOP and nonpay status from several agencies with large numbers of temporary, seasonal and intermittent employees. However, these agencies were generally unable to provide this data. Agencies do not have reliable data on unrecoverable FEHB debt because, due to constantly changing circumstances, these amounts are difficult to track. OPM did obtain one estimate of unpaid FEHB debt or FEHB debt in default for all employees on seasonal and intermittent Schedules in LWOP or insufficient pay for one agency for FY2016. The agency reported that total FEHB debt incurred by the agency for these employees was $1,068,065, but that only $48,797 of this total debt remained unpaid by employees once they returned to pay (or sufficient pay) status. Further, there are debt collection mechanisms in place to recover the remaining $48,797.

Agencies must already comply with the Debt Collection Improvement Act (DCIA) of 1996 (DCIA) to collect delinquent debt, including FEHB debt. Therefore, appropriate actions are being taken for the collection of FEHB debt for employees entering leave without pay (LWOP) or any other type of nonpay status. OPM determined that the potential cost savings from this proposed rulemaking does not outweigh the potential negative impact of the undue financial burden or risk of losing health insurance on certain Federal employees.

Withdrawal of this NPRM (81 FR 59518, August 30, 2016) does not preclude the agency from issuing future rulemakings on this issue, nor does it commit the agency to any course of action in the future.

U.S. Office of Personnel Management.

Kathleen McGettigan,

Acting Director.

[FR Doc. 2017–23956 Filed 11–2–17; 8:45 am]

BILLING CODE 6325–63–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0838; Product Identifier 2017–NE–33–AD]

RIN 2120–AA64

Airworthiness Directives; Safran Helicopter Engines, S.A., Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Safran Helicopter Engines, S.A., Arriel 2E turboshaft engines. This proposed AD was prompted by reports of ruptured front support pins on the accessory gearbox front support. This proposed AD would require replacement of the accessory gearbox front support. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this NPRM by December 18, 2017.

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

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

For service information identified in this proposed AD, contact Safran Helicopter Engines, S.A., 40220 Tarnos, France; phone: (33) 05 59 74 40 00; fax: (33) 05 59 74 45 15. You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0838; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Robert Green, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

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–2017–0838; Product Identifier 2017–NE–33–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 because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No. 2016–0235, dated November 24, 2016 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Some cases were reported of ruptured front support pins on ARRIEL 1E2 engines. That condition, if not detected and corrected, could lead to the loss of the load path integrity of the engine front support. Consequently, Turboméca issued Mandatory Service Bulletin (MSB) 292 72 0842 to provide instructions for the inspection of the pins and front support replacement, and EASA issued AD 2015–0064 (later revised) to require those actions. Since EASA AD 2015–0064R1 was issued, SAFRAN Helicopter Engines developed a new pin design, in order to increase the mechanical strength of the pin, through modification TU380, for ARRIEL 1E2 engines. Although no cases of front support pin rupture have been reported on ARRIEL 2E engines, since the ARRIEL 1E2 and 2E type designs have the same front support, SAFRAN Helicopter Engines decided to also apply this new pin design on ARRIEL 2E engines through modification TU197. To address this potential unsafe condition, SAFRAN Helicopter Engines decided, as precautionary measure, to replace the front support on ARRIEL 2E engines, and published MSB 292 72 2197 to provide instructions for in-service front support replacement. For the reasons described above, this AD requires modification of the affected engines by replacement of each pre-mod TU197 front support.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0838.

Related Service Information

We reviewed Safran Helicopter Engines, S.A., Mandatory Service Bulletin (MSB) No. 292 72 2197, Version A, dated September 15, 2016. The MSB describes procedures for replacement of the accessory gearbox front support. 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 France, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require for replacement of the accessory gearbox front support.

Costs of Compliance

We estimate that this proposed AD affects 28 engines installed on aircraft of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Front support replacement	2 work-hours × $85 per hour = $170	$19,731	$19,901	$557,228

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for

safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

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

Regulatory Findings

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

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

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

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

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

Safran Helicopter Engines, S.A. (Type Certificate previously held by Turbomeca, S.A): Docket No. FAA–2017–0838; Product Identifier 2017–NE–33–AD.

(a) Comments Due Date

We must receive comments by December 18, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Safran Helicopter Engines S.A. Arriel 2E turboshaft engines with front support, part number 0 292 11 715 0, installed (pre-mod TU 197 configuration).

(d) Subject

Joint Aircraft System Component (JASC) Code 8300, Accessory Gearboxes.

(e) Reason

This AD was prompted by reports of ruptured front support pins on the accessory gearbox front support. We are issuing this AD to prevent failure of a front support, loss of engine thrust control and reduced control of the helicopter.

(f) Compliance

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

(g) Required Actions

Before the accessory gearbox and transmission shaft module (Module 01) accumulates 1,600 engine operating hours since new, or within 80 engine operating hours after the effective date of this AD, whichever occurs later, replace the front support with a part eligible for installation.

(h) Definition

For the purpose of this AD, a part eligible for installation is a Module 01 with a pre-mod TU 197 front support, that has not accumulated more than 1,680 engine operating hours since new; or a Module 01 with a post-mod TU 197 front support.

(i) Installation Prohibition

As of the effective date of this AD, you may not install a pre-mod TU 197 front support on any engine with a post-mod TU 197 front support installed.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, FAA, ECO Branch, 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 ECO Branch, send it to the attention of the person identified in paragraph (k)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov.*

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

(k) Related Information

(1) For more information about this AD, contact Robert Green, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

(2) Refer to MCAI EASA AD 2016–0235, dated November 24, 2016, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0838.

Issued in Burlington, Massachusetts, on October 24, 2017.

Robert J. Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2017–23606 Filed 11–2–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0906; Product Identifier 2017–NM–039–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2005–12–16, for all Fokker Services B.V. Model F28 Mark 0100 airplanes. AD 2005–12–16 requires an inspection to determine the part number of the passenger service unit (PSU) panels for the PSU modification status, and corrective actions if applicable. Since we issued AD 2005–12–16, we have determined that the required modification actions might not have been implemented correctly. This proposed AD would require an inspection of the PSU panels and the PSU panel/airplane interface connectors for discrepancies, and corrective actions if necessary. This proposed AD would also remove airplanes from the applicability. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 18, 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 Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.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–2017–0906; 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, 1601 Lind Avenue SW., Renton, WA 98055–4056; 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–2017–0906; Product Identifier 2017–NM–039–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

We issued AD 2005–12–16, Amendment 39–14132 (70 FR 34642, June 15, 2005) (''AD 2005–12–16''), for all Fokker Services B.V. Model F28 Mark 0100 airplanes. AD 2005–12–16 was prompted by reports of smoke in the passenger compartment during flight. One of those incidents also included a burning smell and consequently led to emergency evacuation of the airplane. AD 2005–12–16 requires an inspection to determine the part number of the PSU panels for the PSU modification status, and corrective actions if applicable. We issued AD 2005–12–16 to detect and correct overheating of the PSU panel due to moisture ingress, which could result in smoke or fire in the passenger cabin.

Since we issued AD 2005–12–16, we have determined that the modification actions required by AD 2005–12–16 might not have been implemented correctly.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0043, dated March 15, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Fokker Services B.V. Model F28 Mark 0100 airplanes. The MCAI states:

> Reports were received of burning smell and smoke in the passenger compartment during flight as a result of overheating of passenger service units (PSU). These were attributed to moisture ingress into the interface electrical connectors of an unsealed PSU panel.
>
> This condition, if not detected and corrected, could lead to further incidents of smoke in the passenger compartment, possibly resulting in injury to occupants.
>
> To address this potential unsafe condition, Grimes Aerospace Company, the PSU manufacturer (currently Honeywell) issued SB 10–1178–33–0040 and SB 10–1571–33–0041, and Fokker Services issued SBF100–25–097, to provide instructions for installation of improved sealing of the PSU and its interface electrical connectors. Subsequently, CAA–NL [Civil Aviation Authority—The Netherlands] issued AD (BLA) 2004–022 [which corresponds to FAA AD 2005–12–16] to require modification, cleaning and sealing of the affected PSU.
>
> Since that [CAA–NL] AD was issued, following a new occurrence of burning smell and smoke in the passenger compartment during disembarking of the passengers, the investigation revealed that, on several aeroplanes, the modification instructions of Honeywell and Fokker Services (SB listed above) were not, or not correctly, implemented. Prompted by these findings, Fokker Services published SBF100–25–128, providing inspection instructions to detect non-accomplishment and any discrepancy with the original modification instructions.
>
> For the reasons described above, this [EASA] AD retains the requirement of CAA–NL AD (BLA) 2004–022, which is superseded, and requires a one-time inspection [for discrepancies] of the PSU panels and their interface with the aeroplane, and, depending on findings, the accomplishment of applicable corrective action(s).

Discrepancies include incorrect application of the sealant on the PSU panels, uninstalled gaskets, inability to properly lock the connectors, and incorrectly applied sealant on the connectors. Corrective actions include restoring the sealing of the affected PSU panel, repairing the PSU panel, or installing a new PSU panel with a replaced receptacle, and installing gaskets; making sure the connecter can properly lock; and applying sealant on the connector.

The MCAI also revised the applicability by specifying specific line numbers and excluding airplanes on which certain modifications were done. 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–2017–0906.

Related Service Information Under 1 CFR Part 51

Fokker Services B.V. has issued Fokker Service Bulletin SBF100–25–128, dated July 21, 2016. This service information describes procedures for inspection of the PSU panels and the PSU panel/airplane interface connectors for discrepancies, and for incorrectly applied sealant on the connectors, and corrective actions.

Grimes Aerospace has issued Service Bulletin 10–1178–33–0040, dated October 15, 1993; Service Bulletin 10–1178–33–0040, Revision 1, dated March 25, 1996; and Service Bulletin 10–1571–33–0041, dated October 15, 1993. This service information describes procedures for inspection of the PSU panels and the PSU panel/airplane interface connectors for discrepancies, and corrective actions. This service information is distinct since it applies to different part numbers.

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 the same type design.

Costs of Compliance

We estimate that this proposed AD affects 8 airplanes of U.S. registry.

The actions required by AD 2005–12–16, and retained in this proposed AD take about 5 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $6 per product. Based on these figures, the estimated cost of the actions that are required by AD 2005–12–16 is $431 per product.

We also estimate that it would take about 13 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 this proposed AD on U.S. operators to be $8,840, or $1,105 per product.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

We 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 Airworthiness Directive (AD) 2005–12–16, Amendment 39–14132 (70 FR 34642, June 15, 2005), and adding the following new AD:

Fokker Services B.V.: Docket No. FAA–2017–0906; Product Identifier 2017–NM–039–AD.

(a) Comments Due Date

We must receive comments by December 18, 2017.

(b) Affected ADs

This AD replaces 2005–12–16, Amendment 39–14132 (70 FR 34642, June 15, 2005) (''AD 2005–12–16'').

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 0100 airplanes, certificated in any category, serial numbers 11244 through 11527 inclusive, except those airplanes modified in service as specified in Fokker Service Bulletin SBF100–25–070, or Fokker Service Bulletin SBF100–25–109, or Fokker Modification Report FS–N545 or FS–N571.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason

This AD was prompted by reports of smoke in the passenger compartment during ground operations and in-flight. We are issuing this AD to detect and correct overheating of the passenger service unit (PSU) panel due to moisture ingress, which could result in smoke or fire in the passenger cabin.

(f) Compliance

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

(g) Retained Inspection and Corrective Actions, With No Changes

This paragraph restates the requirements of paragraph (f) of AD 2005–12–16, with no changes. Within 36 months after July 20, 2005 (the effective date of AD 2005–12–16), inspect to determine if Grimes Aerospace PSU panels having part number (P/N) 10–1178–( ) or P/N 10–1571–( ) are installed and the PSU modification status if applicable, and do any corrective actions if applicable, by doing all of the actions specified in the Accomplishment Instructions of Fokker Service Bulletin SBF100–25–097, dated December 30, 2003.

Note 1 to paragraph (g) of this AD: Fokker Service Bulletin SBF100–25–097, dated December 30, 2003, refers to Grimes Aerospace Service Bulletin 10–1178–33–0040, Revision 1, dated March 25, 1996 (for PSU panels having P/N 10–1178–( )); and Service Bulletin 10–1571–33–0041, dated October 15, 1993 (for PSU panels having P/N 10–1571–( )), as additional guidance for modifying the PSU panel.

(h) Retained Parts Installation Limitation, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2005–12–16, with no changes. As of July 20, 2005 (the effective date of AD 2005–12–16), no person may install a PSU panel having P/N 10–1178–( ) or P/N 10–1571–( ) on any airplane, unless it has been inspected and any applicable corrective actions have been done in accordance with paragraph (g) of this AD.

(i) New Affected PSU Identification

For the purpose of this AD, Grimes (Honeywell) PSUs having P/N 10–1178–(series) with a serial number below 4000, and

PSUs having P/N 10–1571–(series) with a serial number below 1000, are referred to as affected PSUs in paragraphs (j) through (l) of this AD.

(j) New Inspections

Within 24 months after the effective date of this AD: Do the actions required by paragraphs (j)(1) and (j)(2) of this AD.

(1) Do a general visual inspection of the panel of each affected PSU for incorrect application of the sealant, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–25–097, dated December 30, 2003; and, as applicable, Grimes Aerospace Service Bulletin 10–1178–33–0040, dated October 15, 1993 (for PSUs having P/N 10–1178–(series)); Revision 1, dated March 25, 1996 (for PSUs having P/N 10–1178–(series)); and Grimes Aerospace Service Bulletin 10–1571–33–0041, dated October 15, 1993 (for PSUs having P/N 10–1571–(series)).

(2) Do a general visual inspection of the electrical connectors of each affected PSU panel for discrepancies; *i.e.,* uninstalled gaskets, inability to properly lock the connectors, and incorrectly applied sealant on the connectors; in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–25–128, dated July 21, 2016.

(k) Corrective Actions

If, during any inspection required by paragraph (j) of this AD, any discrepancy is found, before further flight, restore the sealing of the affected PSU panels and accomplish all applicable corrective actions to correct the PSU panel interface, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–25–128, dated July 21, 2016. Do all applicable corrective actions before further flight.

(l) Parts Installation Limitation

As of the effective date of this AD, an affected PSU panel may be installed on any airplane, provided that, before further flight after installation, it has been inspected in accordance with paragraph (j) of this AD and all applicable corrective actions have been done in accordance with paragraph (k) of this AD.

(m) 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 (n)(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 2005–12–16 are approved as AMOCs for the corresponding provisions of this AD.

(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 Fokker Services B.V.'s Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0043, dated March 6, 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–2017–0906.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone 425–227–1137; fax 425–227–1149.

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* Internet *http://www.myfokkerfleet.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 11, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22558 Filed 11–2–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1011; Product Identifier 2017–SW–004–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (Type Certificate Previously Held by Eurocopter Deutschland GmbH)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2013–16–14 for Eurocopter Deutschland GmbH (now Airbus Helicopters Deutschland GmbH) Model EC 135 P1, P2, P2+, T1, T2, and T2+ helicopters. AD 2013–16–14 currently requires installing a washer in and modifying the main transmission filter housing upper part. Since we issued AD 2013–16–14, Airbus Helicopters Deutschland GmbH has extended the overhaul interval for the main transmission and determined that other models may have the same unsafe condition. This proposed AD would retain the requirements of AD 2013–16–14, add models to the applicability, and revise the required compliance time for the modification. The actions of this proposed AD are intended to correct an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by January 2, 2018.

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–2017–1011; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) AD, 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 proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/website/technical-expert/.*

You may review service information at the FAA, Office of the Regional

Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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 might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, 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 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 proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

We issued AD 2013–16–14, Amendment 39–17552 (78 FR 54383, September 4, 2013) (AD 2013–16–14) for Eurocopter Deutschland GmbH (now Airbus Helicopters Deutschland GmbH) Model EC135 P1, P2, P2+, T1, T2, and T2+ helicopters with a certain serial-numbered main transmission FS108 housing upper part (upper part), part number (P/N) 4649 301 034. AD 2013–16–14 requires installing a corrugated washer in the filter housing of the upper part and modifying each affected upper part by machining the oil filter bypass inlet. AD 2013–16–14 was prompted by AD No. 2010–0213, dated October 14, 2010, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD No. 2010–0213 to correct an unsafe condition for Eurocopter Deutschland GmbH Model EC 135 and EC635 helicopters. EASA advised that a recent inspection on some upper parts for the main transmission FS108 revealed the bypass inlet in the oil filter area had not been manufactured in accordance with the applicable design specifications. EASA advised that this condition, if not detected and corrected, could adversely affect the oil-filter bypass function, which is essential for continued safe flight. The EASA AD required a temporary modification of the upper part by installing a corrugated washer, and then a ''rework'' of the oil filter area to bring the affected parts within the applicable design specifications.

Actions Since AD 2013–16–14 Was Issued

Since we issued AD 2013–16–14, EASA has issued AD 2017–0002, dated January 9, 2017 (AD 2017–0002), which superseded EASA AD 2010–0213. EASA advises that some affected upper parts have been re-identified with P/N 4649 301 067 or P/N 4649 301 088 without changing the serial number. EASA further advises that Airbus Helicopters has extended the compliance time to retrofit the housing to 5,150 hours to coincide with the extended interval between transmission overhauls. Accordingly, AD 2017–002 continues to require installing a corrugated washer in the upper part and modifying the upper part at the next overhaul; expands the applicability to include Model EC135P3, Model EC135T3, P/N 4649 301 067, and P/N 4649 301 088; extends the compliance time for machining the upper part; and makes minor editorial changes for clarity.

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin (ASB) EC135–63A–017, Revision 2, dated December 5, 2016 (ASB EC135–63A–017), for Model EC135 T1, T2, T2+, T3, P1, P2, P2+, P3, and 635 T1, T2+, T3, P2+, and P3 helicopters. This service information specifies removing the oil filter element and installing a corrugated washer. ASB EC135–63A–017 also specifies reworking the affected upper part at the next repair or overhaul of the main transmission, no later than 5,150 flight hours after receipt of the service bulletin. EASA classified this ASB as mandatory and issued AD 2017–0002 to ensure the continued airworthiness of these helicopters.

We also reviewed ZF Luftfahrttechnik GmbH Service Instruction No. EC135FS108–1659–1009, dated September 14, 2010, which specifies procedures for repairing the main transmission upper housing, and includes dimensions and tolerances for machining the upper part.

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

We reviewed Eurocopter Alert Service Bulletin EC135–63A–017, Revision 0, dated October 11, 2010, for Model EC135 T1, T2, T2+, P1, P2, P2+, and 635 T1, T2+, and P2+ helicopters. This service information specifies the same Accomplishment Instructions as ASB EC135–63A–017, Revision 2, except with a shorter compliance time to rework the affected upper part.

Proposed AD Requirements

This proposed AD would retain the requirements of AD 2013–16–14 for installing a corrugated washer and modifying the upper part. This proposed AD would add Airbus Helicopters Deutschland Model EC135P3 and Model EC135T3 helicopters to the applicability requirements, add upper parts P/N 4649 301 067 and P/N 4649 301 088 to the applicability, revise the compliance time for installing a corrugated washer to within 50 hours time-in-service (TIS) or 3 months, whichever occurs earlier, and extend the compliance time for machining the upper part to 5,150 hours TIS.

Costs of Compliance

We estimate that this proposed AD would affect 236 helicopters of U.S. Registry. Based on an average labor rate of $85 per work hour, we estimate that operators may incur the following costs in order to comply with this proposed AD. Installing the corrugated washer would require about .5 work hour, and required parts would cost about $10, for a cost per helicopter of about $53, and a cost to the U.S. operator fleet of $12,508. Machining the housing upper part would require about 5 work-hours and required parts would cost about

$73, for a cost per helicopter of $498, and a total cost to U.S. operators of $117,528. Based on these figures, we estimate the total cost of this proposed AD to be $130,036 for the U.S. operator fleet or $551 per helicopter.

According to Airbus Helicopters' service information some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected persons. We do not control warranty coverage by Airbus Helicopters. Accordingly, we have included all costs in our cost estimate.

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 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, I certify this proposed regulation:

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

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

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

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

We prepared an economic evaluation of the estimated costs to comply with this proposed 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.

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 Airworthiness Directive (AD) 2013–16–14, Amendment 39–17552 (78 FR 54383, September 4, 2013), and adding the following new AD:

Airbus Helicopters Deutschland GmbH (Type Certificate Previously Held by Eurocopter Deutschland GmbH): Docket No. FAA–2017–1011; Product Identifier 2017–SW–004–AD.

(a) Applicability

This AD applies to Model EC135 P1, P2, P2+, P3, T1, T2, T2+, and T3 helicopters with a main transmission FS108 housing upper part, part number (P/N) 4649 301 034, 4649 301 067, or 4649 301 088 and a serial number listed in Table 1 of Airbus Helicopters Alert Service Bulletin EC135–63A–017, Revision 2, dated December 5, 2016 (ASB EC135–63A–017), certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as an improperly manufactured bypass inlet in the oil filter area. This condition could adversely affect the oil-filter bypass function, resulting in failure of the main transmission and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2013–16–14, Amendment 39–17552 (78 FR 54383, September 4, 2013).

(d) Comments Due Date

We must receive comments by January 2, 2018.

(e) 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.

(f) Required Actions

(1) Within 3 months, remove the oil filter element and install a corrugated washer, P/N 0630100377, in the middle of the filter housing of the housing upper part as depicted in Figure 2 of ASB EC135–63A–017.

(2) Within 5,150 hours time-in-service or at the next main transmission repair or overhaul, whichever occurs first, machine the main transmission housing upper part in accordance with Annex A of ZF Luftfahrttechnik GmbH Service Instruction No. EC135FS108–1659–1009, dated September 14, 2010.

(3) Do not install a main transmission upper part, P/N 4649 301 034, 4649 301 067, or 4649 301 088, on any helicopter unless it has been modified as required by paragraphs (f)(1) through (f)(2) of this AD.

(g) Credit for Previous Actions

Actions accomplished before the effective date of this AD in accordance with the procedures specified in Eurocopter Alert Service Bulletin EC135–63A–017, Revision 0, dated October 11, 2010, are considered acceptable for compliance with the corresponding actions specified in paragraph (f) of this AD.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Additional Information

(1) Eurocopter Alert Service Bulletin EC135–63A–017, Revision 0, dated October 11, 2010, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/website/technical-expert/.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2017–0002, dated January 9, 2017. You may view the EASA AD on the Internet at *http://www.regulations.gov* in the AD Docket.

(j) Subject

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

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

James A. Grigg,

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

[FR Doc. 2017–23201 Filed 11–2–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chapters I, II, and III

23 CFR Chapters I, II, and III

46 CFR Chapter II

48 CFR Chapter 12

49 CFR Chapters I, II, III, V, VI, VII, VIII, X, and XI

[Docket No. DOT–OST–2017–0069]

Notification of Regulatory Review

AGENCY: Office of the Secretary (OST); Department of Transportation (DOT).

ACTION: Regulatory review; reopening of comment period.

SUMMARY: The U.S. Department of Transportation (the Department or DOT) is reopening the comment period for its Notification of Regulatory Review for 30 days. The comment period ends November 1, 2017. The reopened comment period will end December 1, 2017.

DATES: The comment period for the document published on October 2, 2017 (82 FR 45750), is reopened. Responses should be filed by December 1, 2017. The Department will continue to check the docket for late filed responses after the comment period closes.

ADDRESSES: You may file responses identified by the docket number DOT–OST–2017–0069 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE., between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Instructions: You must include the agency name and docket number DOT–OST–2017–0069 at the beginning of your submission. All submissions received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all submissions received in any of our dockets by the name of the individual submitting the document (or signing the submission, 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 (65 FR 19477–78), or you may visit *http://DocketsInfo.dot.gov.*

Docket: For access to the docket to read background documents and comments received, go to *http://www.regulations.gov* or to the street address listed above. Follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Jonathan Moss, Assistant General Counsel for Regulation, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, 202–366–4723 (phone), *jonathan.moss@dot.gov* (email) or Barbara McCann, Director, Office of Policy Development, Strategic Planning and Performance, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, 202–366–8016 (phone), *barbara.mccann@dot.gov* (email).

SUPPLEMENTARY INFORMATION: On October 2, 2017 the U.S. Department of Transportation (the Department or DOT) issued a Notification of Regulatory Review seeking comment from the public on existing rules and other agency actions that are good candidates for repeal, replacement, suspension, or modification. DOT provided a 30 day comment period for responses to that document. We have received requests for extension of the comment period, including one from the American Bus Association requesting a 90 day extension from the date of issuance of the document. The Owner-Operator Independent Drivers Association requested a 30 day extension from the initial close of the comment period and the Countryside Tank Company, NJP Engineering LLC, and Container Technology Incorporated requested an extension of 90 days from the initial close of the comment period.

In response, the Department is reopening the comment period for its Notification of Regulatory Review for 30 days. The comment period ends November 1, 2017. The reopened comment period will end December 1, 2017. Additionally, DOT will continue to check the docket for late filed comments after the comment period closes.

Issued this 30th day of October, 2017, in Washington, DC.

James C. Owens,

Acting General Counsel.

[FR Doc. 2017–23964 Filed 11–2–17; 8:45 am]

BILLING CODE 4910–9X–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0404; FRL–9970–32–Region 9]

Approval of California Air Plan Revisions, Northern Sierra Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Northern Sierra Air Quality Management District (NSAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of particulate matter (PM) from wood burning devices. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by December 4, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2017–0404 at *http://www.regulations.gov,* or via email to Christine Vineyard, Rulemaking Office at *Vineyard.Christine@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited 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. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, 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: Christine Vineyard, EPA Region IX, (415) 947–4125, *vineyard.christine@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

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I. The State's Submittal

A. What rule did the State submit?

Table 1 describes the ordinance addressed by this proposal with the date that it was adopted by the City of Portola. NSAQMD submitted the ordinance to the California Air Resources Board (CARB). CARB then submitted the ordinance to the EPA for approval into the NSAQMD's portion of the California SIP on the date described below.

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
NSAQMD, City of Portola.	Ordinance No. 344, Municipal Code Chapter 15.10 (except paragraphs 15.10.060(B), 15.10.090 and 15.10.100).	Wood Stove and Fireplace Ordinance.	06/22/16	01/24/17

On April 17, 2017, the EPA determined that the submittal for City of Portola Ordinance 344 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

There are no previous versions of Ordinance 344 in the SIP.

C. What is the purpose of the submitted rule?

PM, including PM equal to or less than 2.5 microns in diameter ($PM_{2.5}$) and PM equal to or less than 10 microns in diameter (PM_{10}), contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires states to submit regulations that control PM emissions. Ordinance 344 controls PM emissions by establishing requirements for new and existing wood burning devices, permitted fuels, mandatory curtailment during stagnant conditions, and educational materials. The EPA's technical support document (TSD) has more information about this rule.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must implement Reasonably Available Control Measures (RACM), including Reasonably Available Control Technology (RACT), and additional reasonable measures in moderate $PM_{2.5}$ nonattainment areas (see CAA sections 172(c)(1) and 189(a)(1)(C) and 40 CFR 51.1009). The NSAQMD regulates a $PM_{2.5}$ nonattainment area classified as moderate for the 2012 annual $PM_{2.5}$ Standard (40 CFR 81.305). A RACM evaluation is generally performed by the State and reviewed by the EPA in the context of a broader plan. The EPA will address the overall RACM and additional reasonable measures requirements at a later date when we act on the Portola $PM_{2.5}$ attainment plan submitted by CARB to the EPA on February 28, 2017. In this action, we evaluate whether Rule 344 implements RACM and additional reasonable measures for wood burning devices specifically.

Guidance and policy documents that we use to evaluate enforceability and revision/relaxation requirements include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

B. Does the rule meet the evaluation criteria?

This rule is consistent with CAA requirements and relevant guidance regarding enforceability and SIP revisions. The rule implements RACM/RACT and additional reasonable measures for wood burning devices. The TSD has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rule

The TSD describes additional rule revisions that we recommend for the next time the local agency modifies the rule.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rule because we believe it fulfills all relevant requirements. We will accept comments from the public on this proposal until December 4, 2017. If we take final action to approve the submitted rule, our final action will incorporate this rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the City of Portola ordinance described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER**

INFORMATION CONTACT section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: October 19, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–23896 Filed 11–2–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90, WT Docket No. 10–208; DA 17–1027]

Connect America Fund; Universal Service Reform—Mobility Fund

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Rural Broadband Auctions Task Force (Task Force), with the Wireline Competition Bureau and the Wireless Telecommunications Bureau (the Bureaus), propose and seek comment on specific parameters and procedures to implement the Mobility Fund Phase II (MF–II) challenge process. This document describes the steps the Federal Communications Commission (Commission) intends to use to establish a map of areas presumptively eligible for MF–II support from the newly collected, standardized 4G Long Term Evolution (LTE) coverage data and proposes specific parameters for the data that challengers and respondents will submit as part of the challenge process, as well as a process for validating challenges.

DATES: Comments are due on or before November 8, 2017 and reply comments are due on or before November 29, 2017.

ADDRESSES: You may submit comments, identified by WC Docket No. 10–90 and WT Docket No. 10–208, by any of the following methods:

- *Federal Communications Commission's Web site: http://apps.fcc.gov/ecfs//.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 888–835–5322.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Wireless Telecommunications Bureau, Auction and Spectrum Access Division, Jonathan McCormack, at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice (MF–II Challenge Process Comment Public Notice), WC Docket No. 10–90, WT Docket No. 10–208, DA 17–1027, adopted on October 18, 2017 and released on October 18, 2017. The *MF–II Challenge Process Comment Public Notice* includes as attachments the following appendices: Appendix A, Generating Initial Eligible Areas Map; Appendix B, Validating Challenge Evidence; Appendix C, Applying Subsidy Data; Appendix D, File Specifications and File Formats; and Appendix E, Relational Mapping of Form 477 Filers to Providers. The complete text of the MF–II Challenge Process Comment Public Notice, including all attachments, is available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text is also available on the Commission's Web site at *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db1018/DA-17-1027A1.pdf.* Alternative formats are available to persons with disabilities by sending an email to *FCC504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in the *MF–II Challenge Process Comment Public Notice* in WC Docket No. 10–90 and WT Docket No. 10–208. *Electronic Filing of*

Documents in Rulemaking Proceedings, 63 FR 24121 (May 1, 1998).

The Bureaus strongly encourage interested parties to file comments electronically.

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *https://www.fcc.gov/ecfs/.* Filers should follow the instructions provided on the Web site for submitting comments. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket numbers, WC Docket No. 10–90 and WT Docket No. 10–208.

• *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

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

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 888–835–5322 (tty).

I. Introduction

1. In the *MF–II Challenge Process Order,* 82 FR 42473, September 8, 2017, the Commission established the framework for a robust and efficient challenge process to resolve disputes about areas presumptively ineligible for Mobility Fund Phase II (MF–II) support. Pursuant to the Commission's direction, the Rural Broadband Auctions Task Force (Task Force), with the Wireline Competition Bureau and the Wireless Telecommunications Bureau (the Bureaus), now propose and seek comment on specific parameters and procedures to implement the MF–II challenge process.

2. The challenge process will begin with a new, one-time collection of current, standardized coverage data on qualified 4G LTE service, defined by download speeds of 5 Mbps at the cell edge with 80 percent probability and a 30 percent cell loading factor. The coverage data will be used, in conjunction with subsidy data from the Universal Service Administrative Company (USAC), to establish the map of areas presumptively eligible for MF–II support. The *MF–II Challenge Process Comment Public Notice* describes the steps the Commission intends to use to process the coverage and subsidy data and create that map. The *MF–II Challenge Process Comment Public Notice* also proposes specific parameters for the data that challengers and respondents will submit as part of the challenge process, as well as a process for validating challenges.

II. Procedures for Generating the Initial Eligible Areas Map

3. Appendix A and Appendix C of the *MF–II Challenge Process Comment Public Notice* describe in detail the methodology the Bureaus plan to use to generate the map of areas presumptively eligible for MF–II support. This map will form the baseline for the challenge process. In accordance with the *MF–II Challenge Process Order,* the methodology revises an earlier methodology for determining presumptively eligible areas. The revised methodology accounts for the new, one-time 4G LTE data collection as the initial source of coverage data. In this multi-step process, Commission staff will first use the newly-collected 4G LTE coverage data and USAC subsidy data to determine the unsubsidized coverage for each provider. Consistent with the Commission's past practice in releasing Form 477 coverage data, and as discussed in Appendix C of the *MF–II Challenge Process Comment Public Notice,* the Bureaus plan to consolidate data from any attributable entities that file separately to a common provider name when generating provider-specific maps to be used in the challenge process. Commission staff would then aggregate these data across all providers to determine the presumptively eligible areas, that is, those areas lacking unsubsidized qualifying coverage by any provider.

4. Specifically, in order to generate a map of unsubsidized qualified 4G LTE coverage for each provider, Commission staff would: (1) Remove any subsidized areas from the provider's coverage map; (2) remove any water-only areas; (3) overlay a uniform grid with cells of one square kilometer (1 km by 1 km) on the provider's coverage map; and (4) remove grid cells with coverage of less than 50,625 square meters, or an area approximately equal to the minimum area that could be covered by a single speed test measurement when buffered. Consistent with past Commission practice, the Bureaus would treat a water-only census block (that is, a census block for which the entire area is categorized by the U.S. Census Bureau as water) as ineligible and not subject to challenge. The Bureaus seek comment on excluding all, some, or none of the water-only blocks, and specifically seek comment on: (1) Whether there is a feasible subset of water-only areas that the Bureaus should not exclude, *e.g.,* coastal waters, inland lakes; (2) specific hydrographic data sources; and (3) specific methodologies to identify water-only areas that should or should not be excluded, as well as any administratively efficient alternatives.

5. Using the maps that result from steps 1–4 of this process, staff would then generate the map of presumptively eligible areas for each state (or state equivalent) with the following steps: (5) merging the maps of unsubsidized coverage for all providers; (6) removing the merged unsubsidized coverage generated in step 5 (the ineligible areas) from the state's boundary to produce the eligible areas; and (7) removing any water-only areas from the eligible areas. In accordance with the Commission's adoption of the Alaska Plan to provide support for mobile service within Alaska and its decision to therefore exclude from MF–II support mobile service within Alaska, the map of presumptively eligible areas will include all states except Alaska, as well as the District of Columbia and the U.S. Territories of Guam, the Northern Mariana Islands, Puerto Rico, the United States Virgin Islands, and American Samoa (collectively, state equivalents). State boundaries will be intersected with the grid. Grid cells along the state border may have portions that fall outside of the state boundary, and these portions would be ignored when generating data for the state. Such grid cells would therefore be smaller than one square kilometer in that state. The resulting map of presumptively eligible

areas (overlaid with the uniform grid) for each state or state equivalent would then be made available to the public. The maps of unsubsidized coverage for specific providers would only be made available to challengers through USAC's online challenge portal (the USAC portal) after challengers agree to keep such maps confidential. Although the Commission will treat provider-specific coverage maps as confidential information, the map of presumptively eligible areas will be released publicly. In areas where there is known to be only one or two providers, it may be possible to determine some otherwise-confidential information from the publicly-released information in certain circumstances. The Bureaus seek comment on the proposed procedures for generating the initial map of presumptively eligible areas.

III. Procedures for MF–II Challenges

6. As the Commission explained in the *MF–II Challenge Process Order,* adopting clear guidance and parameters on speed test data will help to ensure that the evidence submitted by challengers is reliable, accurately reflects consumer experience in the challenged area, and can be analyzed quickly and efficiently. The Bureaus propose and seek comment on the following requirements for the challenge process.

A. Specifying Provider Approved Handsets

7. In the *MF-II Challenge Process Order,* the Commission specified that service providers with qualified 4G LTE coverage will be required to identify at least three readily available handset models appropriate for testing those providers' coverage. The Bureaus plan to consolidate coverage data from affiliated entities that file separately into a single common provider. The Bureaus propose to similarly consolidate submitted provider handset data for such entities to the extent that the lists of handsets differ. Challengers electing to use application-based tests and software-based drive tests must use the applicable handsets specified by each service provider with coverage in the challenged area.

8. In order to ensure that at least one device is drive test compatible, the Bureaus propose to require providers to identify at least one device that is either: (a) Officially supported by the latest versions of drive test software, such as JDSU, ZK–SAM, Rohde & Schwartz, TEMS, or Ookla; or (b) engineering-capable and able to be unlocked and put into diagnostic mode in order to interface with drive test software. The Bureaus seek comment on this proposal, particularly on whether it is sufficient to allow challengers to conduct drive tests efficiently and effectively.

B. Requirements for Speed Test Measurements

9. The Bureaus will require that speed test data meet the standard parameters adopted by the Commission, in particular that each test be conducted between 6:00 a.m. and 12:00 a.m. (midnight) local time, and that the date of the test be after the publication of the initial eligibility map and within six months of the close of the challenge window. The Bureaus propose to require challengers to submit all speed test measurements collected during these hours and during the relevant timeframe, including those that are above the speed threshold (*i.e.,* showing speeds greater than or equal to 5 Mbps). Consistent with the validation framework adopted by the Commission however, only measurements showing download speeds below the 5 Mbps threshold will be considered as part of a valid challenge. All evidence submitted may be considered by Commission staff when adjudicating challenges using the preponderance of the evidence standard.

10. The Commission adopted in the *MF-II Challenge Process Order* a requirement that challengers take measurements that: (1) Are no more than a fixed distance apart from one another in each challenged area, and (2) substantially cover the entire area. The Commission directed the Bureaus to adopt the specific value—no greater than one mile—for the maximum distance between speed tests. Consistent with this direction, the Bureaus propose to use a maximum distance value of one-half of one kilometer. The Bureaus propose to use kilometers instead of miles in order to be consistent with the de minimis challenge size adopted by the Commission, as well as to be consistent with the units used for the ''equal area'' map projection that the Bureaus plan to use when processing geospatial data. Consistent with the framework adopted by the Commission, the maximum distance parameter would be validated as part of a multi-step geospatial-data-processing approach. Specifically, under this automated-validation framework, if a challenger submits speed test measurements less densely than the maximum distance parameter in a challenged area, its evidence may be insufficient to cover at least 75 percent of the challengeable area within a cell, and its challenge would presumptively fail. In order to implement this density requirement, the Bureaus will buffer each speed test point and calculate the buffered area, as explained by the Commission, then compare the area of the buffered points to the challengeable area within a grid cell. The Bureaus propose that a challenger have at least one speed test within the challengeable area of a grid cell in order to challenge an area within the grid cell. The Bureaus seek comment on the proposal and how this fixed distance would affect the collection and analysis of challenge data.

11. The Bureaus propose to require challengers to provide other data parameters associated with a speed test. In addition to the parameters adopted by the Commission, which the Bureaus will require, the Bureaus propose to require that a challenger provide: Signal strength and latency; the service provider identity and device used (which must be from that provider's list of pre-approved handsets); the international mobile equipment identity (IMEI) of the tested device; the method of the test (*i.e.,* software-based drive test or non-drive test app-based test); and, if an app was used to conduct the measurement, the identity and version of the app. In order to effectuate the Commission's decision to not permit challenges to the allocation of subsidy data, the Bureaus will not allow a challenger to submit speed test data of its own network. The complete file specification for challenger speed tests is detailed in Appendix D of the *MF-II Challenge Process Comment Public Notice.* The Bureaus seek comment on these additional proposed data parameter requirements.

12. In the *MF-II Challenge Process Order,* the Commission explained that the evidence submitted by challenged parties must be reliable and credible to be useful during the adjudication process and indicated that submission of speed test data to refute a challenge would be particularly persuasive evidence. The Commission also required that, if a challenged party chooses to submit speed test data, the data must conform to the same standards and requirements it adopted for challengers, except for the recency of submitted data. The Bureaus would require the same additional parameters as they propose to require of challengers, except for the requirement to identify the service provider, as a challenged party may only provide speed tests of its own network in response to a challenge. The proposed file specification for respondent speed tests is detailed in Appendix D of the *MF-II Challenge Process Comment Public Notice.*

13. Recognizing that some providers may reduce the speed of data on their networks for network management purposes (*e.g.,* in the case of large data usage by particular users), the Bureaus propose to allow a challenged party to submit data that identify a particular device that a challenger used to conduct its speed tests as having been subjected to reduced speeds, along with the precise date and time the speed reductions were in effect on the challenger's device. The proposed specifications for submitting these data are detailed in Appendix D of the *MF-II Challenge Process Comment Public Notice.* The Bureaus seek comment on this proposal.

14. Under the MF-II challenge process framework adopted by the Commission, challenged parties may submit device-specific data collected from transmitter monitoring software. The Bureaus propose to allow challenged parties to submit transmitter monitoring software data that is substantially similar in form and content to speed test data in order to facilitate comparison of such data during the adjudication process. In particular, if a challenged party wishes to submit such data, the Bureaus propose to require: The latitude and longitude to at least five decimals of the measured device; the date and time of the measurement; signal strength, latency, and recorded speeds; and the distance between the measured device and transmitter. The Bureaus seek comment on this proposal.

15. The Bureaus propose to require that measurements from submitted transmitter monitoring software data conform to the standard parameters and requirements adopted by the Commission for speed test data submitted by a challenged party. The Bureaus propose to require that such measurements reflect device usage between the hours of 6:00 a.m. and 12:00 a.m. (midnight) local time and be collected after the publication of the initial eligibility map and within six months of the scheduled close of the response window. The Bureaus seek comment on these proposed requirements.

C. Automated Validation of Challenges

16. The Bureaus plan to analyze geospatial data throughout the challenge process using a uniform grid based on cells of equal area, set at the de minimis challenged area threshold of one square kilometer. For each grid cell containing a speed test measurement submitted by a challenger, the system would consider the challengeable portion of the grid cell (*i.e.,* the ineligible area, or any area that is neither eligible nor water-only) to constitute the challenged area. In order to allow for challenges in grid cells where the challengeable portion of the cell is less than this threshold, the Bureaus propose to validate that the sum of all challenged areas in a state is greater than or equal to one square kilometer. Consistent with the Commission's framework, if a challenge submitted for a state fails this validation, the system would reject the entire challenge.

17. To implement step two of the validation framework, the Bureaus propose to require a challenger to submit speed test measurement data in a standard format on a state-by-state basis. This will permit the system to conduct an initial check for each speed test record to ensure that the data parameters are consistent with all adopted requirements and that the file matches the file specification. Any record that fails this initial check would be rejected, and the system would provide a warning message to the challenger with the reason for failing this step.

18. For each speed test measurement passing step two (a counted speed test), the system would calculate the speed test buffer area, thereby determining the density of submitted speed tests and implementing step three of the validation framework. The Bureaus propose that the system determine the set of grid cells in which at least one counted speed test is contained. For each of these grid cells, the system would apply a buffer (*i.e.,* draw a circle of fixed size) with a radius of one-quarter of one kilometer (one-half of the maximum distance allowed between tests) to each counted speed test and determine the total portion of this buffered area that overlaps with the coverage map of the challenged provider for whose network the speed test measurement was recorded (measured areas). Since a challenger has the burden of showing insufficient coverage by each provider of unsubsidized, qualified 4G LTE service, the system would also determine the unmeasured area for each such provider, that is, the portion of each provider's coverage in the grid cell falling outside of the buffered area.

19. To implement step four of the validation framework, the system would merge the unmeasured area of all providers in a grid cell to determine the aggregated unmeasured area where the challenger has not submitted sufficient speed test evidence for every provider. Unmeasured area is the coverage area outside of the buffer area. If the calculated size of the aggregated unmeasured area in the grid cell is greater than 25 percent of the total challengeable portion of the grid cell (the total area of the grid cell minus any water-only areas and any eligible areas), the challenge would be presumptively unsuccessful because it failed the requirement to include speed test measurements of sufficient density for all providers. The system would provide a warning to the challenger for any grid cells that fail this step. In other words, if a challenger has not submitted speed tests that, when buffered and aggregated across providers, dispute at least 75 percent of the coverage in that grid cell, the challenge would presumptively fail. This step would be performed after, and is unrelated to, the check in step one that a challenger has identified grid cells with challengeable areas that in sum meet the de minimis threshold of one square kilometer. In other words, the sufficiency of submitted evidence and whether a challenge is presumptively successful or not would be unrelated to whether a challenger has identified enough ineligible areas with its challenge.

20. The Bureaus propose to allow challengers to certify their challenges notwithstanding this presumption. This would allow the system to consider all certified challenges in a particular grid cell across all challengers at the close of the challenge window. As a result, even if an individual challenger's submission is presumptively unsuccessful, the system may determine that, in the aggregate, challenges to an area are presumptively successful if, as a result of multiple certified challenges, the total aggregated unmeasured area across all challengers is less than 25 percent. While the Commission decided not to subject response data submitted by challenged parties to USAC's automatic system validation, the Bureaus propose to process any such data jointly at the close of the response window using a similar approach (*i.e.,* applying a buffer with a fixed radius to submitted speed measurements) in order to help evaluate competing data during the adjudication process. This approach to processing data submitted by both challengers and challenged parties is detailed in Appendix B of the *MF-II Challenge Process Comment Public Notice.* Under the proposal, the system would process evidence submitted by both challengers (speed tests) and challenged parties (speed tests, transmitter monitoring software measurements, and/or data speed reduction reports) to facilitate the comparison of such data by staff. The Bureaus seek comment on this proposed implementation of the Commission's framework.

D. File Formats

21. In the *MF-II Challenge Process Order,* the Commission directed the Bureaus to provide instructions for how to submit data to initiate or respond to a challenge, including file formats, parameters, and other specifications for conducting speed tests. The Bureaus propose that challengers and respondents submit speed test data in comma-separated values (CSV) format matching the respective file specifications. The Bureaus also propose to require that data from transmitter monitoring software match a substantially similar file specification in CSV form. The Bureaus likewise propose to require that data submitted about speed reductions for devices match the proposed file specification in CSV form. Additional details about the attributes and the file formats that the Bureaus propose to require for challengers and respondents may be found in Appendix D of the *MF-II Challenge Process Comment Public Notice.* The Bureaus seek comment on this proposal generally.

IV. Other Important Challenge Process Information

A. Access to USAC Challenge Process Portal

22. Unless a party otherwise contacts the Commission as explained in the *MF-II Challenge Process Comment Public Notice,* USAC will create accounts for all service providers, using contact information submitted by a filer in its Form 477 filing data as of June 30, 2017. Any service provider eligible to participate that for some reason did not file Form 477 data in June 2017 would not have an account created unless it contacts the Commission as required for a filer that wishes to use a different contact in order to get access to the USAC portal. Additionally, as discussed in Appendix C of the *MF-II Challenge Process Comment Public Notice,* the Bureaus plan to consolidate any attributable entities that separately file Form 477 mobile broadband coverage data to a common provider. As a result, such entities would jointly have access to the USAC portal, and would submit or respond to challenges on behalf of a single provider. After creating the account, USAC will issue log-on information to access the portal via email. If a filer wants to use contact information other than the contact it submitted for its Form 477 for purposes of accessing the USAC portal, or if a filer wishes to add other users, the Bureaus propose that it email the Commission and provide its provider name, the first and last name of the user(s) it wishes to grant access to the portal, and the email address(es) of the user(s), up to a maximum of three users. The Bureaus propose that government entities eligible to participate in the process (*e.g.,* local, state, or Tribal government entities) submit via email the name of the entity, its legal jurisdiction, the first and last name of the user(s) that should have access to the portal on its behalf, and the email address(es) of the user(s), up to a maximum of three users. Other parties that seek to participate in the MF-II challenge process must first file a waiver petition with the Commission, and the Bureaus propose requiring them to submit the first and last name of the user(s) that should have access to the portal on its behalf, and the email address(es) of the user(s), up to a maximum of three users, as part of their petition for waiver. The Bureaus seek comment on these proposals.

23. In accordance with the procedures adopted in the *MF-II Challenge Process Order,* the Bureaus propose to make available in a downloadable format through the USAC portal the provider-specific data underlying the map of presumptively eligible areas. These baseline data would include geospatial data on a state-by-state basis in shapefile format for: (a) The boundaries of the state (or state equivalent) overlaid with the uniform grid; (b) the confidential coverage maps submitted by providers during the new, one-time data collection; and (c) the map of initial eligible areas. Additionally, the baseline data for each state would include tabular data in CSV format with the list of pre-approved handsets and the clutter information submitted during the new, one-time data collection for each provider.

24. After Commission staff have adjudicated all challenges and responses, the Bureaus propose to make available to challengers and respondents data about their challenges or responses through the USAC portal. The Bureaus would provide to each challenger or respondent for each of the grid cells associated with their certified challenges or certified responses, respectively: (a) The outcome of the adjudication; (b) the confidential evidence submitted and certified by all challengers; and (c) the confidential evidence submitted and certified by all respondents. The Bureaus propose to make non-confidential information about the adjudication process available to the public on the Commission's Web site concurrent with an announcement of the map of final eligible areas via public notice. Specifically, the public data would include: (a) The outcome of the adjudication for each challenged cell; and (b) the map of final eligible areas.

B. Timing

25. The Bureaus expect to make public a map of areas presumptively eligible for MF-II support no earlier than four weeks after the deadline for submission of the new, one-time 4G LTE provider coverage data. Providers are required to file new, one-time 4G LTE coverage data by January 4, 2018. Contemporaneous with the publication of the map of presumptively eligible areas, the Bureaus will announce via public notice the availability of this data and subsequent commencement of the challenge window. The Bureaus propose that the challenge process window open on the next business day following the release of the map. Eligible parties would be able to access the USAC portal and download the provider-specific confidential data necessary to begin conducting speed tests on that day. The challenge window will close 150 days later, consistent with the procedures adopted in the *MF-II Challenge Process Order.* Although challenges will be accepted until the close of the challenge window, the Bureaus encourage interested parties to file in advance of the closing date to allow ample time for data processing.

26. Following the close of the challenge window, the USAC portal system will process the data submitted by challengers. The Bureaus propose to open the response window no earlier than five business days after the close of the challenge window to allow for this data processing. Once opened, the response window will close 30 days later. Although challenged parties will have an opportunity to submit additional data via the USAC portal in response to a certified challenge for the entire duration of the response window, challenged parties are similarly encouraged to file in advance of the deadline. A challenged party will not have a further opportunity to submit any additional data for the Commission's consideration after the response window closes and should therefore plan accordingly.

27. Commission staff will adjudicate certified challenges and responses, consistent with the standard of review and evidentiary standards adopted in the *MF-II Challenge Process Order.* Following the adjudication process, the Commission will publicly release the final map of areas eligible for MF-II support.

V. Procedural Matters

A. Paperwork Reduction Act Analysis

28. The *MF-II Challenge Process Comment Public Notice* proposes and seeks comment on specific parameters and procedures to implement the MF-II challenge process that was established by the Commission in the *MF-II Order,* 82 FR 15422, March 28, 2017, and the *MF-II Challenge Process Order,* 82 FR 42473, September 8, 2017 (collectively, *MF-II Orders*). The Commission is currently seeking PRA approval for the information collection requirements related to the challenge process, as adopted in the *MF-II Orders.* Because the *MF-II Challenge Process Comment Public Notice* does not propose any additional proposed information collection requirements beyond those established in the *MF-II Orders,* the proposals set out in the *MF-II Challenge Process Comment Public Notice* do not implicate the procedural requirements of the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, or those of the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

B. Supplemental Initial Regulatory Flexibility Analysis

29. As required by the Regulatory Flexibility Act of 1980 (RFA), the Commission prepared Initial Regulatory Flexibility Analyses (IRFAs) in connection with the *USF/ICC Transformation FNPRM,* 76 FR 78383, December 16, 2011, the *2014 CAF FNPRM,* 79 FR 39195, July 9, 2014, and the *MF-II FNPRM,* 82 FR 13413, March 13, 2017 (collectively, *MF-II FNPRMs*), and Final Regulatory Flexibility Analyses (FRFAs) in connection with the *2014 CAF Order,* 79 FR 39163, July 9, 2014, and the *MF-II Orders.* The Commission sought written public comment on the proposals in the *MF-II FNPRMs,* including comments on the IRFAs. The Commission did not receive any comments in response to those Regulatory Flexibility Analyses.

30. The IRFAs for the *MF-II NPRMs* and the FRFAs for the *MF-II Orders* set forth the need for and objectives of the Commission's rules for the MF-II auction and challenge process; the legal basis for those rules; a description and estimate of the number of small entities to which the rules apply; a description of projected reporting, recordkeeping, and other compliance requirements for small entities; steps taken to minimize the significant economic impact on small entities and significant alternatives considered; and a statement that there are no federal rules that may duplicate, overlap, or conflict with the rules. The IRFAs prepared with the *MF-II FNPRMs* and the FRFAs prepared with the *MF-II Orders* describe in detail the small entities that might be significantly affected by the proposed rules in those proceedings. The *MF-II Challenge Process Comment Public Notice* proposes the procedures for implementing the rules adopted in the *MF-II Orders;* therefore, the Bureaus incorporate by reference the descriptions and estimates of the number of small entities that might be significantly affected from the *MF-II FNPRMs* IRFAs and the *MF-II Orders* FRFAs into the Supplemental IRFA. However, because the *MF-II Challenge Process Comment Public Notice* proposes specific procedures for implementing the rules proposed in the *MF-II FNPRMs* and adopted in the *MF-II Orders,* the Bureaus have prepared a supplemental IRFA seeking comment on how the proposals in the *MF-II Challenge Process Comment Public Notice* could affect those Regulatory Flexibility Analyses.

31. The proposals in the *MF-II Challenge Process Comment Public Notice* include procedures to allow interested parties the opportunity to contest an initial determination that an area is ineligible for MF-II support and challenged parties the opportunity to respond to challenges. These proposals are necessary in order to give effect to the Commission's directive to propose and provide an opportunity for comment on detailed instructions, deadlines, and requirements for filing a valid challenge, including file formats, parameters, and other specifications for conducting speed tests. The proposals in the *MF-II Challenge Process Comment Public Notice* are designed to lead to a more efficient and accurate challenge process, deter excessive and unfounded challenges, and minimize the burden on small business challengers, as well as other parties utilizing the challenge process.

32. To implement the rules and framework adopted by the Commission in the *MF-II Challenge Process Order,* the *MF-II Challenge Process Comment Public Notice* details the technical procedures the Bureaus plan to use when generating the initial eligible areas map and processing challenges or responses submitted by challengers and challenged parties, respectively. The Public Notice also proposes additional requirements and parameters, including file formats and specifications, for data submitted during the challenge process. The Bureaus have made an effort to anticipate the challenges faced by small entities (*e.g.,* governmental entities or small mobile service providers) in complying with the implementation of the Commission's rules and the Bureaus' proposals. The Bureaus plan to perform all geospatial data analysis on a uniform grid, which would remove the need for a challenger to submit a map of the area(s) it wishes to challenge on top of its evidence, reducing burdens on small entities. The Bureaus propose to allow a challenged entity to submit evidence identifying devices that were subject to data speed reductions, alongside evidence from transmitter monitoring software and speed tests, which would allow for a small entity to more easily respond to a challenge. The Bureaus note that smaller providers will have fewer resources available, and they therefore specifically seek comment on the parameters and procedures of the challenge process and ways to make them as efficient as possible for all interested parties, including small entities.

33. The Bureaus seek comment on how the proposals in the *MF-II Challenge Process Comment Public Notice* could affect the IRFAs in the *MF-II FNPRMs* or the FRFAs in the *MF-II Orders.* Such comments must be filed in accordance with the same filing deadlines for responses to the *MF-II Challenge Process Comment Public Notice* and have a separate and distinct heading designating them as responses to the IRFAs and FRFAs.

C. Ex Parte Presentations

34. This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented is generally required. Other provisions pertaining to oral and written ex parte presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. 2017–23936 Filed 11–2–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 224 and 226

[Docket No. 120815341–7866–01]

RIN 0648–BC45

Endangered and Threatened Wildlife and Plants: Proposed Rulemaking To Designate Critical Habitat for the Main Hawaiian Islands Insular False Killer Whale Distinct Population Segment

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

ACTION: Proposed rule; request for comments.

SUMMARY: We, NMFS, propose to designate critical habitat for the Main Hawaiian Islands insular false killer whale (*Pseudorca crassidens*) distinct population segment by designating waters from the 45-meter (m) depth contour to the 3200-m depth contour around the main Hawaiian Islands from Niihau east to Hawaii, pursuant to section 4 of the Endangered Species Act (ESA). Based on considerations of economic and national security impacts, we propose to exclude the following areas from designation because the benefits of exclusion outweigh the benefits of inclusion and exclusion will not result in extinction of the species: The Bureau of Ocean Energy Management's Call Area offshore of the Island of Oahu, the Pacific Missile Range Facilities Offshore ranges (including the Shallow Water Training Range, the Barking Sands Tactical Underwater Range, and the Barking Sands Underwater Range Extension), the Kingfisher Range, Warning Area 188, Kaula and Warning Area 187, Fleet Operational Readiness Accuracy Check Site Range, the Shipboard Electronic Systems Evaluation Facility, Warning Areas 196 and 191, and Warning Areas 193 and 194. In addition, the Ewa Training Minefield and the Naval Defensive Sea Area are precluded from designation under section 4(a)(3) of the ESA because they are managed under the Joint Base Pearl Harbor-Hickam Integrated Natural Resource Management Plan that we find provides a benefit to the Main Hawaiian Islands insular false killer whale. We are soliciting comments on all aspects of the proposal, including information on the economic, national security, and other relevant impacts. We will consider additional information received prior to making a final designation.

DATES: Comments must be received no later than 5 p.m. on January 2, 2018.

A public hearing will be held on December 7, 2017 at the Manoa Grand Ballroom, Japanese Cultural Center, 2454 South Beretania Street, Honolulu, HI 96826. Doors open at 6:00 p.m., and a presentation and hearing will begin at 6:30 p.m. Parking is available and will be validated.

ADDRESSES: You may submit comments, information, or data on this document, identified by NOAA–NMFS–2017–0093, and on the supplemental documents by either of the following methods:

Electronic Submission: Submit all electronic comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0093,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

Mail: Submit written comments to Susan Pultz, Chief, Conservation Planning and Rulemaking Branch, Protected Resources Division, National Marine Fisheries Service, Pacific Islands Regional Office, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818, Attn: MHI IFKW Critical Habitat Proposed Rule.

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. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Susan Pultz, NMFS, Pacific Islands Region, Chief, Conservation Planning and Rulemaking Branch, 808–725–5150; or Lisa Manning, NMFS, Office of Protected Resources 301–427–8466.

SUPPLEMENTARY INFORMATION: In accordance with section 4(b)(2) of the ESA (16 U.S.C. 1533(b)(2)) and our implementing regulations (50 CFR 424.12), this proposed rule is based on the best scientific information available concerning the range, biology, habitat and threats to the habitat of this distinct population segment (DPS). We have reviewed the information (*e.g.,* provided in peer-reviewed literature, and technical documents) and have used it to identify the physical and biological features essential to the conservation of this DPS. Background documents on the biology and the economic impacts of the designation, and documents explaining the critical habitat designation process can be downloaded from *http://www.fpir.noaa.gov/PRD/prd_mhi_false_killer_whale.html#fwk_esa_listing,* or requested by phone or email from the NMFS staff in Honolulu (area code 808) listed under **FOR FURTHER INFORMATION CONTACT**.

Background

On December 28, 2012, the main Hawaiian Islands (MHI) insular false killer whale (IFKW) (*Pseudorca crassidens*) DPS was listed as endangered throughout its range under the ESA (77 FR 70915; November 28, 2012). Under section 4 of the ESA, critical habitat shall be specified to the maximum extent prudent and determinable at the time a species is listed as threatened or endangered (16 U.S.C. 1533 (b)(6)(C)). In the final listing rule, we stated that critical habitat was not determinable at the time of the listing, because sufficient information was not currently available on the geographical area occupied by the species, the physical and biological features essential to conservation, and the impacts of the designation (77 FR 70915; November 28, 2012). Under section 4 of the ESA, if critical habitat is not determinable at the time of listing, a final critical habitat designation must be published 1 year after listing (16 U.S.C. 1533 (b)(6)(C)(ii)). The Natural Resources Defense Council filed a complaint in July 2016 with the U. S. District Court for the District of Columbia seeking an order to compel NMFS to designate critical habitat for the MHI IFKW DPS, and a court-approved settlement agreement was filed on January 24, 2017 (*Natural Resources Defense Council, Inc.* v. *Penny Pritzker, National Marine Fisheries Services,* 1:16-cv-1442 (D.D.C.)). The settlement agreement stipulates that NMFS will submit the proposed rule to the Office of the **Federal Register** by October 31, 2017, and the final rule by July 1, 2018. This proposed rule describes the proposed critical habitat designation, including supporting information on MHI IFKW biology, distribution, and habitat use, and the methods used to develop the proposed designation.

The ESA defines critical habitat under section 3(5)(A) as: ''(i) the specific areas within the geographical area occupied by the species, at the time it is listed . . . , on which are found those physical or biological features (I) essential to the

conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed . . . upon a determination by the Secretary that such areas are essential for the conservation of the species.'' (16 U.S.C. 1532(5)(A)). Conservation is defined in section 3(3) of the ESA as ''. . . to use, and the use of, all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary . . .'' (16 U.S.C. 1532(3)). Section 3(5)(C) of the ESA provides that except in those circumstances determined by the Secretary, critical habitat shall not include the entire geographical area which can be occupied by the threatened or endangered species.

Section 4(a)(3)(B) prohibits designating as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense (DOD) or designated for its use, that are subject to an Integrated Natural Resources Management Plan (INRMP) prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species, and its habitat, for which critical habitat is proposed for designation. Although not expressly stated in section 4(b)(2), our regulations provide that critical habitat shall not be designated within foreign countries or in other areas outside of U.S. jurisdiction (50 CFR 424.12 (g)).

Section 4(b)(2) of the ESA requires us to designate critical habitat for threatened and endangered species ''on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat.'' This section also grants the Secretary of Commerce (Secretary) discretion to exclude any area from critical habitat if he determines ''the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat.'' However, the Secretary may not exclude areas if this ''will result in the extinction of the species.''

Once critical habitat is designated, section 7(a)(2) of the ESA requires Federal agencies to ensure that actions they fund, authorize, or carry out are not likely to destroy or adversely modify that habitat (16 U.S.C. 1536(a)(2)). This requirement is additional to the section 7(a)(2) requirement that Federal agencies ensure their actions are not likely to jeopardize the continued existence of ESA-listed species. Specifying the geographic location of critical habitat also facilitates implementation of section 7(a)(1) of the ESA by identifying areas where Federal agencies can focus their conservation programs and use their authorities to further the purposes of the ESA. Critical habitat requirements do not apply to citizens engaged in actions on private land that do not involve a Federal agency. However, designating critical habitat can help focus the efforts of other conservation partners (*e.g.,* State and local governments, individuals, and nongovernmental organizations).

This proposed rule describes information on the biology of this DPS, the methods used to develop the proposed designation, and our proposal to designate critical habitat for the MHI IFKW.

MHI IFKW Biology and Habitat Use

The false killer whale is a large social odontocete (toothed whales) in the family Delphinidae. These whales are slender-bodied with black or dark gray coloration, although lighter areas may occur ventrally between the flippers or on the sides of the head. A prominent, falcate dorsal fin is located at about the midpoint of the back, and the tip can be pointed or rounded. The head lacks a distinct beak, and the melon tapers gradually from the area of the blowhole to a rounded tip. In males, the melon extends slightly further forward than in females. The pectoral fins have a unique shape among the cetaceans, with a distinct central hump creating an S-shaped leading edge (Oleson *et al.,* 2010). The maximum size reported for a male is 610 centimeters (cm) (Leatherwood and Reeves 1983) and 506 cm for females (Perrin and Reilly 1984).

False killer whales are long-lived, mature slowly, and reproduce infrequently (Baird 2009, Oleson *et al.,* 2010). Maximum estimated age is reported at 63 years for females and 58 years for males (Kasuya 1986, Odell and McClune 1999). Females may live 10–15 years beyond their reproductively active years, based on estimates of senescence of around 45 years old (Ferreira 2008). This post-reproductive period is seen in other social odontocetes, such as short-finned pilot whales and killer whales, and may play a role in allowing these animals to pass knowledge important to survival from one generation to the next (McAuliffe and Whitehead 2005, Oleson *et al.,* 2010, Nichols *et al.* 2016, Photopoulou *et al.,* 2017).

Like other odontocetes, false killer whales have highly complex acoustic sensory systems through which they produce, receive, and interpret sounds to support navigation, communication, and foraging (Au 2000, Olsen *et al.,* 2010). Similar to bats—these animals use echolocation (or biosonar) to locate objects within their environment by producing sounds, and then receiving and interpreting the returning echoes. These animals also vocalize to communicate with one another, and passively listen to natural and biological acoustic cues from the ocean and other animals to understand their environment (Au 2000).

There are three categories of vocalizations that most odontocetes make, that support their ability to interpret the surrounding environment and to communicate with each other—echolocation clicks, burst-pulsed vocalizations, and whistles (Au 2000) (See the Vocalization, Hearing, and Underwater Sound section of the Draft Biological Report for generalized vocalization ranges for odontocetes, NMFS 2017a). Echolocation clicks (or click trains) and burst-pulsed sounds are sometimes described as a single category termed pulsed sounds/pulse trains (Murray *et al.,* 1998). Functionally, echolocation clicks support orientation and navigation within the whale's environment, while burst-pulsed sounds and frequency modulated whistles are social signals (Au 2000). False killer whales produce sounds that meet all three categories and sometimes produce sounds that are intermediate or between categories (Murray *et al.,* 1998). In addition to their dynamic vocalization capabilities, these whales can actively change their hearing sensitivity to optimize their ability to hear returning echoes or other sounds within their environment (Nachtigall and Supin 2008). Captive studies demonstrate false killer whales are able to perceive and distinguish harmonic combinations of sounds. This ability may facilitate communication and coordination among false killer whales as they travel (Yuen *et al.,* 2007). Because vocalizations are a primary means of navigation, communication, and foraging, it is important that false killer whales are able to detect, interpret, and utilize acoustic cues within their surrounding environment.

The soundscape—referring to ''all of the sound present in a particular location and time, considered as a whole''—varies spatially and temporally across habitats as the physical and biological attributes of habitats shift and the physical, biological, and anthropogenic factors that contribute to noise within that habitat change (Pijanowski *et al.,* 2011a, Pijanowski *et al.,* 2011b, Hatch *et al.,* 2016). For

example, water depth, salinity, and seabed type affect how well sound propagates in a habitat, so the soundscape will vary as those attributes change. Additionally, the soundscape differs by the sources that contribute to noise within the environment; these sources may be from physical, biological, or anthropogenic noise. Physical sources of noise (such as rain, wind, or waves) and biological sources of noise (made by the biological community within that habitat) may vary over time as weather patterns change or behavioral activity varies. For example, summer storm activity or breeding activity may alter the soundscape at different points of the year. Human activities that contribute to noise within habitats can vary widely in frequency content, duration, and intensity; consequently, anthropogenic sound sources may have varied effects on a habitat, depending on how that sound is propagated in the environment and what animals use that habitat (Hatch *et al.,* 2016). Considering how human activities may change the soundscape and determining the biological significance of that change can be complex as it includes the consideration of many variables, such as the characteristics of human noise sources (*e.g.,* frequency content, duration, and intensity); the ability of the animal of concern to produce sound, receive sound, and adapt to other sounds within their environment; the physical characteristics of the habitat; the baseline soundscape; and how the animal uses that habitat (Shannon *et al.,* 2015, Hatch *et al.,* 2016, Erbe *et al.,* 2016). Noise with certain characteristics may cause animals to avoid or abandon important habitat, or can mask—or interfere with the detection, recognition, or discrimination of—important acoustic cues within that habitat (Gedamke *et al.,* 2016). In these cases, the duration of the offending or masking noise will determine whether the effects or degradation to the habitat may be temporary or chronic and whether such alterations to the soundscape may alter the conservation value of that habitat. Ultimately, noise with certain characteristics (*i.e.,* characteristics that can mask acoustic cues or deter MHI IFKWs) can negatively affect MHI IFKWs' ability to detect, interpret, and utilize acoustic cues within that habitat. Additional information about vocalization and hearing specific to false killer whales can be found in the Draft Biological Report (NMFS 2017a).

Under the Marine Mammal Protection Act (MMPA), we recognize and manage three populations of false killer whales in Hawaii: the MHI Insular (*i.e.,* IFKW), the Northwestern Hawaiian Islands, and the pelagic populations (Carretta *et al.,* 2016). The MHI IFKW is the only population of false killer whale protected under the ESA, because this population was found to meet the DPS Policy (61 FR 4722; February 7, 1996) criteria and was listed as endangered based on the DPS' high extinction risk and the insufficient conservation efforts in place to reduce that risk (77 FR 70915; November 28, 2012). Hereafter, we use ''this DPS'' synonymous with the MHI IFKW to refer to this endangered population.

Genetically distinct from the two other populations of false killer whales that overlap their range in Hawaii (Martien *et al.,* 2014), MHI IFKWs are set apart from these and other false killer whales because they do not exhibit the pelagic and wide-ranging behaviors more commonly characteristic of false killer whales as a species. Instead, individuals of this DPS exhibit island-associated habitat use patterns, restricting their movements to the waters surrounding the main Hawaiian Islands (Oleson *et al.,* 2010; Baird *et al.,* 2012). With such a restricted range, this DPS relies entirely on the submerged habitats of the MHI for foraging, socializing, and reproducing. These behavior patterns may reflect in large part the unique habitat that the MHI offers in the middle of the Pacific basin. Specifically, the Hawaiian Islands are part of the Hawaiian-Emperor Seamount Chain; these submerged mountains disrupt and influence basin-wide oceanographic and atmospheric processes, and this disruption and influence, in turn, influence the productivity in the surrounding waters (Oleson *et al.,* 2010, Martien *et al.,* 2014, Gove *et al.,* 2016). Referred to as the ''Island Mass Effect,'' islands (land surrounded by water) and atolls (a ring-shaped reef, or grouping of small islands surrounding a lagoon) can create a self-fueling cycle where the geomorphic type (atoll vs. island), bathymetric slope, reef area, and local human impacts (*e.g.,* human-derived nutrient input) influence the phytoplankton biomass and the trophic-structure of the entire surrounding marine ecosystem (Doty and Oguri 1956, Gove *et al.,* 2016). As a result, in the center of the North Pacific Ocean the Hawaiian Islands create biological hotspots (Gove *et al.,* 2016), concentrating prey resources in and around different parts of the submerged island habitats. MHI IFKW behavioral patterns indicate that these whales are employing a foraging strategy that focuses on the pelagic portions of the submerged habitats of the MHI.

Population Status and Trends

The 2015 Stock Assessment Report (SAR) provides the best estimate of population size for the MHI IFKW as 151 animals (CV=0.20) (Carretta *et al.,* 2016). This estimate relies on an open population model from 2006–2009 identified in the Status Review for the MHI insular stock and was reported as being a possible overestimate because it does not account for known missed matches of individuals within the photographic catalog (Oleson *et al.,* 2010). The minimum population estimate for the MHI IFKW is reported as 92 false killer whales, which is the number of distinctive individuals identified in photo identification studies from 2011–2014 by Baird *et al.* (2015) (Carretta *et al.,* 2016). A complete history of MHI IFKW status and trends is unknown; however, the Status Review and the 2015 SAR provide an overview of information that suggests that this DPS has experienced a historical decline (Oleson *et al.,* 2010, Carretta *et al.,* 2016).

Group Dynamics and Social Networks

As social odontocetes, false killer whales rely on group dynamics to support daily activities, including foraging; group structures also support these animals as they nurture young, socialize, and avoid predators. Studies in Hawaii indicate that MHI IFKWs are most commonly observed in groups (or subgroups) of about 10 to 20 animals; however, these groupings may actually be part of a larger aggregation of multiple subgroups that are dispersed over a wider area (Baird *et al.,* 2008, Reeves *et al.,* 2009, Baird *et al.,* 2010, Oleson *et al.,* 2010). Baird *et al.* (2008) describes these larger groups (of many subgroups) as temporary, larger, loose associations of subgroups generally moving in a consistent direction and at a similar speed. These aggregations of subgroups may allow these whales to effectively search a large area for prey and converge when one sub-group locates a prey source (Baird 2009). Yuen *et al.* (2007) notes that this species' capacity to distinguish and produce different combinations of sounds may play an important role in facilitating coordinated movements of subgroups and maintaining associations over wide areas.

This DPS demonstrates social structure; observations from field studies indicate that uniquely identified individuals associate and regularly interact with at least one or more common individuals (Baird 2009, Baird

et al., 2010). Evidence from photo-identification and tracking studies suggests that somewhat stable bonds exist among individuals, lasting over periods of years (Baird *et al.,* 2008, Baird *et al.,* 2010). Further, genetic analyses of this DPS also suggest that both males and females exhibit philopatry to natal social clusters (meaning these animals stay within their natal groups), and that mating occurs both within and between social clusters (Martien *et al.,* 2011).

Social network analyses once divided the DPS into three broad social clusters based on these connections (Baird *et al.,* 2012). However, increased information from field studies indicates more complexity in these social connections, and a fourth social cluster has been identified (Robin Baird, pers. communication October 2016 and June 2017). Older analyses (before 2017) may only identify Clusters 1, 2, and 3; however, newer analyses will introduce information about Cluster 4.

Range

MHI IFKWs are found in the waters surrounding each of the main Hawaiian Islands (Niihau east to Hawaii). At the time of the ESA listing (2012) the range of the MHI IFKW DPS was described consistent with the range identified in the 2012 SAR under the MMPA as nearshore of the main Hawaiian Islands out to 140 kilometers (km) (approximately 75 nautical miles) (77 FR 70915; November 28, 2012; Carretta *et al.,* 2013). New satellite-tracking data has since proved the range to be more restricted than that of the 2012 SAR description, especially on the windward sides of the islands (Bradford *et al.,* 2015). NMFS revised the MHI IFKW's range in the 2015 SAR, under the MMPA (Carretta *et al.,* 2016), in accordance with a review and reevaluation of satellite tracking data by Bradford *et al.* (2015).

Overall, tracking information from 31 MHI IFKWs (23 from Cluster 1, and 8 from Cluster 3) suggests that the DPS has a much smaller range than previously thought, and that the use of habitat is not uniform around the islands (Bradford *et al.,* 2015). Specifically, MHI IFKWs show less offshore movement on the windward sides of the islands (maximum distance from shore of 51.4 km) than on the leeward sides of the islands (maximum distance from shore of 115 km). Acknowledging that the available tracking information has a seasonal bias (88.6 percent collected from August through January) and that data were lacking from Clusters 2 and 3, Bradford *et al.* (2015) set goals to refine the range in a manner that would reflect known differences in habitat use and allow for uncertainty in spatial and seasonal habitat use. The MHI IFKW's range was derived from a minimum convex polygon of a 72-km radius (~39 nautical miles) extending around the Main Hawaiian Islands, with the offshore extent of the radii connected on the leeward sides of Hawaii Island and Niihau to encompass the offshore movements within that region (see Figure 1). Since this analysis, a single individual from Cluster 2 and several more individuals from Cluster 3 were tagged; tracking locations received from these animals are contained within the revised boundary established by the 2015 SAR (Carretta *et al.,* 2016; Baird, pers. communication November 7, 2016).

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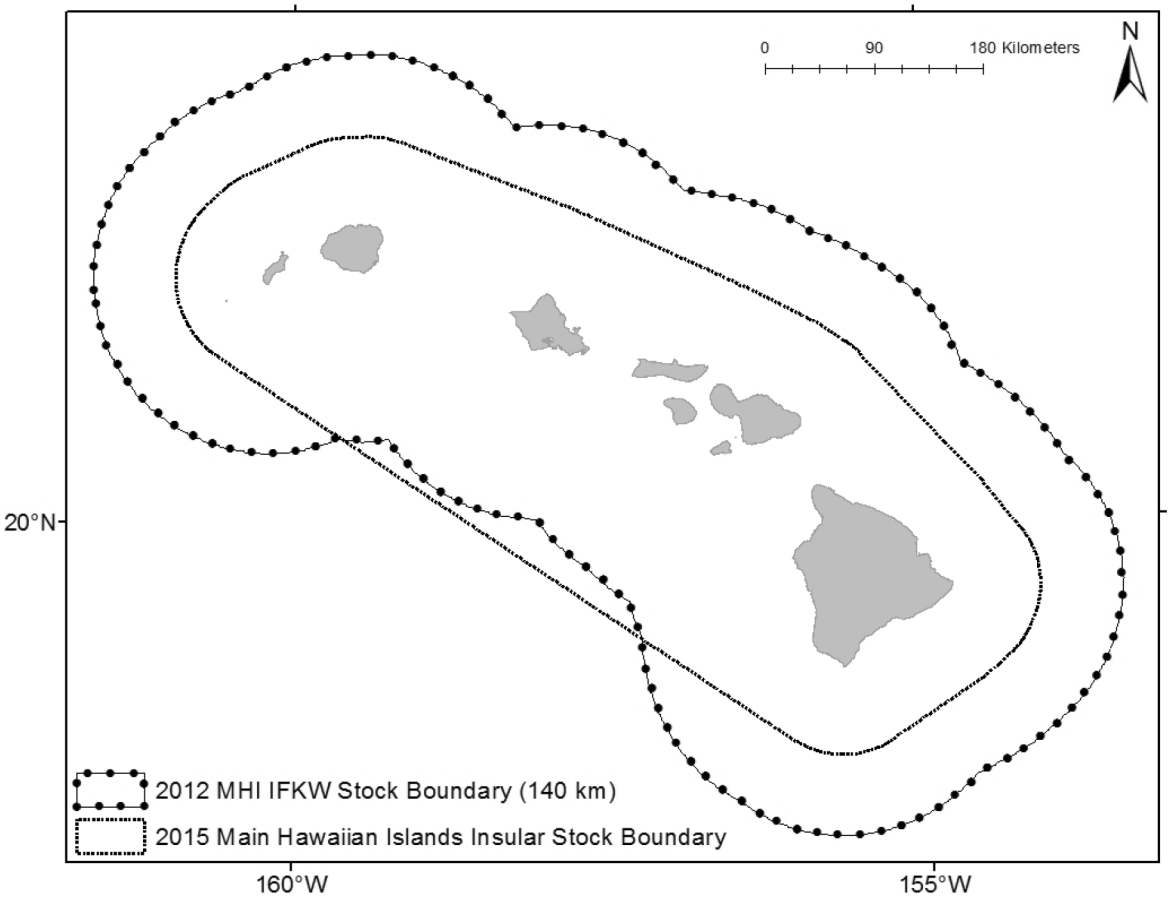

FIGURE 1. Map Depicting the 2012 and Current Stock Boundary for MHI IFKWs.

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Movement and Habitat Use

As noted earlier, MHI IFKWs constitute an island-associated population of false killer whales that restrict their movement and foraging to waters surrounding the main Hawaiian Islands (Baird *et al.,* 2008, Baird *et al.,* 2012). Within these waters, generally, this DPS is found in deeper areas just offshore, rather than the shallow nearshore habitats used by island-associated spinner or bottlenose dolphins (Baird *et al.,* 2010). Within these deeper waters, MHI IFKWs circumnavigate the islands and quickly move throughout their range (Baird *et al.,* 2008, Baird *et al.,* 2012). For example, one individual moved from Hawaii to Maui to Lanai to Oahu to Molokai, covering a minimum distance of 449 km over a 96-hour period (Baird *et al.,* 2010, Oleson *et al.,* 2010). Overall tracking information demonstrates that individuals generally spent equal amounts of time on both leeward and windward sides of the islands; however, these animals exhibit greater offshore movements on the leeward sides of the islands, with reported distances as far as 122 km from shore (Baird *et al.,* 2012).

Baird *et al.* (2012) applied density analyses to tracking data to help distinguish significant MHI IFKW habitat areas and explored environmental characteristics that may define those areas. High-use areas for this DPS were described as the north side of the island of Hawaii (both east and west sides), a broad area extending from north of Maui to northwest of Molokai, and a small area to the southwest of Lanai. Habitat use appeared to vary based on social cluster. For example, the area off the north end of Hawaii was a high-use area only for individuals from Cluster 1, whereas the north side of Molokai was primarily high-use for Cluster 3 animals (Baird *et al.,* 2012). Updates to this analysis, using newly available tracking information, indicate that high-use areas may extend further towards Oahu and into the channel between Molokai and Oahu (see the Draft Biological Report for a map of these areas and the updated information provided by Cascadia Research Collective). Due to the small and resident nature of this DPS, these high-use areas meet the definition of ''biologically important areas'' as established by NOAA's CetMap program, and are used to highlight areas that can assist resource managers with planning, analyses, and decisions regarding how to reduce adverse impacts to cetaceans resulting from human activities (Baird *et al.,* 2015, Gedamke *et al.,* 2016).

Baird *et al.* (2012) compared physical and oceanographic characteristics of IFKW high-use and low-use areas of the range. Generally, they found that MHI IFKW high-use areas were on average shallower, closer to shore, and had gentler slopes compared to other areas of this DPS' range. Additionally, these areas had higher average surface chlorophyll-a concentrations (compared to low-use areas), which may be indicative of higher productivity. Baird *et al.* (2012) suggested that high-use areas may indicate habitats where

IFKWs have increased foraging success and may be particularly important to the conservation of this DPS. Still, the data set was limited, and more high-use areas may be identified as information is gained from all social clusters and for all months of the year.

Recent information suggests that estimated maximum dive depths once reported at 500 m (Cummings and Fish 1971) and later reported in excess of 600–700 m (Olsen *et al.,* 2010, Minamikawa *et al.,* 2013) may be underestimates for this species. This new information from tagged MHI IFKWs indicates that these animals are capable of diving deeper than reported earlier. Data received from depth-transmitting LIMPET (Low Impact Minimally Percutaneous Electronic Transmitter) satellite tags on four MHI IFKWs (3 from Cluster 3, and 1 from Cluster 1) demonstrate a maximum dive depth of 1,272 m, with maximum dive durations reported as 13.85 minutes (Baird, pers communication, March 2017). Looking at information from all four animals, average maximum dive depths were similar during the day and night (912 m and 1,019 m respectively). The data demonstrate that these animals are diving greater than 50 m about twice as often during the day (0.72 dives/hour) than at night (0.35 dives/hour) (Baird pers communication, March 2017). In summary, limited data (from four individuals tagged in 2010 during the months of October and December) still indicate that a majority of foraging activity happens during the day, but that some nighttime activity also includes foraging.

Diet

Literature on false killer whales indicates the species eats primarily fish and squid (Oleson *et al.,* 2010, Ortega-Ortiz *et al.,* 2014, Clarke 1996). This DPS' restricted range surrounding the Hawaiian Islands is a unique ecological setting for false killer whales. Accordingly, the foraging strategies and prey preferences of this DPS likely differ somewhat from that of their pelagic counterparts (Oleson *et al.,* 2010). Still, studies examining the diet of this DPS suggest that pelagic fish and squid remain primary prey targets. Table 2 of the Draft Biological Report provides a list of prey species identified from field observations and stomach content analyses, as well as potential prey species determined from depredation data of the longline fisheries; this list includes large pelagic game fish, including dolphinfish (mahi-mahi), wahoo, several species of tuna, and marlin (NMFS 2017a).

Little is known about diet composition, prey preferences, or potential differences between the diets of MHI IFKWs of different age, size, sex, or even social cluster, and different methodologies create different biases about common prey items. From field studies, Baird *et al.* (2008) reports dolphinfish (mahi-mahi) as the most commonly observed prey, among other pelagic species reported. However, observations are limited to those foraging events where MHI IFKWs are found at or near the water's surface. In comparison, stomach content analysis from five MHI IFKWs that stranded off the Island of Hawaii (from 2010–2016) indicates that squid may play an important role in the diet along with other pelagic fish species (West 2016). Notably, data from stomach content analyses are from 5 whales identified as part of social Cluster 3, and it is unknown if this information may reflect differences in foraging preferences or strategy between social clusters, or if the relative health of these individuals may have influenced prey consumption just prior to death. Tracking information and observational data demonstrate that social clusters may preferentially use some areas of the range over others. For example, Cluster 2 individuals are seen more often than expected off the Island of Hawaii, and differences were noted between the preferences of Clusters 1 and 3 for certain high-use areas (Baird *et al.,* 2012). However, without additional data, it is difficult to know if these differences in habitat use may also reflect subtle differences in prey preference.

The Status Review determined the energy requirements for the IFKW DPS based on a model developed by Noren (2011) for killer whales (Oleson *et al.,* 2010). Using the best population estimate of 151 animals from the recent SAR, this DPS consumes approximately 2.6 to 3.5 million pounds (1.2 to 1.6 million kilograms) of fish annually, depending on the whale population age structure used (see Oleson *et al.,* 2010 for calculation method) (Brad Hanson, NMFS Northwest Fisheries Science Center (NWFSC), pers. communication 2017).

As noted above, the Hawaiian Islands create biological hotspots that aggregate species at all trophic levels, including pelagic fish and squid (Gove *et al.,* 2016, Bower *et al.,* 1999, Itano and Holland 2000). In the same way that false killer whales exploit the resources of these islands, some large pelagic fish and squid also demonstrate island-associated patterns utilizing island resources and phenomena to support foraging or breeding activities (Bower *et al.,* 1999, Itano and Holland 2000, Seki *et al.,* 2002). Examples include: Several species of squid that show increased spawning near the MHI to take advantage of higher productivity regions (Bower *et al.,* 1999); yellowfin tuna in Hawaii that appear to exhibit an island-associated, inshore-spawning run, peaking in the June-August period (Itano and Holland 2000); and eddies created by the influence of the islands that are known to concentrate prey resources of larger game fish (Seki *et al.,* 2002). Understanding the geographic extent and temporal aspects of overlap with prey species that demonstrate these island-associated patterns may provide further insight into factors that influence the diet of this DPS. Most of the species identified in Table 2 of the Draft Biological Report (NFMS 2017a) are species that are pelagic in nature, but that are found year-round in Hawaii's waters. Distribution of these large pelagic fish varies with seasonal changes in ocean temperature (Oleson *et al.,* 2010). Scrawled filefish and the threadfin jack are commonly associated with reef systems but are also found in the coastal open water areas surrounding Hawaii (Oleson *et al.,* 2010). Without further information about prey preferences, it is difficult to determine where prey resources of higher value exist for this DPS. However, foraging activities likely occur throughout the range, as this species takes advantage of patchily distributed prey resources.

Critical Habitat Identification

In the following sections, we describe the relevant definitions and requirements in the ESA and our implementing regulations, and the key information and criteria used to prepare this proposed critical habitat designation. In accordance with section 4(b)(2) of the ESA and our implementing regulations at 50 CFR part 424, this proposed rule is based on the best scientific data available.

To assist with identifying potential MHI IFKW critical habitat areas, we convened a critical habitat review team (CHRT) consisting of five NMFS staff with experience working on issues related to MHI IFKWs and Hawaii's pelagic ecosystem. The CHRT used the best available scientific data and its best professional judgment to: (1) Determine the geographical area occupied by the DPS at the time of listing, (2) identify the physical and biological features essential to the conservation of the species, and (3) identify specific areas within the occupied area containing those essential physical and biological features. The CHRT's evaluation and

recommendations are described in detail in the Draft Biological Report (NFMS 2017a). Beyond the description of the areas, the critical habitat designation process includes two additional steps: (4) Identify whether any area may be precluded from designation because the area is subject to an Integrated Natural Resources Management Plan (INRMP) that we have determined provides a benefit to the DPS, and (5) consider the economic, national security, or any other impacts of designating critical habitat and determine whether to exercise our discretion to exclude any particular areas. These consideration processes are described further in the Draft ESA Section 4(b)(2) report (NMFS 2017b), and economic impacts of this designation are described in detail in the draft Economic Report (Cardno 2017).

Physical and Biological Features Essential for Conservation

The ESA does not specifically define physical or biological features; however, court decisions and joint NMFS–USFWS regulations at 50 CFR 424.02 (81 FR 7413; February 11, 2016) provide guidance on how physical or biological features are expressed.

Physical and biological features support the life-history needs of the species, including but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic, or a more complex combination of habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic needed to support the life history of the species.

Based on the best available scientific information, the CHRT identified specific biological and physical features essential for the conservation of the Hawaiian IFKW DPS, to include the following:

(1) *Island-associated marine habitat for MHI insular false killer whales.*

MHI IFKWs are an island-associated population of false killer whales that relies entirely on the productive submerged habitats of the main Hawaiian Islands to support all of their life-history stages. Adapted to an island-associated foraging strategy and ecology, these whales are generally found in deeper waters just offshore, moving primarily throughout and among the shelf and slope habitat on both the windward and leeward sides of all the islands. These areas offer a wide range of depths for IFKWs to travel, forage, and move freely around and between the main Hawaiian Islands.

(2) *Prey species of sufficient quantity, quality, and availability to support individual growth, reproduction, and development, as well as overall population growth.*

MHI IFKWs are top predators that feed on a variety of large pelagic fish as well as squid. Within waters surrounding the main Hawaiian Islands, habitat conditions that support the successful growth, recruitment, and nutritional quality of prey are necessary to support the individual growth, reproduction, and development of MHI IFKWs.

(3) *Waters free of pollutants of a type and amount harmful to MHI insular false killer whales.*

Water quality plays an important role as a feature that supports the MHI IFKW's ability to forage and reproduce free from disease and impairment. Biomagnification of some pollutants can adversely affect health in these top marine predators, causing immune suppression, decreased reproduction, or other impairments. Water pollution and changes in water temperatures may also increase pathogens, naturally occurring toxins, or parasites in surrounding waters. Environmental exposure to these toxins may adversely affect their health or ability to reproduce.

(4) *Habitat free of anthropogenic noise that would significantly impair the value of the habitat for false killer whales' use or occupancy.*

False killer whales rely on their ability to produce and receive sound within their environment to navigate, communicate, and detect predators and prey. Anthropogenic noise of a certain level, intensity, and duration can alter these whales' ability to detect, interpret, and utilize acoustic cues that support important life history functions, or can result in long-term habitat avoidance or abandonment. Long-term changes to habitat use or occupancy can reduce the benefits that the animals receive from that environment (*e.g.,* opportunities to forage or reproduce), thereby reducing the value that habitat provides for conservation. Habitats that support conservation of MHI insular false killer whales allow these whales to employ sound within their environment to support important life history functions.

NMFS has coordinated with numerous federal agencies on this essential feature. As a result, NMFS is seeking additional relevant information to assist us in evaluating whether it is appropriate to include ''habitat free of anthropogenic noise that would significantly impair the value of the habitat for false killer whales' use or occupancy'' as a feature essential to the conservation of MHI IFKWs in the final rule and, if so, what scientific data are available that would assist action agencies and NMFS in determining noise levels that result in adverse modification or destruction, such as by inhibiting communication or foraging activities, or causing the abandonment of critical habitat areas (see Public Comments Solicited). If we determine that a noise essential feature is not appropriate, we will update the economic analysis and any other relevant documents accordingly.

Geographical Area Occupied by the Species

One of the first steps in the critical habitat revision process was to define the geographical area occupied by the species at the time of listing and to identify specific areas, within this geographically occupied area, that contain at least one of the essential features that may require special management considerations or protection. As noted earlier, the best available information indicates that the range of this DPS is smaller than identified at the time of listing (77 FR 70915, November 28, 2012; Bradford *et al.,* 2015). After reviewing available information, the CHRT noted, and we agree, that the range proposed by Bradford *et al.* (2015), and recognized in the 2015 NMFS Stock Assessment Report, provides the best available information to describe the areas occupied by this DPS, because this range includes all locations tagged animals have visited in Hawaii's surrounding waters and accommodates for uncertainty in the data (see *Range* above). Therefore, the area occupied by the DPS is the current range shown in Figure 1 and identified in the 2015 SAR, which includes 188,262 km^2 (72,688 mi^2) of marine habitat surrounding the MHI (Carretta *et al.,* 2016).

To be eligible for designation as critical habitat under the ESA's definition of occupied areas, each specific area must contain at least one essential feature that may require special management considerations or protection. To meet this standard, the CHRT concluded that false killer whale tracking data would provide the best available information to identify habitat use patterns by these whales and to recognize where the physical and

biological features essential to their conservation exist. Cascadia Research Collective provided access to MHI IFKW tracking data for the purposes of identifying critical habitat for this DPS. Due to the unique ecology of this island-associated population, habitat use is largely driven by depth. Thus, the features essential to the species' conservation are found in those depths that allow the whales to travel throughout a majority of their range seeking food and opportunities to socialize and reproduce.

One area has been identified as including the essential features for the MHI IFKW DPS; this area ranges from the 45-m depth contour to the 3200-m depth contour in waters that surround the main Hawaiian Islands from Niihau east to the Island of Hawaii (see the draft Biological Report for additional detail). As noted above, MHI IFKWs are generally found in deeper areas just offshore, rather than shallow nearshore areas (Baird *et al.,* 2010). MHI IFKW locations were used to identify a nearshore depth at which habitat use by MHI IFKWs may be more consistent. Specifically, at depths less than 45 m MHI IFKW locations are infrequent (less than 2 percent of locations are captured at these depths), and there does not appear to be a spatial pattern associated with these shallower depth locations (*i.e.,* locations were not clumped in specific areas). The frequency of MHI IFKW locations increases at depths greater than 45 m and appears to demonstrate more consistent use of marine habitat beyond this depth. The 45-m depth contour was selected to delineate the inshore extent of areas that would include the essential features for MHI IFKWs based on these patterns in the IFKW data.

An outer boundary of the 3200-m depth contour was selected to incorporate those areas of island-associated habitat where MHI IFKWs are known to spend a larger proportion of their time, and to include island-associated habitat that allows for movement between and around each island. This full range of depths—from the 45-m to the 3200-m depth contours—incorporates a majority of the tracking locations of MHI IFKW and includes those island-associated habitats and features essential to the MHI IFKWS DPS. This area under consideration for critical habitat includes 56,821 km² (21,933 mi²) or 30 percent of the MHI IFKW DPS' range.

Need for Special Management Considerations or Protection

Joint NMFS and USFWS regulations at 50 CFR 424.02 define special management considerations or protection to mean methods or procedures useful in protecting physical and biological features essential to the conservation of listed species.

Several activities were identified that may threaten the physical and biological features essential to conservation such that special management considerations or protection may be required, based on information from the MHI IFKW Recovery Outline, Status Review for this DPS, and discussions from the Main Hawaiian Islands Insular False Killer Whale Recovery Planning Workshop (Oleson *et al.,* 2010, NMFS 2016). Major categories of activities include: (1) In-water construction (including dredging); (2) energy development (including renewable energy projects); (3) activities that affect water quality; (4) aquaculture/mariculture; (5) fisheries; (6) environmental restoration and response activities (including responses to oil spills and vessel groundings, and marine debris clean-up activities); and (7) some military activities. All of these activities may have an effect on one or more of the essential features by altering the quantity, quality or availability of the features that support MHI IFKW critical habitat. This is not an exhaustive or complete list of potential effects; rather it is a description of the primary concerns and potential effects that we are aware of at this time and that should be considered in accordance with section 7 of the ESA when Federal agencies authorize, fund, or carry out these activities. The draft Biological Report (NMFS 2017a) and draft Economic Analysis Report (Cardno 2017) provide a more detailed description of the potential effects of each category of activities and threats on the essential features. For example, activities such as in-water construction, energy projects, aquaculture projects, and some military activities may have impacts on one or more of the essential features.

Unoccupied Critical Habitat Areas

Section 3(5)(A)(ii) of the ESA authorizes the designation of ''specific areas outside the geographical area occupied'' at the time the species is listed, if the Secretary determines ''that such areas are essential for the conservation of the species.'' There is insufficient evidence at this time to indicate that areas outside the present range are essential for the conservation of this DPS; therefore, no unoccupied areas were identified for designation.

Application of ESA Section 4(a)(3)(B)(i) (Military Lands)

Section 4(a)(3)(B) of the ESA prohibits designating as critical habitat any lands or other geographical areas owned or controlled by DOD, or designated for its use, that are subject to an INRMP prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such a plan provides a benefit to the species for which critical habitat is proposed for designation.

Regulations at 50 CFR 424.12(h) provide that in determining whether an applicable benefit is provided by a ''compliant or operational'' plan, we will consider:

(1) The extent of the area and features present;

(2) The type and frequency of use of the area by the species;

(3) The relevant elements of the INRMP in terms of management objectives, activities covered, and best management practices, and the certainty that the relevant elements will be implemented; and

(4) The degree to which the relevant elements of the INRMP will protect the habitat from the types of effects that would be addressed through a destruction-or-adverse-modification analysis.

In May 2017, we requested information from the DOD to assist in our analysis. Specifically, we asked for a list of facilities that occur within the potential critical habitat areas and available INRMPs for those facilities. The U.S. Navy stated that areas subject to the Joint Base Pearl Harbor Hickam (JBPHH) INRMP overlap with the areas under consideration for MHI IFKW critical habitat; no other INRMPs were identified as overlapping with the potential designation. The JBPHH INRMP provided by the Navy was signed in 2012. The Naval Defensive Sea Area (NDSA) and the Ewa Training Minefield are subject to the JBPHH INRMP and overlap approximately 23 km² (~9 mi²) and 4 km² (~1.5 mi²), respectively, with the areas under consideration for MHI IFKW critical habitat. Satellite-tracking information indicates that these areas are low-use or (low-density) areas for MHI IFKWs (Baird *et al.,* 2012). This INRMP was drafted prior to the ESA listing of the MHI IFKW and it currently does not incorporate conservation measures that are specific to MHI IFKWs. This plan is compliant through the end of 2017 and the Navy will review and update the JBPHH INRMP starting in 2018, which will include additional information about how on-going conservation

measures at JBPHH support MHI IFKWs and their habitat.

In the response to NMFS' request for information about this INRMP, the Navy outlined several elements of the 2012 INRMP and ongoing conservation measures that may benefit the MHI IFKW and their habitat, including: Fishing restrictions adjacent to and within areas that overlap the potential designation; creel surveys that provide information about fisheries in unrestricted areas of Pearl Harbor; restrictions on free roaming cats and dogs in residential areas; feral animal removal; participation in the Toxoplasmosis and At-large Cat Technical working group (which focuses on providing technical information to support policy decisions to address the effects of toxoplasmosis on protected wildlife and provides education and outreach materials on the impacts that free-roaming cats have on Hawaii's environment); efforts taken to prevent and reduce the spread of biotoxins and contaminants from Navy lands (including best management practices, monitoring for contamination, restoration of sediments, and spill prevention); a Stormwater Management Plan and a Stormwater Pollution Control Plan associated with their National Pollutant Discharge Elimination System (NPDES); and coastal wetland habitat restoration projects.

Although the JBPHH INRMP does not specifically address the MHI IFKW, we agree that several of the above measures support the protection of the IFKW and the physical and biological features identified for this designation. Specifically, the Navy's efforts focused on preventing the spread of toxoplasmosis, biotoxins, and other contaminants to the marine environment provide protections for MHI IFKW water quality and address threats to this feature; these threats are identified in our draft Biological Report (NMFS 2017a). Further, efforts to support coastal wetland habitat restoration provide protections for MHI IFKW water quality and provide ancillary benefits to MHI IFKW prey, which also rely on these marine ecosystems. Additionally, fishery restrictions in the NDSA and Ewa Training Minefield provide protections to MHI IFKW prey within the limited overlap areas. Some of the protections associated with the management of stormwater and pollution address effects that would otherwise be addressed through an adverse modification analysis. Other protections, associated with the spread of toxoplasmosis to the marine environment or that enhance prey, address effects to MHI IFKW habitat that otherwise may not be subject to a section 7 consultation or an adverse modification analysis because the activities that create these stressors are not funded, carried out, or authorized by a Federal agency. In these instances, the Navy's INRMP provides protections aligned with 7(a)(1) of the ESA, which instructs Federal agencies to aid in the conservation of listed species.

After consideration of the above factors, we have determined that the Navy's JBPHH INRMP provides a benefit to the MHI IFKW and its habitat. In accordance with 4(a)(3)(B)(i) of the ESA, the Ewa Training Minefield, and the Naval Defense Sea Area, both found south of Oahu, are not eligible for designation of MHI IFKW critical habitat.

Application of ESA Section 4(b)(2)

Section 4(b)(2) of the ESA requires the Secretary to consider the economic, national security, and any other relevant impacts of designating any particular area as critical habitat. Any particular area may be excluded from critical habitat if the Secretary determines that the benefits of excluding the area outweigh the benefits of designating the area. The Secretary may not exclude a particular area from designation if exclusion will result in the extinction of the species. Because the authority to exclude is discretionary, exclusion is not required for any areas. In this proposed designation, the Secretary has applied statutory discretion to exclude 10 occupied areas from critical habitat where the benefits of exclusion outweigh the benefits of designation for the reasons set forth below.

In preparation for the ESA section 4(b)(2) analysis we identified the ''particular areas'' to be analyzed. The ''particular areas'' considered for exclusion are defined based on the impacts that were identified. We considered economic impacts and weighed the economic benefits of exclusion against the conservation benefits of designation for two particular areas where economic impacts were identified as being potentially much higher than the costs of administrative efforts and where impacts were geographically concentrated. We also considered exclusions based on impacts on national security. Delineating particular areas based on impacts on national security was based on land ownership or control (*e.g.,* land controlled by the DOD within which national security impacts may exist) or on areas identified by DOD as supporting particular military activities. We request information on other relevant impacts that should be considered (see ''Public Comments Solicited''). For each particular area we identified the impacts of designation (*i.e.,* the costs of designation). These impacts of designation are equivalent to the benefits of exclusion. We also consider the benefits achieved from designation or the conservation benefits that may result from a critical habitat designation in that area. We then weigh the benefits of designation against the benefits of exclusion to identify areas where the benefits of exclusion outweigh the benefits of designation. These steps and the resulting list of areas proposed for exclusion from designation are described in detail in the sections below.

Impacts of Designation

The primary impact of a critical habitat designation stems from the requirement under section 7(a)(2) of the ESA that Federal agencies ensure that their actions are not likely to result in the destruction or adverse modification of critical habitat. Determining this impact is complicated by the fact that section 7(a)(2) contains the overlapping requirement that Federal agencies must also ensure their actions are not likely to jeopardize the species' continued existence. One incremental impact of the designation is the extent to which Federal agencies modify their actions to ensure their actions are not likely to destroy or adversely modify the critical habitat of the species, beyond any modifications they would make because of the listing and the jeopardy requirement. When the same modification would be required due to impacts to both the species and critical habitat, the impact of the designation is considered co-extensive with the ESA listing of the species (*i.e.,* attributable to both the listing of the species and the designation of critical habitat). Additional impacts of designation include State and local protections that may be triggered as a result of the designation, and the benefits from educating the public about the importance of each area for species conservation. Thus, the impacts of the designation include conservation impacts for MHI IFKWs and its habitat, economic impacts, impacts on national security and other relevant impacts that may result from the designation and the application of ESA section 7(a)(2).

In determining the impacts of designation, we focused on the incremental change in Federal agency actions as a result of critical habitat designation and the adverse modification provision, beyond the

changes predicted to occur as a result of listing and the jeopardy provision. Following a line of recent court decisions (including *Arizona Cattle Growers Association* v. *Salazar,* 606 F. 3d 1160 (9th Cir. 2010), *cert. denied,* 562 U.S. 1216 (2011 (*Arizona Cattle Growers*); and *Home Builders Association of Northern California et al.,* v. *U.S. Fish and Wildlife Service,* 616 F.3d 983 (9th Cir. 2010), *cert. denied,* 562 U.S. 1217 (2011) (*Home Builders*)), economic impacts that occur regardless of the critical habitat designation are treated as part of the regulatory baseline and are not factored into the analysis of the effects of the critical habitat designation. In other words, we focus on the potential incremental impacts beyond the impacts that would result from the listing and jeopardy provision. In some instances, potential impacts from the critical habitat designation could not be distinguished from protections that may already occur under the baseline (*i.e.,* protections already afforded MHI IFKWs under its listing or under other Federal, state, and local regulations). For example, the project modifications needed to prevent destruction or adverse modification of critical habitat may be similar to the project modifications necessary to prevent jeopardy to the species in an area. The extent to which these modifications differ may be project specific, and the incremental changes or impacts to the project may be difficult to tease apart without further project specificity.

Once we determined the impacts of the designation, we then determined the benefits of designation and the benefits of exclusion based on the impacts of the designation. The benefits of designation include the conservation impacts for MHI IFKWs and their habitat that result from the critical habitat designation and the application of ESA section 7(a)(2). The benefits of exclusion include avoidance of the economic, national security, and other relevant impacts (*e.g.,* impacts on conservation plans) of the designation if a particular area were to be excluded from the critical habitat designation. The following sections describe how we determined the benefits of designation and the benefits of exclusion, and how those benefits were considered, as required under section 4(b)(2) of the ESA, to identify particular areas that may be eligible for exclusion from the designation. We also summarize the results of our weighing process and determinations of the areas that may be eligible for exclusion (for additional information see the Draft ESA Section 4(b)(2) Report (NMFS 2017b)).

Benefits of Designation

The primary benefit of designation is the protection afforded under section 7(a)(2) of the ESA, requiring all Federal agencies to ensure their actions are not likely to destroy or adversely modify designated critical habitat. This is in addition to the requirement that all Federal agencies ensure their actions are not likely to jeopardize the continued existence of the species. Section 7(a)(1) of the ESA also requires all Federal agencies to use their authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation of endangered and threatened species. Another benefit of critical habitat designation is that it provides specific notice of the features essential to the conservation of the MHI IFKW DPS and where those features occur. This information will focus future consultations and other conservation efforts on the key habitat attributes that support conservation of this DPS. There may also be enhanced awareness by Federal agencies and the general public of activities that might affect those essential features. Accordingly, identification of these features may improve discussions with action agencies regarding relevant habitat considerations of proposed projects.

In addition to the protections described above, Chapter 12 of the draft Economic Report (Cardno 2017) discusses other forms of indirect benefits that may be attributed to the designation, including but not limited to, use benefits, and non-use or passive use benefits (Cardno 2017). Use benefits include positive changes that protections associated with the designation may provide for resource users, such as increased fishery resources, sustained or enhanced aesthetic appeal in ocean areas, or sustained wildlife-viewing opportunities. Non-use or passive benefits include those independent of resource use, where conservation of MHI IFKW habitat aligns with beliefs or values held by particular entities (*e.g.,* existence, bequest, and cultural values) (Cardno 2017). More information about these types of values may be found in Chapter 12 of the draft Economic Report (Cardno 2017).

Most of these benefits are not directly comparable to the costs of designation for purposes of conducting the section 4(b)(2) analysis described below. Ideally, benefits and costs should be compared on equal terms (*e.g.,* apples to apples); however, there is insufficient information regarding the extent of the benefits and the associated values to monetize all of these benefits. We have not identified any available data to monetize the benefits of designation (*e.g.,* estimates of the monetary value of the essential features within areas designated as critical habitat, or of the monetary value of education and outreach benefits). Further, section 4(b)(2) also requires that we consider and weigh impacts other than economic impacts that may be intangible and do not lend themselves to quantification in monetary terms, such as the benefits to national security of excluding areas from critical habitat. Given the lack of information that would allow us either to quantify or monetize the benefits of the designation for MHI IFKWs discussed above, we determined that conservation benefits should be considered from a qualitative standpoint. In determining the benefits of designation, we considered a number of factors. We took into account MHI IFKW use of the habitat, the existing baseline protections that may protect that habitat regardless of designation, and how essential features may be affected by activities that occur in these areas if critical habitat were not designated. These factors combined provided an understanding of the importance of protecting the habitat for the overall conservation of the DPS.

Generally, we relied on density analysis of satellite-tracking data to provide information about MHI IFKW habitat use. Cascadia Research Collective supplied these data (using the methods previously outlined in Baird *et al.,* 2012) to support NMFS' critical habitat designation. The data included information from 27 tagged individuals (18 from Cluster 1, 1 from Cluster 2, 7 from Cluster 3, and 1 from Cluster 4) (Baird pers. communication June 2017). For maps of these areas see the Draft ESA Section 4(b)(2) Report (NMFS 2017b). High-use areas denote areas where satellite-tracking information indicates MHI IFKWs spend more time. Due to the increased time spent in these areas, we inferred that these high-use areas have a higher conservation value than low-use areas of the range. As noted in the draft Biological Report (NMFS 2017a), there is limited representation among social clusters in the tracking data, and information received does not span the full calendar year. Therefore, this data set may not be fully representative of MHI IFKWs' habitat use. Where available, we included additional information that may supplement our understanding of MHI IFKW habitat use patterns (*e.g.,*

patterns of MHI IFKW habitat use from observational studies). Generally, we describe high-use areas as indicating areas of higher conservation value where greater foraging and/or reproductive opportunities are believed to exist. However, all areas support the essential features and meet the definition of critical habitat for this DPS. Within a restricted range, low-use areas continue to offer essential features and may provide unique opportunities for foraging as oceanic conditions vary seasonally or temporally.

Economic Impacts of Designation

Economic costs of the designation accrue primarily through implementation of section 7 of the ESA in consultations with Federal agencies to ensure their proposed actions are not likely to destroy or adversely modify critical habitat. The draft Economic Report (Cardno 2017) considered the Federal activities that may be subject to a section 7 consultation and the range of potential changes that may be required for each of these activities under the adverse modification provision. Where possible, the analysis focused on changes beyond those impacts that may result from the listing of the species or that are established within the environmental baseline. However, the report acknowledges that some existing protections to prevent jeopardy to MHI IFKWs are likely to overlap with those protections that may be put in place to prevent adverse modification (Cardno 2017). The project modification impacts represent the benefits of excluding each particular area (that is, the impacts that would be avoided if an area were excluded from the designation).

The draft Economic Report (Cardno 2017) estimates the impacts based on activities that are considered reasonably foreseeable, which include activities that are currently authorized, permitted, or funded by a Federal agency, or for which proposed plans are currently available to the public. These activities align with those identified under the *Need for Special Management Considerations and Protection* section (above). Projections were evaluated for the next 10-year period. The analysis relied upon NMFS' records of section 7 consultations to estimate the average number of projects that were likely to occur within the specific area (*i.e.,* projections were also based on past numbers of consultations) and to determine the level of consultation (formal, informal) that would be necessary based on the described activity.

The draft Economic Report (Cardno 2017) identifies the total estimated present value of the quantified incremental impacts of this designation to be between approximately 196,000 to 213,000 dollars over the next 10 years; on an annualized undiscounted basis, the impacts are equivalent to 19,600 to 21,300 dollars per year. These impacts include only additional administrative efforts to consider critical habitat in section 7 consultations for the section 7 activities identified under the *Need for Special Management Considerations or Protection* section of this rule. However, private energy developers may also bear some of the administrative costs of consultation for large energy projects; annually these costs are estimated between 0 and 300 dollars undiscounted and are expected to involve three consultation projects over the next 10 years. Across the MHI, economic impacts are expected to be small and largely associated with the administrative costs borne by Federal agencies, but may include low administrative costs to non-federal entities as well.

Both the draft Biological Report and the draft Economic Report recognize that some of the future impacts of the designation are difficult to predict (NMFS 2017a, Cardno 2017). Although considered unlikely, NMFS cannot rule out future modifications for federally managed fisheries and activities that contribute to water quality (NMFS 2017a). For federally managed fisheries, modifications were not predicted based on current management of the fisheries. However, we noted that future revised management measures could result as more information is gained about MHI IFKW foraging ecology, or as we gain a better understanding of the relative importance of certain prey species to the health and recovery of a larger MHI IFKW population. Similarly, modifications to water quality standards were not predicted as a result of this designation; however, future modifications were not ruled out because future management measures may be necessary as more information is gained about how pollutants affect MHI IFKW critical habitat. The draft Economic Report discusses this qualitatively, but does not provide quantified costs associated with any uncertain future modifications (Cardno 2017).

In summary, economic impacts from the designation are largely attributed to the administrative costs of consultations. Generally, the quantified economic impacts for this designation are relatively low because in Hawaii most projects that would require section 7 consultation occur onshore or nearshore and would not overlap with the designation. Projects with a Federal nexus (*i.e.,* funded, authorized, or carried out by a Federal agency) that occur in deeper waters are already subject to consultation under section 7 to ensure that activities are not likely to jeopardize MHI IFKWs, and throughout the specific area, activities of concern are already subject to multiple environmental laws, regulations, and permits that afford the essential features a high level of baseline protection. Despite these protections, significant uncertainty remains regarding the true extent of the impacts that some activities like fishing and activities affecting water quality may have on the essential features, and economic impacts of the designation may not be fully realized. Because the economic impacts of these activities are largely speculative, we lack sufficient information with which to balance them against the benefits of designation.

The draft Economic Report (Cardno 2017) found that costs attributed with this designation are largely administrative in nature and that a majority of those costs are borne by Federal agencies, with only a small cost of consultation (approximately 0 to 3,000 dollars over the next 10 years) borne by non-Federal entities. These impacts are expected to occur as a result of three potential offshore wind-energy projects in the Bureau of Ocean Energy Management's Call Area offshore the island of Oahu (which includes two sites, one off Kaena point and one off the south shore) (81 FR 41335; June 24, 2016). The area overlaps with approximately 1,961 km^2 (757 mi^2), or approximately 3.5 percent of the areas under consideration for designation. Density analysis of satellite-tracking information indicates that these sites are not high-use areas for MHI IFKWs. As noted above, the baseline protections are strong, and energy projects are likely to undergo formal section 7 consultation to ensure that the activities are not likely to jeopardize MHI IFKWs, along with other protected species (Cardno 2017).

Although economic costs of this designation are considered low, NMFS also considers the potential intangible costs of designation in light of Executive Order 13795, *Implementing an America-First Offshore Energy Strategy,* which sets forth the nation's policy for encouraging environmentally responsible energy exploration and production, including on the Outer Continental Shelf, to maintain the Nation's position as a global energy leader and foster energy security. In

particular, both Hawaii's State Energy Office and the Bureau of Ocean Energy Management expressed concerns that the designation may discourage companies from investing in offshore energy projects in areas that are identified as critical habitat and noted that the costs of lost opportunities to meet Hawaii's renewable energy goals could be significant (Cardno 2017). Because Oahu has the greatest energy needs among the Main Hawaiian Islands and has limited areas available for this type of development, and receiving energy via interconnection between islands is technologically difficult, these wind projects off Oahu are considered necessary to meet the State of Hawaii's renewable energy goals of 100 percent renewable energy by 2045 (Cardno 2017).

Although large in-water construction projects are an activity of concern for this DPS, we anticipate that consultations required to ensure that activities are not likely to jeopardize the MHI IFKWs will achieve substantially the same conservation benefits for this DPS. Specifically, we anticipate that conservation measures implemented as a result of consultation to address impacts to the species will also provide incidental protections to habitat features. Additionally, Federal activities that may result in destruction or adverse modification are not expected in these areas if developed for wind energy projects. Given the significance of this offshore area in supporting renewable energy goals for the State of Hawaii and the goals of Executive Order 13795, the low administrative costs of this designation, and the low-use of this area by MHI IKFWs, we find that the benefits of exclusion of this identified area outweigh the benefits of designation. Based on our best scientific judgment, and acknowledging the relatively small size of this area (approximately 3.5 percent of the overall designation), and other safeguards that are in place (*e.g.,* protections already afforded MHI IFKWs under its listing and other regulatory mechanisms), we conclude that exclusion of this area will not result in the extinction of the species.

Our exclusion analysis is based on the current BOEM Call Area as published in 81 FR 41335 (June 24, 2016). However, NMFS is aware that the Navy has conducted an offshore wind energy mission compatibility assessment of the waters surrounding Oahu to support BOEM and the State of Hawaii in identifying areas that will support wind energy development and be compatible with the Navy mission requirements. At this time, NMFS cannot reliably predict what Call Area boundary revisions may be made as a result of this assessment or continuing consultations between the Navy and BOEM. Accordingly, while our proposed designation is based on the current Call Area, NMFS will reevaluate this 4(b)(2) analysis prior to publishing a final designation, taking into account any planned boundary changes in the Call Area.

National Security Impacts

The national security benefits of exclusion are the national security impacts that would be avoided by excluding particular areas from the designation. We contacted representatives of DOD and the Department of Homeland Security to request information on potential national security impacts that may result from the designation of particular areas as critical habitat for the MHI IFKW DPS. In response to the request, the Navy and U.S. Coast Guard each submitted a request that all areas be excluded from critical habitat out of concerns associated with activities that introduce noise to the marine environment. Although we considered the request for exclusion of all areas proposed for critical habitat (see Table 1), we also separately considered particular areas identified by the Navy because these areas support specific military activities. The Coast Guard did not provide specific explanations with regard to particular areas. The Air Force provided a request for exclusion that included the waters leading to and the offshore ranges of the Pacific Missile Range Facility (PMRF). As the PMRF offshore ranges were also highlighted as important to Navy activities, we included considerations associated with the Air Force's request for exclusion for the PMRF ranges with the Navy's information, due to the similarities between the activities and impacts identified for these areas (*e.g.,* both requests in this area were associated with training and testing activities). We separately considered the waters leading to the range for exclusion because activities differ from those planned for the PMRF ranges and DOD does not exert control over these areas. Although not specifically requested for exclusion, the Navy highlighted the Puuloa Underwater Detonation Range in the materials they provided; this area was not considered for exclusion because it does not overlap with the areas under consideration for critical habitat. We considered a total of 13 sites for exclusion, and we propose 8 of those sites for exclusion; the results of the impacts vs. benefits for the 13 sites are summarized in Table 1 (below).

As in the analysis of economic impacts, we weighed the benefits of exclusion (*i.e.,* the impacts to national security that would be avoided) against the benefits of designation. The Navy and Air Force provided information regarding the activities that take place in each area, and they assessed the potential for a critical habitat designation to adversely affect their ability to conduct operations, tests, training, and other essential military activities. The possible impacts to national security summarized by both groups included restraints and constraints on military operations, training, research and development, and preparedness vital for combat operations for around the world.

The primary benefit of exclusion is that the DOD would not be required to consult with NMFS under section 7 of the ESA regarding DOD actions that may affect critical habitat, and thus potential delays or costs associated with conservation measures for critical habitat would be avoided. For each particular area, national security impacts were weighed considering the intensity of use of the area by DOD and how activities in that area may affect the features essential to the conservation of MHI IFKWs. Where additional consultation requirements are likely due to critical habitat at a site, we considered how the consultation may change the DOD activities, and how unique the DOD activities are at the site.

Benefits to the conservation of MHI IFKWs depend on whether designation of critical habitat at a site leads to additional conservation of the DPS above what is already provided by being listed as endangered under the ESA in the first place. We weighed the potential for additional conservation by considering several factors that provide an understanding of the importance of protecting the habitat for the overall conservation of the DPS including: MHI IFKW use of the habitat, the existing baseline protections that may protect that habitat regardless of designation, and the likelihood of other Federal (non-DOD) actions being proposed within the site that would be subject to section 7 consultation associated with critical habitat. Throughout the weighing process the overall size of the area considered for exclusion was considered, along with our overall understanding of importance of protecting that area for conservation purposes.

As discussed in the *Benefits of Designation* section (above), the benefits of designation may not be directly comparable to the benefits of exclusion for purposes of conducting the section

4(b)(2) analysis, because neither may be fully quantified. The Draft ESA Section 4(b)(2) Report (NMFS 2017b) provides our qualitative comparison of the national security impacts to the conservation benefits in order to determine which is greater. If we found that national security impacts outweigh conservation benefits, the site is excluded from the proposed critical habitat. If conservation benefits outweigh national security impacts, the site is not excluded from the proposed critical habitat. The decision to exclude any sites from a designation of critical habitat is always at the discretion of NMFS. Table 1 (below) outlines the determinations made for each particular area identified and the factors that weighed significantly in that process.

TABLE 1—SUMMARY OF THE ASSESSMENT OF PARTICULAR AREAS FOR EXCLUSION FOR THE DOD AND U.S. COAST GUARD BASED ON IMPACTS ON NATIONAL SECURITY

DOD Site; Agency	Size of particular area; approximate percent of the total area under consideration	Exclusion proposed?	Significant weighing factors
(1) Entire Area Under Consideration for Designation; Navy and Coast Guard.	56,821 km^2 (21,933 mi^2); 100%.	No	This area includes the entire designation and all benefits from MHI IFKW critical habitat would be lost. Impacts from delays and possible major modifications to consultation are outweighed by benefits of protecting the entire area, which includes both high and low-use MHI IFKW habitat, from future DOD and non-DOD Federal actions.
(2) PMRF Offshore Areas; Navy and Air Force.	843 km2 (~325 mi2); 1.5%	Yes	This area overlaps a relatively small area of low-use MHI IFKW habitat. This area is unique for DOD and provides specific opportunities important for DOD training and testing. The impacts from delays and possible major modifications to consultation outweigh benefits of protecting low-use habitat where future non-DOD Federal actions are considered unlikely.
(3) Waters on-route to PMRF from the Port Allen Harbor; Air Force.	1,077 km2 (~416 mi2); 2%	No	This area overlaps a relatively small area of low-use MHI IFKW habitat that is not owned or controlled by DOD. It is possible that non-DOD Federal actions could be proposed within the site that may affect the essential features. Impacts from DOD section 7 consultations are expected to be minor. Thus, short delays for minor modifications to consultation are outweighed by benefits of protecting this habitat from future DOD and non-DOD Federal actions.
(4) Kingfisher Range; Navy	14 km2 (~6 mi2); 0.03%	Yes	This area overlaps a small area of low-use MHI IFKW habitat. This area is unique for DOD and provides specific opportunities for DOD training. Impacts from short delays from minor modifications to consultation outweigh benefits of protecting low-use habitat where future non-DoD Federal actions are considered unlikely.
(5) Warning Area 188; Navy	2,674 km2 (~1,032 mi2); 5% ...	Yes	This area overlaps a medium area of low-use MHI IFKW habitat. DOD maintains control over portions of the nearshore area, and uses deeper waters for important training activities. Impacts from delays and possible major modifications to consultation outweigh benefits of protecting low-use habitat where future non-DoD Federal actions are considered unlikely.
(6) Kaula and Warning Area W–187; Navy.	266 km2 (~103 mi2); 0.5%	Yes	This area overlaps a small area of low-use MHI IFKW habitat. This area is unique for DOD and provides specific opportunities for DOD training. Impacts from short delays from expected informal consultation outweigh benefits of protecting low-use habitat where future non-DoD Federal actions are considered unlikely.
(7) Warning Area 189, HELO Quickdraw Box and Oahu Danger Zone; Navy.	2,886 km2 (~1,114 mi2); 5% ...	No	This area overlaps a medium area of low-use MHI IFKW habitat and a small high-use area for MHI IFKWs. The DOD does not maintain full control over these waters. Impacts from delays and possible modifications to consultation are outweighed by benefits of protecting both high and low-use MHI IFKW habitat, from future DOD and non-DOD Federal actions.
(8) Fleet Operational Readiness Accuracy Check Site Range (FORACS); Navy.	74 km2 (~29 mi2); 0.1%	Yes	This area overlaps a small area of low-use MHI IFKW habitat. This area is unique for DOD and provides specific opportunities for DOD testing to maintain equipment accuracy. Impacts from delays and possible modifications to consultation outweigh benefits of protecting low-use habitat where future non-DoD Federal actions are considered unlikely.
(9) Shipboard Electronic Systems Evaluation Facility Range (SESEF); Navy.	74 km^2 (~29 mi^2); 0.1%	Yes	This area overlaps a small area of low-use MHI IFKW habitat. This area is unique for DOD and provides specific opportunities for DOD testing to maintain equipment accuracy. Impacts from delays and possible modifications to consultation outweigh benefits of protecting low-use habitat where future non-DoD Federal actions are considered unlikely.

TABLE 1—SUMMARY OF THE ASSESSMENT OF PARTICULAR AREAS FOR EXCLUSION FOR THE DOD AND U.S. COAST GUARD BASED ON IMPACTS ON NATIONAL SECURITY—Continued

DOD Site; Agency	Size of particular area; approximate percent of the total area under consideration	Exclusion proposed?	Significant weighing factors
(10) Warning Areas 196 and 191; Navy.	728 km2 (~281 mi2); 1%	Yes	This area overlaps a relatively small area of low-use MHI IFKW habitat that is used by DOD. Impacts from short delays and possible modifications to consultation outweigh benefits of protecting low-use habitat where future non-DoD Federal actions are considered unlikely.
(11) Warning Areas 193 and 194; Navy.	458 km2 (~177 mi2); 1%	Yes	This area overlaps a relatively small area of low-use MHI IFKW habitat that is used by DOD. Impacts from short delays and possible modifications to consultation outweigh benefits of protecting low-use habitat where future non-DoD Federal actions are considered unlikely.
(12) Four Islands Region (Maui, Lanai, Molokai Kahoolawe); Navy.	15,389 km2 (~5,940 mi2); 27%	No	This area includes a relatively large area of both high and low-use MHI IKFW habitat that is not owned or controlled by DOD. Impacts from delays and possible major modifications to consultation are outweighed by benefits of protecting the entire area, which includes both high and low-use MHI IFKW habitat, from future DOD and non-DOD Federal actions.
(13) Hawaii Island; Navy	16,931 km2 (~6,535 mi2); 30%	No	This area includes a relatively large area of both high and low-use MHI IKFW habitat that is not owned or fully controlled by DOD. Impacts from delays and possible major modifications to consultation are outweighed by benefits of protecting the entire area, which includes both high and low-use MHI IFKW habitat, from future DOD and non-DOD Federal actions.

In coordination with DOD, the Navy requested review of six additional areas for exclusion due to national security impacts (see Figure 2). These additional areas are subsets of a larger area that the Navy initially requested for exclusion (see Table I, Site 1), but which NMFS determined should not be excluded under 4(b)(2). These areas include (1) the Kaulakahi Channel portion of Warning area 186, as it abuts PMRF offshore areas; (2) the area to the north and east of Oahu including a small portion of Warning Area 189 and the Helo Quickdraw Box; (3) the area to the south of Oahu; (4) the Kaiwi Channel; (5) the area north and offshore of the Molokai-associated MHI IFKW high use area; and (6) the Alenuihaha Channel. In order to meet our publishing deadline for the proposed designation, NMFS will reconsider its decision as it pertains to these individual areas consistent with the weighing factors used in the draft 4(b)(2) Report (NMFS 2017b), and provide exclusion determinations for these requests in the final rule.

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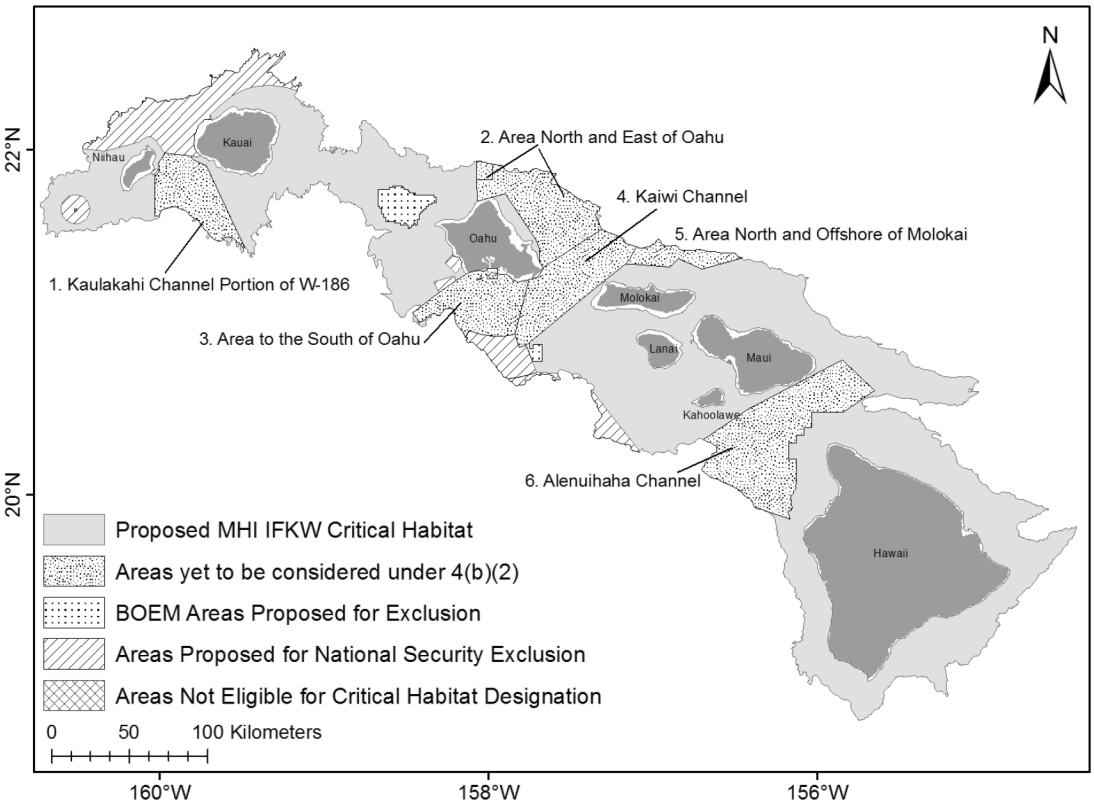

FIGURE 2. MHI IFKW CH Areas Under Consideration for National Security Exclusions

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Other Relevant Impacts of the Designation

Finally, under ESA section 4(b)(2) we consider any other relevant impacts of critical habitat designation to inform our decision as to whether to exclude any areas. For example, we may consider potential adverse effects on existing management plans or conservation plans that benefit listed species, and we may consider potential adverse effects on tribal lands or trust resources. In preparing this proposed designation, we have not identified any such management or conservation plans, tribal lands or resources, or anything else that would be adversely affected by the proposed critical habitat designation. Accordingly, subject to further consideration based on public comment, we do not exercise our discretionary authority to exclude any areas based on other relevant impacts.

Proposed Critical Habitat Designation

This rule proposes to designate approximately 49,701 km² (19,184 mi²) of marine habitat surrounding the main Hawaiian Islands within the geographical area presently occupied by the MHI IFKW. This critical habitat area contains physical or biological features essential to the conservation of the DPS that may require special management considerations or protection. We have not identified any unoccupied areas that are essential to conservation of the MHI IFKW DPS and are not proposing any such areas for designation as critical habitat. This rule proposes to exclude from the designation the following areas: (1) The Bureau of Ocean Energy Management's Call Area offshore of the Island of Oahu (which includes two sites, one off Kaena point and one off the south shore), (2) the Pacific Missile Range Facilities Offshore ranges (including the Shallow Water Training Range (SWTR), the Barking Sands Tactical Underwater Range (BARSTUR), and the Barking Sands Underwater Range Extension (BSURE), (3) the Kingfisher Range, (4) Warning Area 188, (5) Kaula and Warning Area 187, (6) the Fleet Operational Readiness Accuracy Check Site (FORACS) Range, (7) the Shipboard Electronic Systems Evaluation Facility (SESEF), (8) Warning Areas 196 and 191, and (9) Warning Areas 193 and 194. Based on our best scientific knowledge and expertise, we conclude that the exclusion of these areas will not result in the extinction of the DPS, and will not impede the conservation of the DPS. In addition, the Ewa Training Minefield and the Naval Defensive Sea Area are precluded from designation under section 4(a)(3) of the ESA because they are managed under the Joint Base Pearl Harbor-Hickam Integrated Natural Resource Management Plan that we find provides a benefit to the Main Hawaiian Islands insular false killer whale.

Effects of Critical Habitat Designations

Section 7(a)(2) of the ESA requires Federal agencies, including NMFS, to ensure that any action authorized, funded or carried out by the agency (agency action) is not likely to jeopardize the continued existence of any threatened or endangered species or destroy or adversely modify designated critical habitat. When a species is listed or critical habitat is designated, Federal agencies must consult with NMFS on any agency action to be conducted in an area where the species is present and that may affect the species or its critical habitat. During the consultation, NMFS evaluates the agency action to determine whether the action may adversely affect listed species or critical habitat and

issues its finding in a biological opinion. If NMFS concludes in the biological opinion that the agency action would likely result in the destruction or adverse modification of critical habitat, NMFS would also recommend any reasonable and prudent alternatives to the action. Reasonable and prudent alternatives are defined in 50 CFR 402.02 as alternative actions identified during formal consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that would avoid the destruction or adverse modification of critical habitat.

Regulations at 50 CFR 402.16 require Federal agencies that have retained discretionary involvement or control over an action, or where such discretionary involvement or control is authorized by law, to reinitiate consultation on previously reviewed actions in instances where: (1) Critical habitat is subsequently designated; or (2) new information or changes to the action may result in effects to critical habitat not previously considered in the biological opinion. Consequently, some Federal agencies may request re-initiation of consultation or conference with NMFS on actions for which formal consultation has been completed, if those actions may affect designated critical habitat. Activities subject to the ESA section 7 consultation process include activities on Federal lands, as well as activities requiring a permit or other authorization from a Federal agency (*e.g.,* a section 10(a)(1)(B) permit from NMFS), or some other Federal action, including funding (*e.g.,* Federal Highway Administration (FHA) or Federal Emergency Management Agency (FEMA) funding). ESA section 7 consultation would not be required for Federal actions that do not affect listed species or critical habitat, and would not be required for actions on non-Federal and private lands that are not carried out, funded, or authorized by a Federal agency.

Activities That May Be Affected

ESA section 4(b)(8) requires, to the maximum extent practicable, in any proposed regulation to designate critical habitat, an evaluation and brief description of those activities (whether public or private) that may adversely modify such habitat or that may be affected by such designation. A wide variety of activities may affect MHI IFKW critical habitat and may be subject to the ESA section 7 consultation processes when carried out, funded, or authorized by a Federal agency. The activities most likely to be affected by this critical habitat designation once finalized are: (1) In-water construction (including dredging); (2) energy development (including renewable energy projects); (3) activities that affect water quality; (4) aquaculture/mariculture; (5) fisheries; (6) environmental restoration and response activities (including responses to oil spills and vessel groundings, and marine debris clean-up activities); and (7) some military activities. Private entities may also be affected by this critical habitat designation if a Federal permit is required, Federal funding is received, or the entity is involved in or receives benefits from a Federal project. These activities would need to be evaluated with respect to their potential to destroy or adversely modify critical habitat. Changes to the actions to minimize or avoid destruction or adverse modification of designated critical habitat may result in changes to some activities. Please see the draft Economic Analysis Report (Cardno 2017) for more details and examples of changes that may need to occur in order for activities to minimize or avoid destruction or adverse modification of designated critical habitat. Questions regarding whether specific activities would constitute destruction or adverse modification of critical habitat should be directed to NMFS (see **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**).

Public Comments Solicited

We request that interested persons submit comments, information, and suggestions concerning this proposed rule during the comment period (see **DATES**). To ensure the final action resulting from this proposal will be as accurate and effective as possible, we solicit comments and suggestions from the public, other concerned governments and agencies, the scientific community, industry or any other interested party concerning this proposed rule. Specifically, public comments are sought concerning: (1) Whether it is appropriate to include ''habitat free of anthropogenic noise that would significantly impair the value of the habitat for false killer whales' use or occupancy'' as a feature essential to the conservation of MHI IFKWs in the final rule and, if so, what scientific data are available that would assist us in determining noise levels that result in adverse modification or destruction, such as by inhibiting communication or foraging activities, or causing the abandonment of critical habitat; (2) information regarding potential impacts of designating any particular area, including the types of Federal activities that may trigger an ESA section 7 consultation and the possible modifications that may be required of those activities as a result of section 7 consultation; (3) information regarding the benefits of excluding particular areas from the critical habitat designation; (4) current or planned activities in the areas proposed for designation and their possible impacts on proposed critical habitat; (5) additional information regarding the threats associated with global climate change and known impacts to MHI IFKW critical habitat and/or MHI IFKW essential features; and (6) any foreseeable economic, national security, tribal, or other relevant impacts resulting from the proposed designations. With regard to these described impacts, we request that the following information be provided to inform our ESA section 4(b)(2) analysis: (1) A map and description of the affected area (*e.g.,* location, latitude and longitude coordinates to define the boundaries, and the extent into waterways); (2) a description of activities that may be affected within the area; (3) a description of past, ongoing, or future conservation measures conducted within the area that may protect MHI IFKW habitat; and (4) a point of contact.

We encourage comments on this proposal. You may submit your comments and materials by any one of several methods (see **ADDRESSES**). The proposed rule, maps, references and other materials relating to this proposal can be found on our Web site at *http://www.fpir.noaa.gov/PRD/prd_mhi_false_killer_whale.html#fwk_esa_listing* and on the Federal eRulemaking Portal at *http://www.regulations.gov,* or can be made available upon request. We will consider all comments and information received during the comment period for this proposed rule in preparing the final rule.

Please be aware that 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.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

References Cited

A complete list of all references cited in this proposed rule can be found on our Web site at: *http://www.fpir.noaa.gov/PRD/prd_mhi_false_killer_whale.html#fwk_esa_listing* or at *www.regulations.gov,* and is available upon request from the NMFS office in Honolulu, Hawaii (see **ADDRESSES**).

Classification

Takings

Under E.O. 12630, Federal agencies must consider the effects of their actions on constitutionally protected private property rights and avoid unnecessary takings of property. A taking of property includes actions that result in physical invasion or occupancy of private property that substantially affect its value or use. In accordance with E.O. 12630, this proposed rule does not have significant takings implications. The designation of critical habitat for the MHI IFKW DPS is fully described within the offshore marine environment and is not expected to affect the use or value of private property interests. Therefore, a takings implication assessment is not required.

Executive Orders 12866 and 13771

OMB has determined that this proposed rule is significant for purposes of Executive Order 12866 review. Economic and Regulatory Impact Review Analyses and 4(b)(2) analyses as set forth and referenced herein have been prepared to support the exclusion process under section 4(b)(2) of the ESA. To review these documents see **ADDRESSES** section above.

We have estimated the costs for this proposed rule. Economic impacts associated with this rule stem from the ESA's requirement that Federal agencies ensure any action authorized, funded, or carried out will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. In practice, this requires Federal agencies to consult with NMFS whenever they propose an action that may affect a listed species or its designated critical habitat, and then to modify any action that could jeopardize the species or adversely affect critical habitat. Thus, there are two main categories of costs: administrative costs associated with completing consultations, and project modification costs. Costs associated with the ESA's requirement to avoid jeopardizing the continued existence of a listed species are not attributable to this rule, as that requirement exists in the absence of the critical habitat designation.

The draft Economic Report (Cardno 2017) identifies the total estimated present value of the quantified impacts above current consultation effort to be between approximately 192,000 to 208,000 dollars over the next 10 years; on an annualized undiscounted basis, the impacts are equivalent to 19,200 to 20,800 dollars per year. These total impacts include the additional administrative efforts necessary to consider critical habitat in section 7 consultations. Across the MHI, economic impacts are expected to be small and largely associated with the administrative costs borne by Federal agencies. However, private energy developers may also bear the administrative costs of consultation for large energy projects. These costs are estimated between 0 and 3,000 dollars over the next 10 years. While there are expected beneficial economic impacts of designating critical habitat, there are insufficient data available to monetize those impacts (see *Benefits of Designation* section).

This proposed rule is not expected to be subject to the requirements of E.O. 13771 because this proposed rule is expected to result in no more than *de minimis* costs.

Executive Order 13132, Federalism

The Executive Order on Federalism, Executive Order 13132, requires agencies to take into account any federalism impacts of regulations under development. It includes specific consultation directives for situations in which a regulation may preempt state law or impose substantial direct compliance costs on state and local governments (unless required by statute). Pursuant to E.O. 13132, we determined that this proposed rule does not have significant federalism effects and that a federalism assessment is not required. However, in keeping with Department of Commerce policies and consistent with ESA regulations at 50 CFR 242.16(c)(1)(ii), we will request information for this proposed rule from the state of Hawaii's Department of Land and Natural Resources. The proposed designation may have some benefit to state and local resource agencies in that the proposed rule more clearly defines the physical and biological features essential to the conservation of the species and the areas on which those features are found.

Energy Supply, Distribution, and Use (Executive Order 13211)

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects when undertaking a ''significant energy action.'' According to Executive Order 13211, ''significant energy action'' means any action by an agency that is expected to lead to the promulgation of a final rule or regulation that is a significant regulatory action under Executive Order 12866 and is likely to have a significant adverse effect on the supply, distribution, or use of energy. We have considered the potential impacts of this action on the supply, distribution, or use of energy (see section 13.2 of the draft Economic Report; Cardno 2017). In summary, it is unlikely for the oil and gas industry to experience a ''significant adverse effect'' due to this designation, as Hawaii does not produce petroleum or natural gas, and refineries are not expected to be impacted by this designation. Offshore energy projects may affect the essential features of critical habitat for the MHI IFKW DPS. However, foreseeable impacts are limited to two areas off Oahu where prospective wind energy projects are under consideration (see *Economic Impacts of Designation* section). Impacts to the electricity industry would likely be limited to potential delays in project development, costs to monitor noise, and possibly additional administrative costs of consultation. The potential critical habitat area is not expected to impact the current electricity production levels in Hawaii. Further, it appears that the designation will have little or no effect on electrical energy production decisions (other than the location of the future project), subsequent electricity supply, or the cost of future energy production. The designation is unlikely to impact the industry by greater than the 1 billion kWh per year or 500 MW of capacity provided as guidance in the executive order. It is therefore unlikely for the electricity production industry to experience a significant adverse effect due to the MHI IFKW critical habitat designation.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, whenever an agency publishes a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a Regulatory Flexibility Analysis describing the effects of the rule on small entities, *i.e.,* small businesses, small organizations, and small government jurisdictions. An initial regulatory flexibility analysis (IRFA) has been prepared, which is included as Chapter 13 to the draft Economic Report (Cardno 2017). This document is available upon request (see **ADDRESSES**),

via our Web site at *http://www.fpir.noaa.gov/PRD/prd_mhi_false_killer_whale.html#fwk_esa_listing* or via the Federal eRulemaking Web site at *www.regulations.gov.*

A statement of need for and objectives of this proposed rule is provided earlier in the preamble and is not repeated here. This proposed rule will not impose any recordkeeping or reporting requirements.

We identified the impacts to small businesses by considering the seven activities most likely impacted by the designation: (1) In-water construction (including dredging); (2) energy development (including renewable energy projects); (3) activities that affect water quality; (4) aquaculture/mariculture; (5) fisheries; (6) environmental restoration and response activities (including responses to oil spills and vessel groundings, and marine debris clean-up activities); and (7) some military activities. As discussed in the *Economic Impacts of Designation* section of this proposed rule and the draft Economic Report, the only entities identified as bearing economic impacts (above administrative costs) by the potential critical habitat designation are two developers of offshore wind energy projects; however, these entities exceed the criterion established by SBA for small businesses (Cardno 2017). Although considered unlikely (NMFS 2017a), there remains a small, unquantifiable possibility that Federally-managed longline boats (*i.e.,* deep-set or shallow-set fisheries) could be subject to additional conservation and management measures. At this time, however, NMFS has no information to suggest that additional measures are reasonably necessary to protect prey species. Chapter 13 of the draft Economic Report provides a description and estimate of the number of these entities that fit the criterion that could be impacted by the designation if future management measures were identified (Cardno 2017). Due to the inherent uncertainty involved in predicting possible economic impacts that could result from future consultations, we acknowledge that other unidentified impacts may occur, and we invite public comment on those impacts.

In accordance with the requirements of the RFA, this analysis considered alternatives to the critical habitat designation for the MHI IFKW that would achieve the goals of designating critical habitat without unduly burdening small entities. The alternative of not designating critical habitat for the MHI IFKW was considered and rejected because such an approach does not meet our statutory requirements under the ESA. We also considered and rejected the alternative of designating as critical habitat all areas that contain at least one identified essential feature (*i.e.,* no areas excluded), because the alternative does not allow the agency to take into account circumstances where the benefits of exclusion for economic, national security, and other relevant impacts outweigh the benefits of critical habitat designation. Finally, through the ESA 4(b)(2) consideration process we also identified and selected an alternative that may lessen the impacts of the overall designation for certain entities, including small entities. Under this alternative, we considered excluding particular areas within the designated specific area based on economic and national security impacts. This selected alternative may help to reduce the indirect impact to small businesses that are economically involved with military activities or other activities that undergo section 7 consultation in these areas. However, as the costs resulting from critical habitat designation are primarily administrative and are borne mostly by the Federal agencies involved in consultation, there is insufficient information to monetize the costs and benefits of these exclusions at this time. We did not consider other economic or relevant exclusions from critical habitat designation because our analyses identified only low-cost administrative impacts to Federal entities in other areas not proposed for exclusion. In summary, the primary benefit of this designation is to ensure that Federal agencies consult with NMFS whenever they take, fund, or authorize any action that might adversely affect MHI IFKW critical habitat. Costs associated with critical habitat are primarily administrative costs borne by the Federal agency taking the action. Our analysis has not identified any economic impacts to small businesses based on this designation and current information does not suggest that small businesses will be disproportionately affected by this designation (Cardno 2017). We solicit additional information regarding the impacts to small businesses that may result from this proposed designation, and we will consider any additional information received in developing our final determination to designate or exclude areas from critical habitat designation for the MHI IFKW.

During a formal Section 7 consultation under the ESA, NMFS, the action agency, and the third party applying for Federal funding or permitting (if applicable) communicate in an effort to minimize potential adverse effects to the species and to the proposed critical habitat. Communication between these parties may occur via written letters, phone calls, in-person meetings, or any combination of these. The duration and complexity of these communications depend on a number of variables, including the type of consultation, the species, the activity of concern, and the potential effects to the species and designated critical habitat associated with the activity that has been proposed. The third-party costs associated with these consultations include the administrative costs, such as the costs of time spent in meetings, preparing letters, and the development of research, including biological studies and engineering reports. There are no small businesses directly regulated by this action and there are no additional costs to small businesses as a result of Section 7 consultations to consider.

Coastal Zone Management Act

Under section 307(c)(1)(A) of the Coastal Zone Management Act (CZMA) (16 U.S.C. 1456(c)(1)(A)) and its implementing regulations, each Federal activity within or outside the coastal zone that has reasonably foreseeable effects on any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State coastal management programs. We have determined that this proposed designation of critical habitat for the MHI IFKW DPS is consistent to the maximum extent practicable with the enforceable policies of the approved Coastal Zone Management Program of Hawaii. This determination has been submitted to the Hawaii Coastal Zone Management Program for review.

Paperwork Reduction Act

The purpose of the Paperwork Reduction Act is to minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, and other persons resulting from the collection of information by or for the Federal government. This proposed rule does not contain any new or revised collection of information. This rule, if adopted, would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act, we make the following findings:

(A) This proposed rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, tribal governments, or the private sector and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' The designation of critical habitat does not impose an enforceable duty on non-Federal government entities or private parties. The only regulatory effect of a critical habitat designation is that Federal agencies must ensure that their actions are not likely to destroy or adversely modify critical habitat under ESA section 7. Non-Federal entities that receive funding, assistance, or permits from Federal agencies or otherwise require approval or authorization from a Federal agency for an action may be indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program; however, the Unfunded Mandates Reform Act would not apply; nor would critical habitat shift the costs of the large entitlement programs listed above to state governments.

(B) Due to the prohibition against take of the MHI IFKW both within and outside of the designated areas, we do not anticipate that this proposed rule will significantly or uniquely affect small governments. As such, a Small Government Agency Plan is not required.

Consultation and Coordination With Indian Tribal Governments

The longstanding and distinctive relationship between the Federal and tribal governments is defined by treaties, statutes, executive orders, judicial decisions, and agreements, which differentiate tribal governments from the other entities that deal with, or are affected by, the Federal government. This relationship has given rise to a special Federal trust responsibility involving the legal responsibilities and obligations of the United States towards Indian tribes and the application of fiduciary standards of due care with respect to Indian lands, tribal trust resources, and the exercise of tribal rights. Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments,'' outlines the responsibilities of the Federal government in matters affecting tribal interests. ''Federally recognized tribe'' means an Indian or Alaska Native tribe or community that is acknowledged as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a). In the list published annually by the Secretary, there are no federally recognized tribes in the State of Hawaii (74 FR 40218; August 11, 2009). Although Native Hawaiian lands are not tribal lands for purposes of the requirements of the President's Memorandum or the Department Manual, recent Department of Interior regulations (43 CFR 50) set forth a process for establishing formal government-to-government relationship with the Native Hawaiian Community. Moreover, we recognize that Native Hawaiian organizations have the potential to be impacted by Federal regulations and as such, consideration of these impacts may be evaluated as other relevant impacts from the designation. At this time, we are not aware of anticipated impacts resultant from the designation; however, we seek comments regarding areas of overlap that may warrant exclusion from critical habitat designation. We also seek information from affected Native Hawaiian organizations concerning other Native Hawaiian activities that may be affected.

Information Quality Act (IQA)

Pursuant to the Information Quality Act (section 515 of Pub. L. 106–554), this information product has undergone a pre-dissemination review by NMFS. The signed Pre-dissemination Review and Documentation Form is on file with the NMFS Pacific Islands Regional Office (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects

50 CFR Part 224

Endangered and threatened species, Exports, Imports, Transportation.

50 CFR Part 226

Endangered and threatened species.

Dated: October 31, 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 224 and 226 are proposed to be amended as follows:

PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 224 continues to read as follows:

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

■ 2. In § 224.101, amend the table in paragraph (h) by adding a new citation under the critical habitat column, for the ''Whale, false killer (Main Hawaiian Islands Insular DPS) under the ''Marine Mammals'' sub heading, to read as follows:

§ 224.101 Enumeration of endangered marine and anadromous species.

* * * * *

(h) The endangered species under the jurisdiction of the Secretary of Commerce are:

Species [1]			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Marine Mammals					
*	*	*	*	*	*
Whale, false killer (Main Hawaiian Islands Insular DPS).	*Pseudorca crassidens.*	False killer whales found from nearshore of the main Hawaiian Islands out to 140 km (approximately 75 nautical miles) and that permanently reside within this geographic range.	77 FR 70915, Nov. 28, 2012.	§ 226.226	NA
*	*	*	*	*	*

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

* * * * *

PART 226—DESIGNATED CRITICAL HABITAT

■ 3. The authority citation of part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

■ 4. Add § 226.226, to read as follows:

§ 226.226 Critical habitat for the main Hawaiian Islands insular false killer whale (Pseudorca crassidens) Distinct Population Segment.

Critical habitat is designated for main Hawaiian Islands insular false killer whale as described in this section. The maps, clarified by the textual descriptions in this section, are the definitive source for determining the critical habitat boundaries.

(a) *Critical habitat boundaries.* Critical habitat is designated in the waters surrounding the main Hawaiian Islands from the 45-m depth contour out to the 3,200-m depth contour as depicted in the maps below.

(b) *Essential Features.* The essential features for the conservation of the main Hawaiian Islands insular false killer whale are:

(1) Island-associated marine habitat for main Hawaiian Islands insular false killer whales.

(2) Prey species of sufficient quantity, quality, and availability to support individual growth, reproduction, and development, as well as overall population growth.

(3) Waters free of pollutants of a type and amount harmful to main Hawaiian Islands insular false killer whales.

(4) Habitat free of anthropogenic noise that would significantly impair the value of the habitat for false killer whales' use or occupancy.

(c) *Areas not included in critical habitat.* Critical habitat does not include the following particular areas where they overlap with the areas described in paragraph (a) of this section:

(1) Pursuant to ESA section 4(b)(2) the following areas have been excluded from the designation: The Bureau of Ocean Energy Management's Call Area offshore of the Island of Oahu (which includes two sites, one off of Kaena point and one off the south shore—see BOEM Lease Areas in maps); the Pacific Missile Range Facilities Offshore ranges (including the Shallow Water Training Range, the Barking Sands Tactical Underwater Range, and the Barking Sands Underwater Range Extension); the Kingfisher Range; Warning Area 188; Kaula and Warning Area 187; Fleet Operational Readiness Accuracy Check Site Range; the Shipboard Electronic Systems Evaluation Facility; Warning Areas 196 and 191; and Warning Areas 193 and 194.

(2) Pursuant to ESA section 4(a)(3)(B) all areas subject to the Joint Base Pearl Harbor-Hickam Integrated Natural Resource Management Plan.

(d) *Maps of main Hawaiian Islands insular false killer whale critical habitat.*

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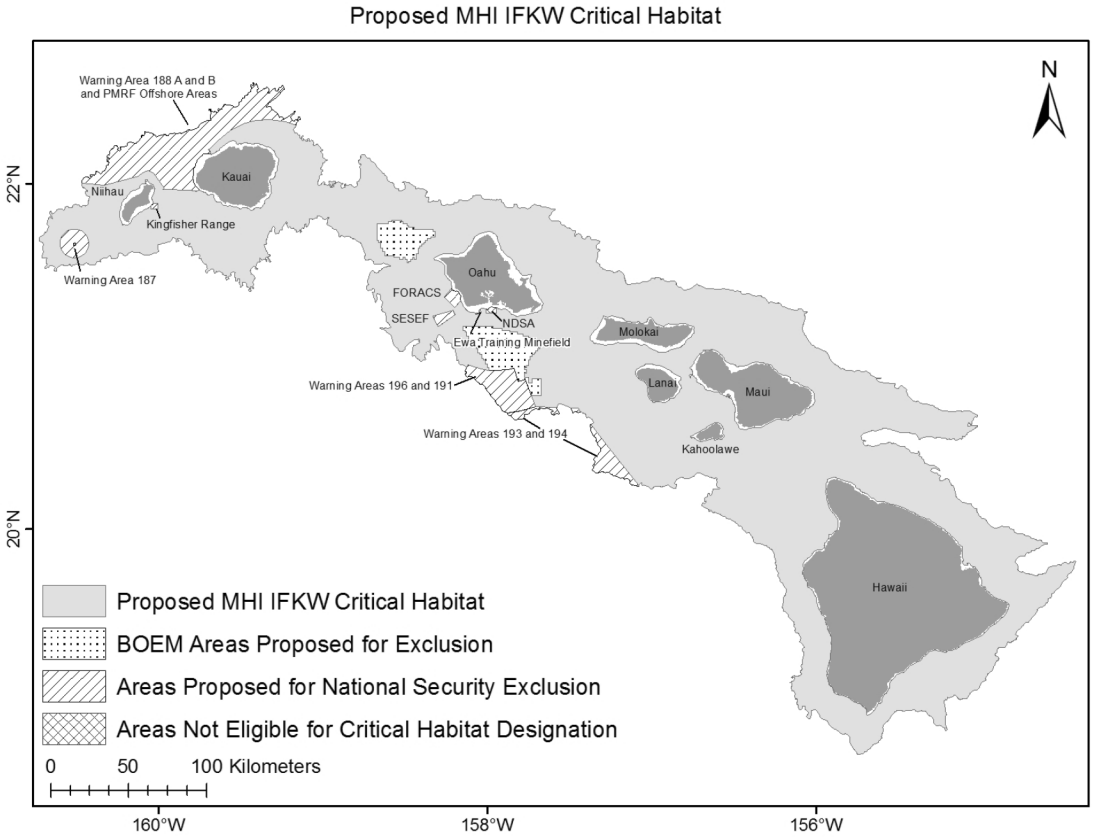

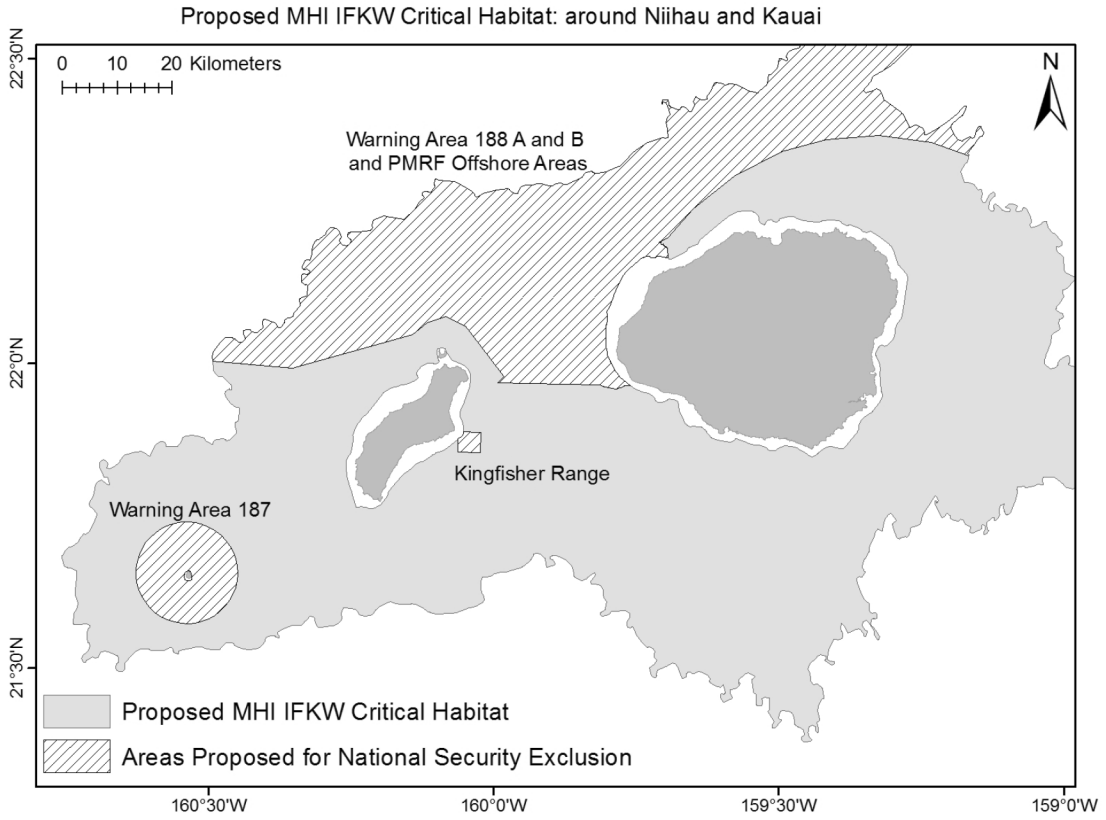
Proposed MHI IFKW Critical Habitat: around Niihau and Kauai
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Warning Area 188 A and B
and PMRF Offshore Areas
Kingfisher Range
Warning Area 187
Proposed MHI IFKW Critical Habitat
Areas Proposed for National Security Exclusion
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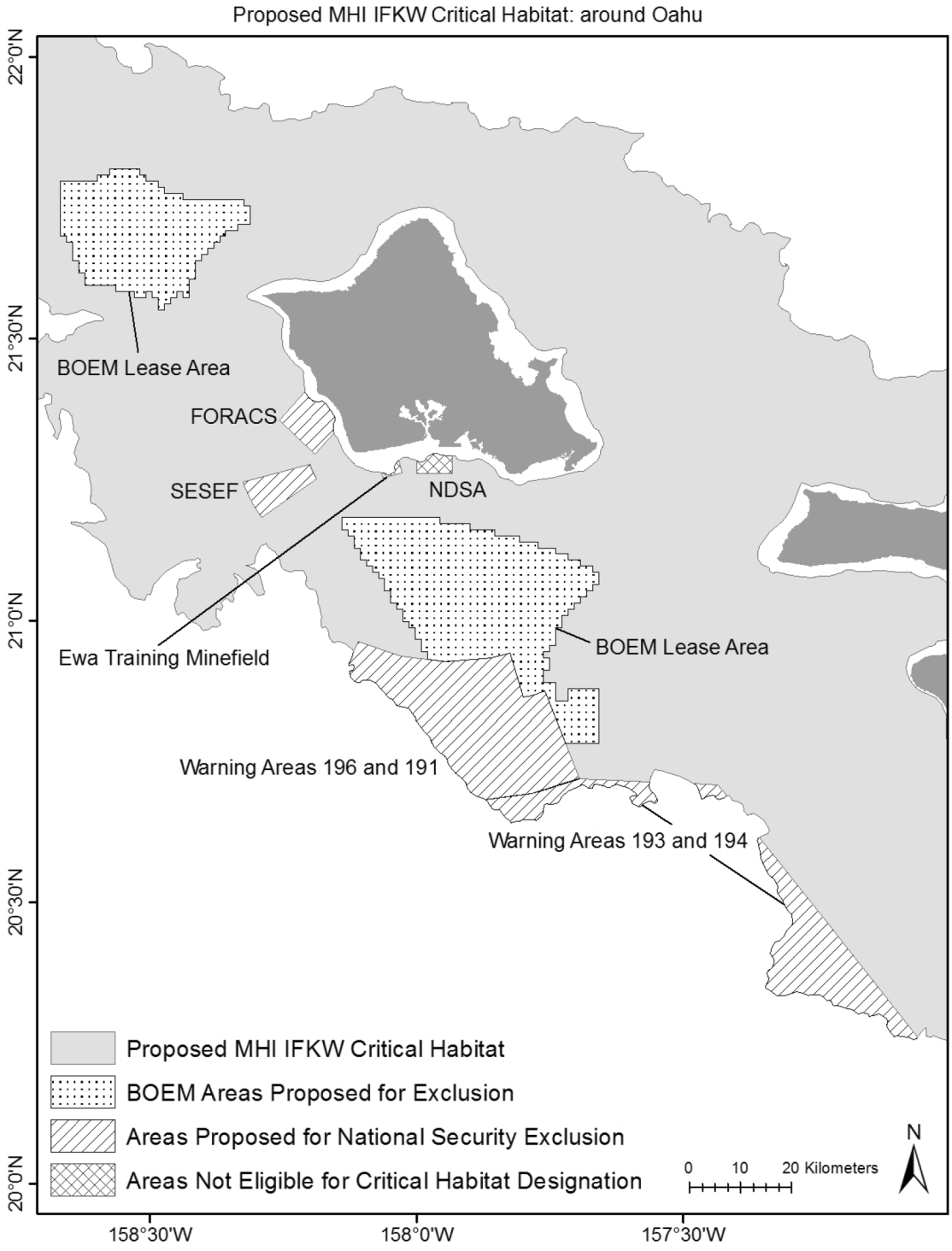
Proposed MHI IFKW Critical Habitat: around Oahu
22°0'N
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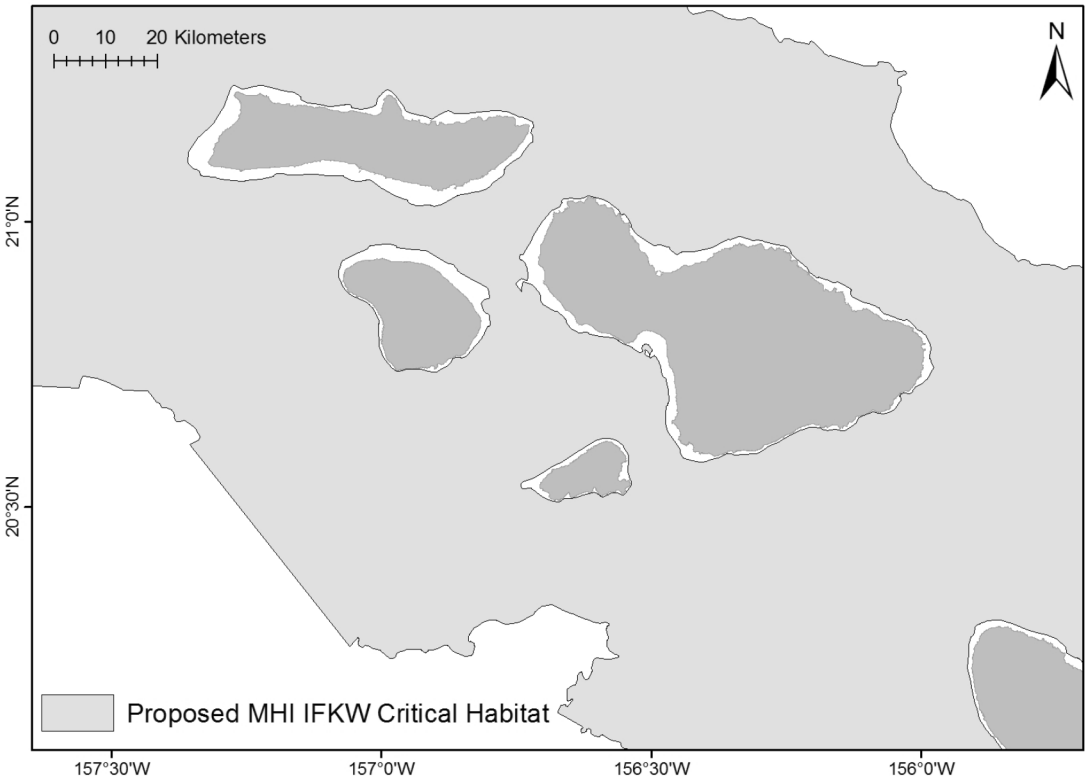
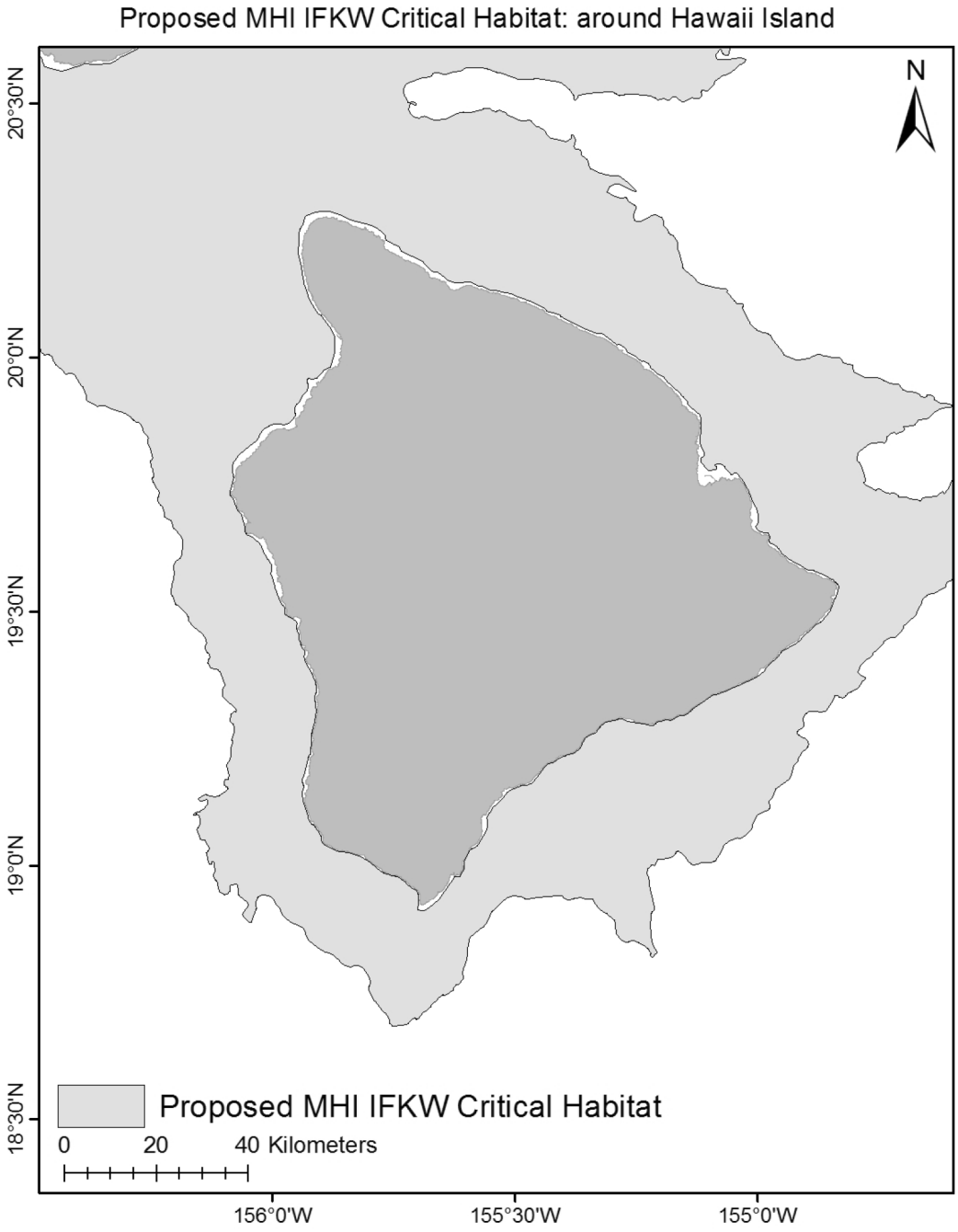
158°0'W
157°30'W
BOEM Lease Area
FORACS
SESEF
NDSA
Ewa Training Minefield
BOEM Lease Area
Warning Areas 196 and 191
Warning Areas 193 and 194
Proposed MHI IFKW Critical Habitat
BOEM Areas Proposed for Exclusion
Areas Proposed for National Security Exclusion
Areas Not Eligible for Critical Habitat Designation
0 10 20 Kilometers
N

Proposed MHI IFKW Critical Habitat: around Maui, Molokai, Lanai, and Kahoolawe





[FR Doc. 2017–23978 Filed 11–2–17; 8:45 am]
BILLING CODE 3510–22–C

Notices

Federal Register

Vol. 82, No. 212

Friday, November 3, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 31, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by December 4, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC 20503. Commentors are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Grain Inspection, Packers & Stockyards Administration

Title: Report and Recordkeeping Requirements.

OMB Control Number: 0580–0013.

Summary of Collection: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is mandated to provide, upon request, inspection, certification, and identification services related to assessing the class, quality, quantity, and condition of agricultural products shipped or received in interstate and foreign commerce. Applicants requesting GIPSA services must specify the kind and level of service desired, the identification of the product, the location, the amount, and other pertinent information in order that official personnel can efficiently respond to their needs.

Need and Use of the Information: GIPSA employees use the information to guide them in the performance of their duties. Additionally, producers, elevator operators, and/or merchandisers who obtain official inspection, testing, and weighing services are required to keep records related to the grain or commodity for three years. Personnel who provide official inspection, testing, and weighing services are required to maintain records related to the lot of grain or related commodity for a period of five years. The information is used for the purpose of investigating suspected violations.

Description of Respondents: Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 8,610.

Frequency of Responses: Recordkeeping; Reporting: On occasion, Weekly, Monthly, Semi-annually, and Annually.

Total Burden Hours: 161,614.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–23946 Filed 11–2–17; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0091]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Fresh Bananas From the Philippines Into Hawaii and U.S. Territories

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of fresh bananas from the Philippines into Hawaii and U.S. Territories.

DATES: We will consider all comments that we receive on or before January 2, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0091.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0091, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0091* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call 202–799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the importation of bananas from the Philippines, contact Mr. George Apgar Balady, Senior Regulatory Policy Specialist, RCC, IRM, PHP, PPQ, APHIS, 4700 River Road,

Unit 133, Riverdale, MD 20737–1236; (301) 851–2240. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Fresh Bananas From the Philippines Into Hawaii and U.S. Territories.

OMB Control Number: 0579–0415.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States.

The regulations in ''Subpart-Fruits and Vegetables'' (7 CFR 319.56 through 319.56–80, referred to as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

The regulations in § 319.56–58 provide the requirements for the importation of fresh bananas from the Philippines into Hawaii and the U.S. Territories. As a condition of entry, the bananas must be produced in accordance with a systems approach that includes requirements for importation of commercial consignments, monitoring of fruit flies to establish low-pest prevalence places of production, harvesting only of hard green bananas, and inspection for quarantine pests by the national plant protection organization (NPPO) of the Philippines. In addition, the bananas must also be accompanied by a phytosanitary certificate with an additional declaration stating that they were grown, packed, and inspected and found to be free of quarantine pests in accordance with the regulations.

Allowing the importation of fresh bananas from the Philippines into Hawaii and U.S. Territories requires the completion of information collection activities such as an operational workplan, monitoring and oversight of production sites, records of forms and documents, trapping, identifying shipping documents, post-harvest inspections, and a phytosanitary certificate.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of APHIS' estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 1.5 hours per response.

Respondents: Producers and importers of bananas from the Philippines and the NPPO of the Philippines.

Estimated annual number of respondents: 41.

Estimated annual number of responses per respondent: 32.

Estimated annual number of responses: 1,322.

Estimated total annual burden on respondents: 1,968 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 31st day of October 2017.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–23995 Filed 11–2–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0087]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Litchi and Longan Fruit From Vietnam Into the Continental United States

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of fresh litchi and longan fruit from Vietnam into the continental United States.

DATES: We will consider all comments that we receive on or before January 2, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0087.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0087, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0087* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations related to the importation of litchi and longan fruit from Vietnam into the continental United States, contact Mr. Tony Roman, Senior Regulatory Policy Specialist, RCC, IRM, PHP, PPQ, APHIS, 4700 River Road, Unit 40, Riverdale, MD 20737–1236; (301) 851–2242. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Litchi and Longan Fruit from Vietnam Into the Continental United States.

OMB Control Number: 0579–0387.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service regulates the importation of fruits and vegetables into the United States from certain parts of the world as provided in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–80).

In accordance with § 319.56–70, fresh litchi and longan fruit from Vietnam may be imported into the continental United States under certain conditions to prevent the introduction of plant pests into the United States. These conditions require the use of certain information collection activities including an application for permit to import plants and plant products, appeal of denial or revocation of permit, emergency action notification, notice of arrival, registration of production sites, labeling of packages, and recordkeeping. Also, each consignment of litchi or longan fruit must be accompanied by a phytosanitary certificate issued by the national plant protection organization (NPPO) of Vietnam with an additional declaration stating that the provisions of § 319.56–70 have been met, and that the consignment was inspected prior to export. In addition, for litchi fruit, the phytosanitary certificate must indicate that the consignment was found free of *Phytophthora litchii.*

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.019 hours per response.

Respondents: Growers and importers of litchi and longan fruit from Vietnam, and the NPPO of Vietnam.

Estimated annual number of respondents: 7.

Estimated annual number of responses per respondent: 4,432.

Estimated annual number of responses: 31,021.

Estimated total annual burden on respondents: 574 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 31st day of October 2017.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–23997 Filed 11–2–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Meeting of the National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting and listening session.

SUMMARY: The National Urban and Community Forestry Advisory Council (Council) will meet in Tulsa, Oklahoma. Additional information concerning the Council can be found by visiting the Council's Web site at: *http://www.fs.fed.us/ucf/nucfac.shtml.*

DATES: The meeting will be held on the following dates and times:

- Business meeting, Monday, November 13, 2017 from 8:30 a.m. to 5:00 p.m. (CST), and
- Listening session, Thursday, November, 16, 2017 from 5:00 p.m. to 6:00 p.m. (CST), or until Council business is completed. All meetings are subject to cancellation. For an updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting and listening session will be held at the Hyatt Regency Tulsa, 101 East 2nd Street, Tulsa, OK. Monday's business meeting will be located in the Oklahoma South Room, First Floor—Lower Lobby Level. Thursday's listening session will be located in the Promenade D Room, Second Floor—Lobby Level.

Written comments concerning this meeting should be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the USDA Forest Service, Sidney Yates Building., Room 3SC–01C, 201 14th Street SW., Washington DC, 20024. Please call ahead at 202–309–9873 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Nancy Stremple, Executive Staff, National Urban and Community Forestry Advisory Council, Sidney Yates Building, Room 3SC–01C, 201 14th Street SW., Washington, DC, 20024, by cell telephone at 202–309–9873, or by email at *nstremple@fs.fed.us,* or via facsimile at 202–690–5792. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Council is authorized under Section 9 of the Cooperative Forestry Assistance Act (the Act), as amended by Title XII, Section 1219 of the Act and the Federal Advisory Committee Act (FACA). The purpose of the meeting is to:

1. Approve the 2017 Accomplishment and Recommendations report;
2. Approve the 2019 request for proposals draft and discuss the 2018 proposals;
3. Conduct a listening session with constituents on community and urban forestry concerns and opportunities;
4. Provide updates on the implementation of the Ten Year Urban Forestry Action Plan (2016–2026); and
5. Receive Forest Service budget and program updates.

The meeting and listening session are open to the public. The Monday meeting agenda will include time for people to make oral statements of three minutes or less. The listening session is an open agenda. Individuals wishing to

make an oral statement at the Monday business meeting should submit a request in writing by Tuesday November 7, 2017, to be scheduled on the agenda. Council discussion is limited to Forest Service staff and Council members, however anyone who would like to bring urban and community forestry matters to the attention of the Council may file written statements with the Council's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Nancy Stemple, Executive Staff, National Urban and Community Forestry Advisory Council, Sidney Yates Building, Room 3SC–01C, 201 14th Street SW., Washington, DC, 20024, or by email at *nstremple@fs.fed.us.*

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: October 27, 2017.

Vicki Christiansen,

Deputy Chief, State and Private Forestry.

[FR Doc. 2017–23987 Filed 11–2–17; 8:45 am]

BILLING CODE 3411–15–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: November 14, 2017, 1:00 p.m. EDT.

PLACE: U.S. Chemical Safety and Hazard Investigation Board, 1750 Pennsylvania Ave. NW., Suite 910, Washington, DC 20006.

STATUS: Open to the public.

MATTER TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on November 14, 2017, starting at 1:00 p.m. EDT in Washington, DC, at the CSB offices located at 1750 Pennsylvania Avenue NW., Suite 910. The Board will consider and vote on two calendared notation items:

- 2018–1—change in status of Recommendation R–7 from volume IV of the Macondo Investigation Report, and
- 2018–2—change in status of Recommendation R–15 from volume IV of the Macondo Investigation Report.

Depending on the outcome of the votes on the calendared items, the Board may also discuss or deliberate on:

- The type of product the CSB may prepare if the Board votes to close Macondo Recommendation R7, and
- the type of engagement or activities the CSB may undertake related to Macondo Recommendation R15.

Finally, the Board will hear or provide updates on the following matters:

- Current investigations and schedule for completion of open investigation,
- status of recommendations,
- audits from the CSB Inspector General,
- CSB Annual Action Plan for FY 18,
- important financial and organizational matters, and
- the results of the 2017 Federal Employee Viewpoint Survey.

An opportunity for public comment will be provided.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the **CONTACT PERSON FOR FURTHER INFORMATION**, at least three business days prior to the meeting.

A conference call line will be provided for those who cannot attend in person. Please use the following dial-in number and confirmation code to join the conference:

Dial In: 1 (630) 691–2748
Confirmation Code: 45886253

The CSB is an independent federal agency charged with investigating accidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to three minutes or less, but commenters may submit written statements for the record.

CONTACT PERSON FOR MORE INFORMATION: Hillary Cohen, Communications Manager, at *public@csb.gov* or (202) 446–8094. Further information about this public meeting can be found on the CSB Web site at: *www.csb.gov.*

Dated: October 31, 2017.

Raymond C. Porfiri,

Deputy General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2017–24059 Filed 11–1–17; 11:15 am]

BILLING CODE 6350–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–047–2017]

Foreign-Trade Zone (FTZ) 52—Suffolk County, New York; Authorization of Production Activity; Estee Lauder Inc. (Skin Care, Fragrance, and Cosmetic Products); Melville, New York

On June 16, 2017, Estee Lauder Inc. submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 52, Site 4, in Melville, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR 400), including notice in the **Federal Register** inviting public comment (82 FR 32167, July 12, 2017). On October 14, 2017, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: October 30, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–23972 Filed 11–2–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–055]

Carton-Closing Staples From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that carton closing staples from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2016 through December 31, 2016.

DATES: Applicable November 3, 2017.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik at (202) 482–6905, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on April 27, 2017.[1] On August 23, 2017, the Department postponed the preliminary determination of this investigation, and the revised deadline is now October 27, 2017.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are carton-closing staples from the PRC. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in Appendix I of this notice.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (scope).[5] An interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments submitted on the record for this investigation, and accompanying discussion and analysis of the comments timely received, *see* the Preliminary Decision Memorandum.[6] The Department is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.*

Methodology

The Department is conducting this investigation in accordance with section 731 of the Act. The Department has calculated export prices in accordance with section 772(a) of the Act. Because the PRC is a non-market economy, within the meaning of section 771(18) of the Act, the Department has calculated normal value (NV) in accordance with section 773(c) of the Act. In addition, pursuant to section 776(a) and (b) of the Act, the Department preliminarily has relied upon facts otherwise available, with adverse inferences, for the PRC-wide entity, including Zhejiang Best Nail Industrial Co., Ltd. (Best Nail). For a full description of the methodology underlying the Department's preliminary determination, *see* the Preliminary Decision Memorandum.

Combination Rates

In the *Initiation Notice,*[7] the Department stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[8]

Preliminary Determination

The Department preliminarily determines that the following estimated weighted-average dumping margins exist:

Producer	Exporter	Estimated weighted-average dumping margin (percent)
Yueda Group:[9] Shanghai Yueda Nails Co., Ltd., or Qiushan Printing Machinery Co., Ltd.	Yueda Group: Shanghai Yueda Nails Co., Ltd., or Fastnail Products Limited, or Wuhan FOPO Trading Co., Ltd.	13.74
Hangzhou Huayu Machinery Co., Ltd	Hangzhou Huayu Machinery Co., Ltd	13.74
The Stanley Works (Langfang) Fastening Systems Co., Ltd	The Stanley Works (Langfang) Fastening Systems Co., Ltd	13.74
PRC-Wide Entity[10]		58.93

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of

[1] *See Carton-Closing Staples from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 82 FR 19351 (April 27, 2017) (*Initiation Notice*).

[2] *See Carton-Closing Staples from the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation,* 82 FR 39982 (August 23, 2017).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Carton-Closing Staples from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice*, 82 FR at 19352.

[6] *See* Preliminary Decision Memorandum at pages 3–4.

[7] *See Initiation Notice,* 82 FR at 19355.

[8] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (Policy Bulletin 05.1), available on the Department's Web site at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

[9] The Department preliminarily determines that Shanghai Yueda Nails Co., Ltd, Qiushan Printing Machinery Co., Ltd., Fastnail Products Limited, and Wuhan FOPO Trading Co., Ltd. comprise a single entity. *See* Preliminary Decision Memorandum. *See also* Memorandum, ''Preliminary Affiliation and Single Entity Determination,'' dated concurrently with, and hereby adopted by, this notice.

[10] As detailed in the Preliminary Decision Memorandum, Best Nail, a mandatory respondent in this investigation, and certain other non-responsive PRC companies did not demonstrate that they were entitled to a separate rate. Accordingly, we consider these companies to be part of the PRC-wide entity.

publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the weighted average amount by which normal value exceeds U.S. price, as indicated in the chart above as follows: (1) For the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of PRC producers/exporters of subject merchandise that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the PRC-wide entity; and (3) for all third-county exporters of subject merchandise not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the PRC producer/exporter combination (or the PRC-wide entity) that supplied that third-country exporter. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

The Department intends to disclose to interested parties the calculations performed in connection with this preliminary determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, the Department intends to verify information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the verification report is issued in this investigation, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[11] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Pursuant to 19 CFR 351.210(e)(2), the Department requires that requests by respondents for postponement of a final antidumping determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On October 10, 2017, pursuant to 19 CFR 351.210(b)(2)(ii), Yueda requested[12] that the Department postpone its final determination and extend the application of the provisional measures prescribed under section 773(d) of the Act and 19 CFR.210(e)(2), from a four-month period to a period not to exceed six months. In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because (1) the preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, the Department is granting Yueda's request by postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, the Department's final determination will publish no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, the Department will notify the International Trade Commission (ITC) of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: October 27, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation is carton-closing staples. Carton-closing staples may be manufactured from carbon, alloy, or stainless steel wire, and are included in the scope of the investigation regardless of whether they are uncoated or coated, regardless of the type of coating.

Carton-closing staples are generally made to American Society for Testing and Materials (ASTM) specification ASTM D1974/D1974M–16, but can also be made to other specifications. Regardless of specification, however, all carton-closing staples meeting the scope description are included in the scope. Carton-closing staples include stick staple products, often referred to as staple strips, and roll staple products, often referred to as coils. Stick staples are lightly cemented or lacquered together to facilitate handling and loading into stapling machines. Roll staples are taped together along their crowns. Carton-closing staples are covered regardless of whether they are imported in stick form or roll form.

Carton-closing staples vary by the size of the wire, the width of the crown, and the length of the leg. The nominal leg length ranges from 0.4095 inch to 1.375 inches and the nominal crown width ranges from 1.125

[11] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[12] *See* Yueda's letter to the Department, re: ''Extension Request for Final Determination,'' dated October 10, 2017.

inches to 1.375 inches. The size of the wire used in the production of carton-closing staples varies from 0.029 to 0.064 inch (nominal thickness) by 0.064 to 0.100 inch (nominal width).

Carton-closing staples subject to this investigation are currently classifiable under subheadings 8305.20.00.00 and 7317.00.65.60 of the Harmonized Tariff Schedule of the United States (''HTSUS''). While the HTSUS subheadings and ASTM specification are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope Comments
V. Scope of the Investigation
VI. Selection of Respondents
VII. Discussion of the Methodology
  A. Non-Market Economy Country
  B. Surrogate Country and Surrogate Values Comments
  C. Separate Rates
  D. Combination Rates
  E. Affiliation and Single Entity
  F. The PRC-Wide Entity
  G. Application of Facts Available and Adverse Inferences
  H. Date of Sale
  I. Fair Value Comparisons
  J. Export Price
  K. Value-Added Tax (VAT)
  L. Normal Value
  M. Factor Valuation Methodology
VIII. Currency Conversion
IX. Verification
X. Conclusion

[FR Doc. 2017–23974 Filed 11–2–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–549–834]

Citric Acid and Certain Citrate Salts From Thailand: Preliminary Negative Countervailing Duty Determination, Preliminary Negative Critical Circumstances Determination and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are not being provided to producers and exporters of citric acid and certain citrate salts from Thailand. The period of investigation is January 1, 2016, through December 31, 2016.

DATES: Applicable November 3, 2017.

FOR FURTHER INFORMATION CONTACT: John Conniff or Jolanta Lawska, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone 202–482–1009 or 202–482–8362, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on June 30, 2017.[1] On August 15, 2017, the Department postponed the preliminary determination of this investigation and the revised deadline is now October 30, 2017.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The merchandise covered by this investigation includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend.

The scope also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate.

The scope includes the hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively.

The scope does not include calcium citrate that satisfies the standards set forth in the United States Pharmacopeia and has been mixed with a functional excipient, such as dextrose or starch, where the excipient constitutes at least 2 percent, by weight, of the product.

Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and, if included in a mixture or blend, 3824.99.9295 of the HTSUS. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.99.9295 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of this investigation as it appeared in the *Initiation Notice.*

The Department intends to issue its preliminary decision regarding

[1] *See Citric Acid and Certain Citrate Salts from Thailand: Initiation of Countervailing Duty Investigation,* 82 FR 29836 (June 30, 2017) (*Initiation Notice*) and accompanying Initiation Checklist.

[2] *See Notice of Postponement of Preliminary Determination in the Countervailing Duty Investigation,* 82 FR 38670 (August 15, 2017) (*Preliminary Postponement Notice*).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Negative Countervailing Duty Determination, Preliminary Negative Critical Circumstances Determination and Alignment of Final Determination with Final Antidumping Duty Determination of Citric Acid and Certain Citrate Salts from Thailand,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[5] *See Initiation Notice,* 82 FR at 29836.

comments concerning the scope of the antidumping duty (AD) and countervailing duty (CVD) investigations in the preliminary determination of the companion AD investigations.

Methodology

The Department is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, the Department preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6]

Preliminary Negative Determination of Critical Circumstances

The Department preliminary determines that critical circumstances do not exist. For a full description of the methodology and results of the Department's analysis, *see* the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), the Department is aligning the final CVD determination in this investigation with the final determination in the companion AD investigation of citric acid and certain citrate salts based on a request made by the petitioners.[7] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than March 14, 2018, unless postponed.

Preliminary Determination

For this preliminary determination, the Department calculated *de minimis* estimated countervailable subsidies for all individually examined producers/exporters of the subject merchandise. Consistent with section 703(b)(4)(A) of the Act, the Department has disregarded the *de minimis* rates. The Department preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	2016 Ad Valorem rate (% de minimis)
COFCO Biochemical (Thailand) Co., Ltd. (COFCO)	0.18
Niran (Thailand) Co., Ltd. (Niran)	0.11
Sunshine Biotech International Co., Ltd. (Sunshine)	0.21

Consistent with section 703(d) of the Act, the Department has not calculated an estimated weighted-average subsidy rate for all other producers/exporters because it has not made an affirmative preliminary determination.

Suspension of Liquidation

Because the Department preliminarily determines that no countervailable subsidies are being provided to the production or exportation of subject merchandise, the Department will not direct U.S. Customs and Border Protection to suspend liquidation of any such entries.

Disclosure

The Department intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, the Department intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[8] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, we will notify the International Trade Commission (ITC) of our determination. If the final determination is affirmative, the ITC will make its final determination within 75 days after the Department's final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: October 30, 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 Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope Comments
IV. Scope of the Investigation
V. Preliminary Negative Determination of Critical Circumstances
VI. New Subsidy Allegation
VII. Alignment
VIII. Injury Test
IX. Subsidies Valuation
X. Analysis of Programs
XI. ITC Notification
XII. Disclosure and Public Comment
XIII. Verification
XIV. Recommendation

[FR Doc. 2017–23973 Filed 11–2–17; 8:45 am]

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[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] The petitioners in this investigation are Archer Daniels Midland Company, Cargill, Incorporated, and Tate & Lyle Ingredients Americas LLC (collectively, the petitioners). *See* Letter from the petitioners, ''Countervailing Duty Investigation of Citric Acid and Certain Citrate Salts from Thailand: Request for Alignment,'' dated October 11, 2017.

[8] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

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: Annual Northern Seal Subsistence Harvest Reporting and St. George Harvest Management Plan.

OMB Control Number: 0648–0699.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 2.

Average Hours per Response: 20.

Burden Hours: 40.

Needs and Uses: The subsistence harvest of northern fur seals is cooperatively managed by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) and the Tribal Governments of St. Paul and St. George Islands (Pribilof Islands) under section 119 of the Marine Mammal Protection Act, 16 U.S.C. 1388 (MMPA) and governed by regulations under section 102 of the Fur Seal Act, 16 U.S.C. 1152 (FSA) found in 50 CFR part 216 subpart F, Taking for Subsistence Purposes. The regulations, laws, and cooperative agreement are focused on conserving northern fur seals through cooperative effort and consultation regarding effective management of human activities related to the subsistence harvests of northern fur seals and Steller sea lions.

Affected Public: State, local and tribal governments; individuals or households.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain benefit.

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 31, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–23950 Filed 11–2–17; 8:45 am]

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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: For-Hire Telephone Survey.

OMB Control Number: 0648–0709.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 33,923.

Average Hours per Response: 3 minutes, 30 seconds.

Burden Hours: 1,283.

Needs and Uses: This request is for extension of a currently approved information collection. The For-Hire Telephone Survey (FHTS) is conducted for the National Marine Fisheries Service (NMFS) to estimate fishing effort and catch on for-hire vessels (*i.e.,* charter boats and head boats). These data are required to carry out provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), as amended, regarding conservation and management of fishery resources.

NOAA Fisheries designed and implemented the FHTS to collect fishing effort information from for-hire vessel representatives through log sheet submission, the internet, or by telephone interview. For-hire vessels are randomly selected for the FHTS from a comprehensive sample frame developed and maintained by NMFS. A sample of 10% of the vessels on the FHTS frame are selected for reporting each week. Each interview collects information about the vessel, the number and type of trips the vessel made during the reporting week, the number of anglers on each trip, and other trip-level information.

Affected Public: Individuals or households; business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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 31, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–23949 Filed 11–2–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF764

Atlantic Highly Migratory Species; Atlantic Shark Management Measures; 2018 Research Fishery

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

ACTION: Notice of intent; request for applications.

SUMMARY: NMFS announces its request for applications for the 2018 shark research fishery from commercial shark fishermen with directed or incidental shark limited access permits. The shark research fishery allows for the collection of fishery-dependent and biological data for future stock assessments and to meet the research objectives of the Agency. The only commercial vessels authorized to land sandbar sharks are those participating in the shark research fishery. Shark research fishery permittees may also land other large coastal sharks (LCS), small coastal sharks (SCS), and pelagic sharks. Commercial shark fishermen who are interested in participating in the shark research fishery need to submit a completed Shark Research Fishery Permit Application in order to be considered.

DATES: Shark Research Fishery Applications must be received no later than December 4, 2017.

ADDRESSES: Please submit completed applications to the HMS Management Division at:

- *Mail:* Attn: Guý DuBeck, HMS Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

- *Fax:* (301) 713–1917.
- *Email:* *NMFS.Research.Fishery@;noaa.gov.*

For copies of the Shark Research Fishery Permit Application, please write to the HMS Management Division at the address listed above, call (301) 427–8503 (phone), or fax a request to (301) 713–1917. Copies of the Shark Research Fishery Application are also available at the HMS Web site at *http://www.nmfs.noaa.gov/sfa/hms/compliance/efp/index.html.* Additionally, please be advised that your application may be released under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz, Guý DuBeck, or Larry Redd at (301) 427–8503 (phone) or (301) 713–1917 (fax), or Delisse Ortiz at 240–681–9037 (phone).

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated HMS Fishery Management Plan (FMP), as amended, is implemented by regulations at 50 CFR part 635.

The shark research fishery was established, in part, to maintain time series data for stock assessments and to meet NMFS' research objectives. Since the shark research fishery was established in 2008, the research fishery has allowed for: The collection of fishery-dependent data for current and future stock assessments; the operation of cooperative research to meet NMFS' ongoing research objectives; the collection of updated life-history information used in the sandbar shark (and other species) stock assessment; the collection of data on habitat preferences that might help reduce fishery interactions through bycatch mitigation; evaluation of the utility of the mid-Atlantic closed area on the recovery of dusky sharks and collection of hook-timer and pop-up satellite archival tag (PSAT) information to determine at-vessel and post-release mortality of dusky sharks; and collection of sharks to determine the weight conversion factor from dressed weight to whole weight.

The shark research fishery allows selected commercial fishermen the opportunity to earn revenue from selling additional sharks, including sandbar sharks. Only the commercial shark fishermen selected to participate in the shark research fishery are authorized to land sandbar sharks subject to the sandbar quota available each year. The base quota is 90.7 metric tons (mt) dressed weight (dw) per year, although this number may be reduced in the event of overharvests, if any. The selected shark research fishery permittees will also be allowed to land other LCS, SCS, and pelagic sharks consistent with any restrictions established on their shark research fishery permit. Generally, the shark research fishery permits are valid only for the calendar year for which they are issued.

The specific 2018 trip limits and number of trips per month will depend on the availability of funding, number of selected vessels, the availability of observers, the available quota, and the objectives of the research fishery, and will be included in the permit terms at time of issuance. The number of participants in the research fishery changes each year. In 2017, five fishermen were chosen to participate. From 2008 through 2017, there has been an average of seven participants each year with the range from five to eleven. The trip limits and the number of trips taken per month have changed each year the research fishery has been active. Participants may also be limited on the amount of gear they can deploy on a given set (*e.g.,* number of hooks and sets, soak times, length of longline).

In the 2017 fishing season, NMFS split 90 percent of the sandbar and LCS research fishery quotas equally among selected participants, with each vessel allocated 16.3 mt dw (35,900 lb dw) of sandbar shark research fishery quota and 9.0 mt dw (19,841 lb dw) of other LCS research fishery quota. The remaining quota was held in reserve to ensure the overall sandbar and LCS research fishery quotas were not exceeded. NMFS also established a regional dusky bycatch limit specific to this small research fishery, where once three or more dusky sharks were brought to the vessel dead in any of four regions across the Gulf of Mexico and Atlantic through the entire year, any shark research fishery permit holder in that region was not able to soak their gear for longer than 3 hours. If, after the change in soak time, there were three or more additional dusky shark interactions (alive or dead) observed, shark research fishery permit holders were not able to make a trip in that region for the remainder of the year, unless otherwise permitted by NMFS. There were slightly different measures established for shark research fishery participants in the mid-Atlantic shark closed area in order to allow NMFS observers to place satellite archival tags on dusky sharks and collect other scientific information on dusky sharks while also minimizing any dusky shark mortality.

Participants were also required to keep any dead sharks, unless they were a prohibited species, in which case they were required to discard them. If the regional non-blacknose SCS, blacknose,and/or pelagic shark management group quotas were closed, then the shark research fishery permit holder fishing in the closed region had to release or discard all of the species from the closed management groups regardless of condition. Any sharks, except prohibited species or closed management groups (*i.e.,* SCS or pelagic sharks), caught and brought to the vessel alive could have been released alive or landed. In addition, participants were restricted by the number of longline sets as well as the number of hooks they could deploy and have on board the vessel. The vessels participating in the shark research fishery fished an average of one trip per month.

In order to participate in the shark research fishery, commercial shark fishermen need to submit a completed Shark Research Fishery Application by the deadline noted above (see **DATES**) showing that the vessel and owner(s) meet the specific criteria outlined below.

Research Objectives

Each year, the research objectives are developed by a shark board, which is comprised of representatives within NMFS, including representatives from the Southeast Fisheries Science Center (SEFSC) Panama City Laboratory, Northeast Fisheries Science Center Narragansett Laboratory, the Southeast Regional Office Protected Resources Division, and the HMS Management Division. The research objectives for 2018 are based on various documents, including the 2012 Biological Opinion for the Continued Authorization of the Atlantic Shark Fisheries and the Federal Authorization of a Smoothhound Fishery, as well as recent stock assessments for the U.S. South Atlantic blacknose, U.S Gulf of Mexico blacknose, U.S. Gulf of Mexico blacktip, sandbar, and dusky sharks (all these stock assessments can be found at *http://sedarweb.org/*). The 2018 research objectives are:

- Collect reproductive, length, sex, and age data from sandbar and other sharks throughout the calendar year for species-specific stock assessments;
- Monitor the size distribution of sandbar sharks and other species captured in the fishery;
- Continue on-going tagging shark programs for identification of migration corridors and stock structure using dart and/or spaghetti tags;

- Maintain time-series of abundance from previously derived indices for the shark bottom longline observer program;
- Sample fin sets (*e.g.,* dorsal, pectoral) from prioritized species to further develop fin identification guides;
- Acquire fin-clip samples of all shark and other species for genetic analysis;
- Attach satellite archival tags to endangered smalltooth sawfish to provide information on critical habitat and preferred depth, consistent with the requirements listed in the take permit issued under Section 10 of the Endangered Species Act to the SEFSC observer program;
- Attach satellite archival tags to prohibited dusky and other sharks, as needed, to provide information on daily and seasonal movement patterns, and preferred depth;
- Evaluate hooking mortality and post-release survivorship of dusky, hammerhead, blacktip, and other sharks using hook-timers and temperature-depth recorders;
- Evaluate the effects of controlled gear experiments in order to determine the effects of potential hook changes to prohibited species interactions and fishery yields;
- Examine the size distribution of sandbar and other sharks captured throughout the fishery including in the Mid-Atlantic shark time/area closure off the coast of North Carolina from January 1 through July 31; and
- Develop allometric and weight relationships of selected species of sharks (*e.g.,* hammerhead, sandbar, blacktip shark).

Selection Criteria

Shark Research Fishery Permit Applications will be accepted only from commercial shark fishermen who hold a current directed or incidental shark limited access permit. While incidental permit holders are welcome to submit an application, to ensure that an appropriate number of sharks are landed to meet the research objectives for this year, NMFS will give priority to directed permit holders as recommended by the shark board. As such, qualified incidental permit holders will be selected only if there are not enough qualified directed permit holders to meet research objectives.

The Shark Research Fishery Permit Application includes, but is not limited to, a request for the following information: Type of commercial shark permit possessed; past participation and availability in the commercial shark fishery (not including sharks caught for display); past involvement and compliance with HMS observer programs per 50 CFR 635.7; past compliance with HMS regulations at 50 CFR part 635; past and present availability to participate in the shark research fishery year-round; ability to fish in the regions and season requested; ability to attend necessary meetings regarding the objectives and research protocols of the shark research fishery; and ability to carry out the research objectives of the Agency. Preference will be given to those applicants who are willing and available to fish year-round and who affirmatively state that they intend to do so, in order to ensure the timely and accurate data collection NMFS needs to meet this year's research objectives. An applicant who has been charged criminally or civilly (*e.g.,* issued a Notice of Violation and Assessment (NOVA) or Notice of Permit Sanction) for any HMS-related violation will not be considered for participation in the shark research fishery. In addition, applicants who were selected to carry an observer in the previous 2 years for any HMS fishery, but failed to contact NMFS to arrange the placement of an observer as required per 50 CFR 635.7, will not be considered for participation in the 2017 shark research fishery. Applicants who were selected to carry an observer in the previous 2 years for any HMS fishery and failed to comply with all the observer regulations per 50 CFR 635.7 will also not be considered. Exceptions will be made for vessels that were selected for HMS observer coverage but did not fish in the quarter when selected and thus did not require an observer. Applicants who do not possess a valid USCG safety inspection decal when the application is submitted will not be considered. Applicants who have been non-compliant with any of the HMS observer program regulations in the previous 2 years, as described above, may be eligible for future participation in shark research fishery activities by demonstrating 2 subsequent years of compliance with observer regulations at 50 CFR 635.7.

Selection Process

The HMS Management Division will review all submitted applications and develop a list of qualified applicants from those applications that are deemed complete. A qualified applicant is an applicant that has submitted a complete application by the deadline (see **DATES**) and has met the selection criteria listed above. Qualified applicants are eligible to be selected to participate in the shark research fishery for 2018. The HMS Management Division will provide the list of qualified applicants without identifying information to the SEFSC. The SEFSC will then evaluate the list of qualified applicants and, based on the temporal and spatial needs of the research objectives, the availability of observers, the availability of qualified applicants, and the available quota for a given year, will randomly select qualified applicants to conduct the prescribed research. Where there are multiple qualified applicants that meet the criteria, permittees will be randomly selected through a lottery system. If a public meeting is deemed necessary, NMFS will announce details of a public selection meeting in a subsequent **Federal Register** notice.

Once the selection process is complete, NMFS will notify the selected applicants and issue the shark research fishery permits. The shark research fishery permits will be valid only in calendar year 2018. If needed, NMFS will communicate with the shark research fishery permit holders to arrange a captain's meeting to discuss the research objectives and protocols. NMFS usually holds mandatory captain's meetings before observers are placed on vessels and may hold one for the 2018 shark research fishery in late 2017 or early 2018. Once the fishery starts, the shark research fishery permit holders must contact the NMFS observer coordinator to arrange the placement of a NMFS-approved observer for each shark research trip. Additionally, selected applicants are expected to allow observers the opportunity to perform their duties as required and assist observers as necessary.

A shark research fishery permit will only be valid for the vessel and owner(s) and terms and conditions listed on the permit, and, thus, cannot be transferred to another vessel or owner(s). Shark research fishery permit holders must carry a NMFS-approved observer in order to land sandbar sharks. Issuance of a shark research permit does not guarantee that the permit holder will be assigned a NMFS-approved observer on any particular trip. Rather, issuance indicates that a vessel may be issued a NMFS-approved observer for a particular trip, and on such trips, may be allowed to harvest Atlantic sharks, including sandbar sharks, in excess of the retention limits described in 50 CFR 635.24(a). These retention limits will be based on available quota, number of vessels participating in the 2018 shark research fishery, the research objectives set forth by the shark board, the extent of other restrictions placed on the vessel, and may vary by vessel and/or location. When not operating under the auspices of the shark research fishery,

the vessel would still be able to land LCS, SCS, and pelagic sharks subject to existing retention limits on trips without a NMFS-approved observer.

NMFS annually invites commercial shark permit holders (directed and incidental) to submit an application to participate in the shark research fishery. Permit applications can be found on the HMS Management Division's Web site at *http://www.nmfs.noaa.gov/sfa/hms/compliance/efp/index.html* or by calling (301) 427–8503. Final decisions on the issuance of a shark research fishery permit will depend on the submission of all required information by the deadline (see **DATES**), and NMFS' review of applicant information as outlined above. The 2018 shark research fishery will start after the opening of the shark fishery and under available quotas as published in a separate **Federal Register** final rule.

Dated: October 31, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–24017 Filed 11–2–17; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to the Procurement List:* 12/3/2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 9/8/2017 (Vol. 82, No. 173), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products to the Government.

2. The action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products

NSNs—Product Names:
- 8920–01–E62–5586—Rice, Brown, Parboiled, Long Grain, CS/Two (2) Ten (10) Pound Bags
- 8920–01–E62–5585—Rice, Brown, Parboiled, Long Grain, CS/Four (4) Five (5) Pound Bags

Mandatory Source of Supply: VisionCorps, Lancaster, PA

Contracting Activity: Defense Logistics Agency, DLA Troop Support

Mandatory for: 100% of the requirement of the Department of Defense.

NSNs—Product Names:
- 5940–01–089–7066—Adapter, Battery Terminal, Negative Post, EA
- 5940–01–520–6775—Adapter, Battery Terminal, Positive Post, EA

Mandatory Source of Supply: Eastern Carolina Vocational Center, Inc., Greenville, NC

Contracting Activity: Defense Logistics Agency, DLA Land and Maritime

Mandatory for: 100% of the requirement of the Department of Defense.

Patricia Briscoe,

Deputy Director, Business Operations, (Pricing and Information Management).

[FR Doc. 2017–23986 Filed 11–2–17; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add product to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products previously furnished by such agencies.

DATES: Comments must be received on or before December 23, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Addition

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice will be required to procure the product listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product is proposed for addition to the Procurement List for production by the nonprofit agency listed:

Product

NSN—Product Name:
- 7195–00–NIB–2415—Back Rest, Ergonomic, Adjustable, Black, 17¼″ W x 5½″ D x 16″ H

Mandatory Source of Supply: Chicago Lighthouse Industries, Chicago, IL

Contracting Activity: Federal Acquisition Service, GSA/FSS Household and Industrial Furniture, Coverage for the Total Government Requirement as aggregated by the General Services Administration.

Deletions

The following products are proposed for deletion from the Procurement List:

Products:

NSNs—Product Names:

8405–00–NSH–1347—14–14.5 Neck, 32–33 Sleeve
8405–00–NSH–1351—16–16.5 Neck, 33–34 Sleeve
8405–00–NSH–1352—16–16.5 Neck, 34–35 Sleeve
8405–00–NSH–1348—14–14.5 Neck, 33–34 Sleeve
8405–00–NSH–1349—15–15.5 Neck, 33–34 Sleeve
8405–00–NSH–1350—15–15.5 Neck, 34–35 Sleeve
8405–00–NSH–1353—17–17.5 Neck, 34–35 Sleeve
8405–00–NSH–1354—17–17.5 Neck, 35–36 Sleeve
8405–00–NSH–1355—18–18.5 Neck, 35–36 Sleeve
8405–00–NSH–1356—18–18.5 Neck, 36–37 Sleeve
8405–00–NSH–1357—19–19.5 Neck, 36–37 Sleeve
8405–00–NSH–1358—19–19.5 Neck, 37–38 Sleeve
8405–00–NSH–1359—20–20.5 Neck, 37–38 Sleeve
8405–00–NSH–1360—20–20.5 Neck, 38–39 Sleeve
8405–00–NSH–1361—21–21.5 Neck, 38–39 Sleeve
8405–00–NSH–1362—21–21.5 Neck, 40–41 Sleeve
8405–00–NSH–1363—22–22.5 Neck, 40–41 Sleeve
8405–00–NSH–1364—22–22.5 Neck, 41–42 Sleeve
8405–00–NSH–1263—14–14.5 Neck, Small Tall
8405–00–NSH–1264—15–15.5 Neck, Medium Tall
8405–00–NSH–1265—16–16.5 Neck, Large Tall
8405–00–NSH–1266—17–17.5 Neck, X Large Tall
8405–00–NSH–1166—22–22.5 Neck, 6X Large
8405–00–NSH–1165—21–21.5 Neck, 5X Large
8405–00–NSH–1164—20–20.5 Neck, 4X Large
8405–00–NSH–1162—18–18.5 Neck, XX Large
8405–00–NSH–1161—17–17.5 Neck, X Large
8405–00–NSH–1160—16–16.5 Neck, Large
8405–00–NSH–1159—15–15.5 Neck, Medium
8405–00–NSH–1158—14–14.5 Neck, Small
8405–00–NSH–1163—19–19.5 Neck, XXX Large
8405–00–NSH–1267—18–18.5 Neck, XX Large Tall
8405–00–NSH–1268—19–19.5 Neck, XXX Large Tall
8405–00–NSH–1269—20–20.5 Neck, 4X Large Tall
8405–00–NSH–1270—21–21.5 Neck, 5X Large Tall
8405–00–NSH–1271—22–22.5 Neck, 6X Large Tall
8405–00–NSH–1127—16–16.5 Neck, 34–35 Sleeve
8405–00–NSH–1122—14–14.5 Neck, 32–33 Sleeve
8405–00–NSH–1123—14–14.5 Neck, 33–34 Sleeve
8405–00–NSH–1124—15–15.5 Neck, 33–34 Sleeve
8405–00–NSH–1125—15–15.5 Neck, 34–35 Sleeve
8405–00–NSH–1126—16–16.5 Neck, 33–34 Sleeve
8405–00–NSH–1128—17–17.5 Neck, 34–35 Sleeve
8405–00–NSH–1129—17–17.5 Neck, 35–36 Sleeve
8405–00–NSH–1130—18–18.5 Neck, 35–36 Sleeve
8405–00–NSH–1131—18–18.5 Neck, 36–37 Sleeve
8405–00–NSH–1132—19–19.5 Neck, 36–37 Sleeve
8405–00–NSH–1133—19–19.5 Neck, 37–38 Sleeve
8405–00–NSH–1134—20–20.5 Neck, 37–38 Sleeve
8405–00–NSH–1135—20–20.5 Neck, 38–39 Sleeve
8405–00–NSH–1136—21–21.5 Neck, 38–39 Sleeve
8405–00–NSH–1137—21–21.5 Neck, 40–41 Sleeve
8405–00–NSH–1138—22–22.5 Neck, 40–41 Sleeve
8405–00–NSH–1139—22–22.5 Neck, 41–42 Sleeve
8405–00–NSH–1103—Size 36
8405–00–NSH–1104—Size 38
8405–00–NSH–1105—size 40
8405–00–NSH–1106—size 42
8405–00–NSH–1107—size 44
8405–00–NSH–1108—size 46
8405–00–NSH–1109—size 48
8405–00–NSH–1099—Size 28
8405–00–NSH–1100—Size 30
8405–00–NSH–1101—Size 32
8405–00–NSH–1102—Size 34
8405–00–NSH–1114—Size 36
8405–00–NSH–1115—Size 38
8405–00–NSH–1116—size 40
8405–00–NSH–1117—size 42
8405–00–NSH–1118—size 44
8405–00–NSH–1119—size 46
8405–00–NSH–1120—size 48
8405–00–NSH–1121—size 50
8405–00–NSH–1110—Size 28
8405–00–NSH–1111—Size 30
8405–00–NSH–1112—Size 32
8405–00–NSH–1113—Size 34
8405–00–NSH–1369—Size 36
8405–00–NSH–1370—Size 38
8405–00–NSH–1371—size 40
8405–00–NSH–1372—size 42
8405–00–NSH–1373—size 44
8405–00–NSH–1374—size 46
8405–00–NSH–1375—size 48
8405–00–NSH–1376—size 50
8405–00–NSH–1366—Size 30
8405–00–NSH–1365—Size 28
8405–00–NSH–1367—Size 32
8405–00–NSH–1368—Size 34
8410–00–NSH–6329—size 4
8410–00–NSH–6330—size 6
8410–00–NSH–6331—size 8
8410–00–NSH–6337—size 20
8410–00–NSH–6338—size 22
8410–00–NSH–6334—size 14
8410–00–NSH–6332—size 10
8410–00–NSH–6333—size 12
8410–00–NSH–6335—size 16
8410–00–NSH–6336—size 18
8410–00–NSH–6340—size 4
8410–00–NSH–6341—size 6
8410–00–NSH–6342—size 8
8410–00–NSH–6347—size 18
8410–00–NSH–6339—size 2
8410–00–NSH–6348—size 20
8410–00–NSH–6349—size 22
8410–00–NSH–6350—size 24
8410–00–NSH–6343—size 10
8410–00–NSH–6344—size 12
8410–00–NSH–6345—size 14
8410–00–NSH–6346—size 16
8410–00–NSH–6406—size 4
8410–00–NSH–6407—size 6
8410–00–NSH–6408—size 8
8410–00–NSH–6413—size 18
8410–00–NSH–6405—size 2
8410–00–NSH–6414—size 20
8410–00–NSH–6415—size 22
8410–00–NSH–6416—size 24
8410–00–NSH–6409—size 10
8410–00–NSH–6410—size 12
8410–00–NSH–6411—size 14
8410–00–NSH–6412—size 16
8410–00–NSH–6351—Small
8410–00–NSH–6377—Small Tall
8410–00–NSH–6354—X Large
8410–00–NSH–6380—X Large Tall
8410–00–NSH–6355—XX Large
8410–00–NSH–6381—XX Large Tall
8410–00–NSH–6382—XXX Large Tall
8410–00–NSH–6356—XXX Large
8410–00–NSH–6353—Large
8410–00–NSH–6379—Large Tall
8410–00–NSH–6352—Medium
8410–00–NSH–6378—Medium Tall
8410–00–NSH–6358—Small
8410–00–NSH–6384—Small Tall
8410–00–NSH–6361—X Large
8410–00–NSH–6387—X Large Tall
8410–00–NSH–6362—XX Large
8410–00–NSH–6388—XX Large Tall
8410–00–NSH–6363—XXX Large
8410–00–NSH–6389—XXX Large Tall
8410–00–NSH–6360—Large
8410–00–NSH–6386—Large Tall
8410–00–NSH–6359—Medium
8410–00–NSH–6385—Medium Tall
8410–00–NSH–6391—Small
8410–00–NSH–6392—Small Tall
8410–00–NSH–6397—X Large
8410–00–NSH–6398—X Large Tall
8410–00–NSH–6399—XX Large
8410–00–NSH–6400—XX Large Tall
8410–00–NSH–6401—XXX Large
8410–00–NSH–6402—XXX Large Tall
8410–00–NSH–6395—Large
8410–00–NSH–6396—Large Tall
8410–00–NSH–6393—Medium
8410–00–NSH–6394—Medium Tall
8405–00–NSH–1229—X Large
8405–00–NSH–1230—XX Large
8405–00–NSH–1231—XXX Large
8405–00–NSH–1228—Large
8405–00–NSH–1227—Medium
8405–00–NSH–1234—X Large
8405–00–NSH–1235—XX Large
8405–00–NSH–1236—XXX Large
8405–00–NSH–1233—Large
8405–00–NSH–1232—Medium
8405–00–NSH–1257—X Large
8405–00–NSH–1258—XX Large
8405–00–NSH–1345—XX Large Tall
8405–00–NSH–1259—XXX Large
8405–00–NSH–1346—XXX Large Tall
8405–00–NSH–1344—X Large Tall
8405–00–NSH–1255—Medium

8405–00–NSH–1256—Large
8405–00–NSH–1343—Large Tall
8405–00–NSH–1390—X Large
8405–00–NSH–1392—XX Large
8405–00–NSH–1394—XXX Large
8405–00–NSH–1388—Large
8405–00–NSH–1386—Medium
8405–00–NSH–1400—X Large
8405–00–NSH–1402—XX Large
8405–00–NSH–1404—XXX Large
8405–00–NSH–1398—Large
8405–00–NSH–1396—Medium
8405–00–NSH–1420—X Large
8405–00–NSH–1422—XX Large
8405–00–NSH–1424—XXX Large
8405–00–NSH–1418—Large
8405–00–NSH–1416—Medium
8405–00–NSH–1242—Knee Length, 44
8405–00–NSH–1241—Knee Length, 42
8405–00–NSH–1240—Knee Length, 40
8405–00–NSH–1239—Knee Length, 38
8405–00–NSH–1238—Knee Length, 36
8405–00–NSH–1237—Knee Length, 34
8405–00–NSH–1245—Knee Length, 50
8405–00–NSH–1244—Knee Length, 48
8405–00–NSH–1243—Knee Length, 46
8410–00–NSH–6365—Knee Length, X Small
8410–00–NSH–6366—Knee Length, Small
8410–00–NSH–6370—Knee Length, XX Large
8410–00–NSH–6367—Knee Length, Medium
8410–00–NSH–6368—Knee Length, Large
8405–00–NSH–1145—16–16.5 Neck, 34–35 Sleeve
8405–00–NSH–1140—14–14.5 Neck, 32–33 Sleeve
8405–00–NSH–1141—14–14.5 Neck, 33–34 Sleeve
8405–00–NSH–1142—15–15.5 Neck, 33–34 Sleeve
8405–00–NSH–1143—15–15.5 Neck, 34–35 Sleeve
8405–00–NSH–1144—16–16.5 Neck, 33–34 Sleeve
8405–00–NSH–1146—17–17.5 Neck, 34–35 Sleeve
8405–00–NSH–1147—17–17.5 Neck, 35–36 Sleeve
8405–00–NSH–1148—18–18.5 Neck, 35–36 Sleeve
8405–00–NSH–1149—18–18.5 Neck, 36–37 Sleeve
8405–00–NSH–1150—19–19.5 Neck, 36–37 Sleeve
8405–00–NSH–1151—19–19.5 Neck, 37–38 Sleeve
8405–00–NSH–1152—20–20.5 Neck, 37–38 Sleeve
8405–00–NSH–1153—20–20.5 Neck, 38–39 Sleeve
8405–00–NSH–1154—21–21.5 Neck, 38–39 Sleeve
8405–00–NSH–1155—21–21.5 Neck, 40–41 Sleeve
8405–00–NSH–1156—22–22.5 Neck, 40–41 Sleeve
8405–00–NSH–1157—22–22.5 Neck, 41–42 Sleeve

Contracting Activity: AMS 31C3, Washington, DC

8405–00–NSH–1215—Small
8405–00–NSH–1320—Small Tall
8405–00–NSH–1218—X Large
8405–00–NSH–1323—X Large Tall
8405–00–NSH–1219—XX Large
8405–00–NSH–1322—Large Tall
8405–00–NSH–1217—Large
8405–00–NSH–1216—Medium
8405–00–NSH–1321—Medium Tall
8405–00–NSH–1324—XX Large Tall
8405–00–NSH–1220—XXX Large
8405–00–NSH–1325—XXX Large Tall
8405–00–NSH–1221—Small
8405–00–NSH–1326—Small Tall
8405–00–NSH–1224—X Large
8405–00–NSH–1329—X Large Tall
8405–00–NSH–1223—Large
8405–00–NSH–1328—Large Tall
8405–00–NSH–1222—Medium
8405–00–NSH–1327—Medium Tall
8405–00–NSH–1225—XX Large
8405–00–NSH–1330—XX Large Tall
8405–00–NSH–1226—XXX Large
8405–00–NSH–1331—XXX Large Tall
8405–00–NSH–1272—Small Tall
8405–00–NSH–1170—X Large
8405–00–NSH–1275—X Large Tall
8405–00–NSH–1171—XX Large
8405–00–NSH–1169—Large
8405–00–NSH–1274—Large Tall
8405–00–NSH–1168—Medium
8405–00–NSH–1273—Medium Tall
8405–00–NSH–1167—Small
8405–00–NSH–1276—XX Large Tall
8405–00–NSH–1172—XXX Large
8405–00–NSH–1277—XXX Large Tall
8405–00–NSH–1278—Small Tall
8405–00–NSH–1176—X Large
8405–00–NSH–1281—X Large Tall
8405–00–NSH–1177—XX Large
8405–00–NSH–1175—Large
8405–00–NSH–1279—Medium Tall
8405–00–NSH–1280—Large Tall
8405–00–NSH–1174—Medium
8405–00–NSH–1178—XXX Large
8405–00–NSH–1283—XXX Large Tall
8405–00–NSH–1282—XX Large Tall
8405–00–NSH–1173—Small
8405–00–NSH–1284—Small Tall
8405–00–NSH–1287—X Large Tall
8405–00–NSH–1183—XX Large
8405–00–NSH–1181—Large
8405–00–NSH–1182—X Large
8405–00–NSH–1286—Large Tall
8405–00–NSH–1180—Medium
8405–00–NSH–1285—Medium Tall
8405–00–NSH–1179—Small
8405–00–NSH–1184—XXX Large
8405–00–NSH–1289—XXX Large Tall
8405–00–NSH–1288—XX Large Tall
8405–00–NSH–1290—Small Tall
8405–00–NSH–1188—X Large
8405–00–NSH–1293—X Large Tall
8405–00–NSH–1189—XX Large
8405–00–NSH–1187—Large
8405–00–NSH–1292—Large Tall
8405–00–NSH–1186—Medium
8405–00–NSH–1291—Medium Tall
8405–00–NSH–1185—Small
8405–00–NSH–1294—XX Large Tall
8405–00–NSH–1190—XXX Large
8405–00–NSH–1295—XXX Large Tall
8405–00–NSH–1296—Small Tall
8405–00–NSH–1194—X Large
8405–00–NSH–1299—X Large Tall
8405–00–NSH–1195—XX Large
8405–00–NSH–1193—Large
8405–00–NSH–1298—Large Tall
8405–00–NSH–1192—Medium
8405–00–NSH–1297—Medium Tall
8405–00–NSH–1191—Small
8405–00–NSH–1300—XX Large Tall
8405–00–NSH–1196—XXX Large
8405–00–NSH–1301—XXX Large Tall
8405–00–NSH–1302—Small Tall
8405–00–NSH–1200—X Large
8405–00–NSH–1305—X Large Tall
8405–00–NSH–1201—XX Large
8405–00–NSH–1199—Large
8405–00–NSH–1304—Large Tall
8405–00–NSH–1198—Medium
8405–00–NSH–1303—Medium Tall
8405–00–NSH–1197—Small
8405–00–NSH–1306—XX Large Tall
8405–00–NSH–1202—XXX Large
8405–00–NSH–1307—XXX Large Tall
8405–00–NSH–1308—Small Tall
8405–00–NSH–1206—X Large
8405–00–NSH–1207—XX Large
8405–00–NSH–1311—X Large Tall
8405–00–NSH–1205—Large
8405–00–NSH–1310—Large Tall
8405–00–NSH–1204—Medium
8405–00–NSH–1309—Medium Tall
8405–00–NSH–1203—Small
8405–00–NSH–1312—XX Large Tall
8405–00–NSH–1313—XXX Large Tall
8405–00–NSH–1208—XXX Large
8405–00–NSH–1314—Small Tall
8405–00–NSH–1212—X Large
8405–00–NSH–1317—X Large Tall
8405–00–NSH–1213—XX Large
8405–00–NSH–1209—Small
8405–00–NSH–1211—Large
8405–00–NSH–1316—Large Tall
8405–00–NSH–1210—Medium
8405–00–NSH–1315—Medium Tall
8405–00–NSH–1318—XX Large Tall
8405–00–NSH–1214—XXX Large
8405–00–NSH–1319—XXX Large Tall
8405–00–NSH–1410—X Large
8405–00–NSH–1408—Large
8405–00–NSH–1406—Medium
8405–00–NSH–1412—XX Large
8405–00–NSH–1414—XXX Large

Contracting Activity: USDA APHIS MRPBS, Minneapolis, MN

Mandatory Source of Supply: Human Technologies Corporation, Utica, NY

8415–01–103–1349—Cover, Helmet, Desert Camouflage
8415–01–327–4824—Cover, Helmet, Parachutists, Army, Desert Camouflage, X Small/Small

Mandatory Source of Supply: Human Technologies Corporation, Utica, NY

Contracting Activity: DLA Troop Support, Philadelphia, PA

NSNs—Product Names:

8415–01–103–1349—Cover, Helmet, Desert Camouflage
8415–01–327–4824—Cover, Helmet, Parachutists, Army, Desert Camouflage, X Small/Small

Mandatory Source of Supply: Chautauqua County Chapter, NYSARC, Jamestown, NY

8415–01–103–1349—Cover, Helmet, Desert Camouflage

Mandatory Source of Supply: North Bay Rehabilitation Services, Inc., Rohnert Park, CA

8415–01–144–1860—Cover, Helmet, Snow Camouflage
8415–01–144–1861—Cover, Helmet, Navy, White Snow Camouflage, Medium/Large

Mandatory Source of Supply: Human Technologies Corporation, Utica, NY
8415–01–144–1860—Cover, Helmet, Snow Camouflage
8415–01–144–1861—Cover, Helmet, Navy, White Snow Camouflage, Medium/Large
8415–01–494–4591—Cover, Parachutists' and Ground Troops' Helmet, All Services, Snow Camouflage, XSS
8415–01–103–1349—Cover, Helmet, Desert Camouflage
8415–01–327–4824—Cover, Helmet, Parachutists, Army, Desert Camouflage, X Small/Small
Mandatory Source of Supply: Mount Rogers Community Services Board, Wytheville, VA
Contracting Activity: DLA Troop Support, Philadelphia, PA

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2017–23985 Filed 11–2–17; 8:45 am]

BILLING CODE 6353–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Performance Measurement in AmeriCorps

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, CNCS is proposing to renew an information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by January 2, 2018.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service; Attention Adrienne DiTommaso, 250 E Street SW., Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

Comments submitted in response to this notice may be made available to the public through *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. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Adrienne DiTommaso, 202–606–3611, or by email at *aditommaso@cns.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Performance Measurement in AmeriCorps.

OMB Control Number: 3045–0094.

Type of Review: Renewal.

Respondents/Affected Public: Individuals-AmeriCorps members.

Total Estimated Number of Annual Respondents: 80,000.

Total Estimated Annual Frequency: Annually.

Total Estimated Average Response Time per Response: 15 minutes.

Total Estimated Number of Annual Burden Hours: 20,000 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Abstract

All members in the three AmeriCorps programs—AmeriCorps State & National, VISTA, and the National Civilian Community Corps (NCCC)—are invited to complete a questionnaire upon completing their service term. The questionnaire asks members about their motivations for joining AmeriCorps, experiences while serving, and future plans and aspirations. Completion of the questionnaire is not required to successfully exit AmeriCorps, receive any stipends, educational awards, or other benefits of service. The purpose of the information collection is to learn more about the member experience and member perceptions of their AmeriCorps experience in order to improve the program. Members complete the questionnaire electronically through the AmeriCorps Member Portal. Members are invited to respond as their exit date nears and are allowed to respond for an indefinite period following the original invitation. CNCS seeks to renew the current information collection. The questionnaire submitted for clearance is unchanged from the previously cleared questionnaire. CNCS also seeks to continue using the currently approved information collection until the revised information collection is approved by OMB. The currently approved information collection is due to expire on 2/28/2018.

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.*

Dated: October 20, 2017.

Mary Hyde,

Director of Research and Evaluation.

[FR Doc. 2017–24023 Filed 11–2–17; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

Department of the Army; Corps of Engineers

Availability of the Draft Integrated City of Norfolk Coastal Storm Risk Management Feasibility Study Report/ Environmental Impact Statement, Norfolk, VA

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

ACTION: Notice of availability and public meeting.

SUMMARY: The U.S. Army Corps of Engineers (USACE) Norfolk District, in cooperation with our non-federal sponsor, the City of Norfolk, announce the availability of a Draft Integrated Feasibility Report and Environmental Impact Statement (Draft IFR/EIS) for the City of Norfolk Coastal Storm Risk Management Feasibility Study, for review and comment. The study evaluates identified flood risks and develops and evaluates coastal storm risk management measures for the City of Norfolk. These measures were formulated to reduce flood risk to residents, industries and businesses which are critical to the Nation's economy in ways that support the long-term resilience due to sea level rise, local subsidence and storms, within the City of Norfolk. Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the USACE determined that the project has the potential to have significant environmental impacts, and developed the draft EIS to examine and assess the impacts of all proposed action.

DATES: The Draft IFR/EIS is available for a 45-day review period, pursuant to the NEPA. Written comments pursuant will be accepted until the close of public review on the close of business on December 29, 2017.

ADDRESSES: Questions or comments concerning the Draft IFR/EIS may be directed to: Ms. Kathy Perdue, U.S. Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, VA 23510 or *NorfolkCSRM@usace.army.mil*.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Perdue, U.S. Army Corps of Engineers, Norfolk District phone number (757) 201–7218, or *NorfolkCSRM@usace.army.mil*.

SUPPLEMENTARY INFORMATION: As part of the public involvement process, notice is hereby given by the USACE, Norfolk District, of a public review meeting that will be held on November 16, 2017, from 5:30 to 8:00 p.m., at the Attucks Theater located at 1010 Church Street, Norfolk, VA 23510. The public meeting will allow participants the opportunity to comment and ask questions on the Draft IFR/EIS. Attendance at the public meeting is not necessary to provide comments. Written comments may also be given to the contact listed under **ADDRESSES**.

The document is available for review at the following locations:

(1) The Norfolk Coastal Storm Risk Management Study Web site: *http://www.nao.usace.army.mil/NCSRM*.

(2) Copies at all City of Norfolk, Virginia Public Libraries.

Proposed Action. The Study Area is the City of Norfolk. The Proposed Action will include construction of the following measures within the City: Storm surge barriers with gate openings near the mouths of four waterways: The Lafayette River, Pretty Lake, The Hague, and Broad Creek; floodwalls flanking the barriers and near waterways at locations from Lamberts Point to Broad Creek; berms; tide gates at various points to prevent storm surge; generator buildings and pumps; nonstructural measures and ringwall components to protect existing structures; and Natural and Nature-Based features. Implementation of the Proposed Action would impact floodplains, wetlands, mudflats, federally listed threatened or endangered species, and marine mammals, and other resources. The Proposed Action must be located in a floodplain in order to reduce flood risk behind the flood protection system. The Proposed Action will adhere to the 8-step process as outlined under Executive Order 11988, Floodplain Management, including consideration of sea level rise.

Alternatives. The Draft IFR/EIS considers a full range of nonstructural and structural flood risk management alternatives that meet the Proposed Action's purpose and need and incorporate measures to avoid and minimize impacts to the maximum extent practicable. Alternatives included: (1) The No Build/Future Without Project Alternative, (2) a Structural Only Project Alternative, (3) a Nonstructural Only Project Alternative, and (4) a dual Structural and Nonstructural Project Alternative, which is the Preferred Alternative/ Proposed Action.

Public Involvement. A Notice of Intent to prepare an EIS was published on April 29, 2016, in the **Federal Register** (81 FR 25656). A public scoping meeting was held on May 25, 2016, and a follow-up public meeting was held on June 8, 2017, both in the City of Norfolk. The U.S. Environmental Protection Agency serves as a cooperating agency for this project.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–23968 Filed 11–2–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Board Membership

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of a Performance Review Board for the Department of the Army.

DATES: The terms begin on November 01, 2017.

FOR FURTHER INFORMATION CONTACT: Barbara Smith, Civilian Senior Leader Management Office, 111 Army Pentagon, Washington, DC 20310–0111.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

The Department of the Army Performance Review Board will be composed of a subset of the following individuals:

1. Ms. Lisha H. Adams, Executive Deputy to the Commanding General, U.S. Army Materiel Command, Redstone Arsenal, AL.
2. LTG Joseph Anderson, Deputy Chief of Staff, G–3/5/7, Office of the Deputy Chief of Staff, G–3/5/7, Washington, DC.
3. Mr. Stephen D. Austin, Assistant Chief of the Army Reserve, Office of the Chief Army Reserve, Washington, DC.
4. Mr. David R. Cooper, Chief Counsel, Office of the Chief Counsel, U.S. Army Corps of Engineers, Washington, DC.
5. Mr. Michael B. Cervone, Director for Maintenance Policy, Programs, and Processes, Office of the Deputy Chief od Staff, G–4. Maintenance Directorate, Washington, DC.
6. MG Jeffery N. Colt, U.S. Army Forces Command, Fort Bragg, NC.
7. LTG Edward M. Daly, Deputy Commanding General, U.S. Army Material Command, Redstone Arsenal, AL.
8. Ms. Karen L. Durham-Aguilera, Executive Director of the Army National Cemeteries Program, Office of the Secretary of the Army, Arlington, VA.
9. Ms. Steffanie B. Easter, Principal Deputy Assistant Secretary of the Army for

Acquisition, Policy and Logistics, Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology), Washington, DC.

10. Mr. Gregory L. Garcia, Director for Corporate Information, Office of the Chief Information Officer, U.S. Army Corps of Engineers, Washington, DC.

11. Mr. Thomas F. Greco, Deputy Chief of Staff for Intelligence (DCSINT), U.S. Army Training and Doctrine Command, Fort Eustis, VA.

12. Ms. Ellen M. Helmerson, Deputy Chief of Staff, G–8, U.S. Army Training and Doctrine Command, Fort Eustis, VA.

13. Mr. Raymond T. Horoho, Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs), Washington, DC.

14. MG Donald E. Jackson, Jr., Deputy Commanding General for Civil and Emergncy Operations, U.S. Army Corps of Engineers, Washington, DC.

15. Mr. Thomas E. Kelly, Deputy Under Secretary of the Army, Office of the Deputy Under Secretary of the Army, Washington, DC.

16. Ms. Krystyna M. A. Kolesar, Deputy Director, Program Analysis & Evaluation Directorate, Office of the Deputy Chief of Staff, G–8, Washington, DC.

17. Mr. Gary P. Martin, Program Executive Officer, Command, Control and Communications (Tactical), U.S. Army Acquisition Support Center, Office of the PEO, Aberdeen Proving Ground, MD.

18. Mr. Earl G. Matthews, Principal Deputy General Counsel, Office of the General Counsel, Washington, DC.

19. LTG Sean B. MacFarland, Deputy Commanding General, U.S. Army TRADOC, Fort Eustis, VA.

20. Mr. Phillip E. McGhee, Deputy Chief of Staff for Resuorce Management, HQ, U.S. Army Forces Command, Fort Bragg NC.

21. Mr. William F. Moore, Assistant Deputy Chief of Staff, G–4, Office of the Deputy Chief of Staff, G–4, Washington, DC.

22. Mr. Patrick J. O'Neill, Chief Technology Officer, AMC, U.S. Army Materiel Command,Office of the Deputy Commanding General, Redstone Arsenal, AL.

23. LTG Paul A. Ostrowski, Deputy Assistant Secretary of the Army (Acquisition, Logistics and Technology), Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology), Washington, DC.

24. Mr. Michael J. Pappas, Senior Advisor, Intelligence Capabilities and Requirements, Office of the Deputy Chief of Staff, G–2, Washington, DC.

25. GEN Gustave F. Perna, Commanding General, U.S. Army Materiel Command, Redstone Arsenal AL.

26. Mr. Dean E. Pfoltzer, Principal Director, Policy and Resources/Chief Financial Officer, Office of the Chief Information Officer/G–6, Washington, DC.

27. Mr. David W. Pittman, Director, Research and Development, and Director, Engineering, Research and Development Center, U.S. Army Corps of Engineers, Vicksburg, MS.

28. Mr. Michael T. Powers, Acting Assistant Secretary of the Army (Financial Management and Comptroller). Office of the Assistant Secretary of the Army (Financial Management & Comptroller), Washington, DC.

29. Ms. Diane M. Randon, Deputy Assistant Chief of Staff for Installation Management, Office of the Assistant Chief of Staff for Installation Management, Washington, DC.

30. Mr. Jeffrey N. Rapp, Assistant Deputy Chief of Staff, G–2, Office of the Deputy Chief of Staff, G–2, Washington, DC

31. Ms. Anne L. Richards, The Auditor General, U.S. Amry, Office of the Secretary of the Army, The Auditor Genral Office, Fort Belvoir, VA.

32. Mr. J. Randall Robinson, Principal Deputy to the Assistant Secretary of the Army (Installations, Energy and Environment), Office of the Assistant Secretary of the Army (Installations and Environment), Washington, DC.

33. Dr. Thomas P. Russell, Deputy Assistant Secretary for Reseach and Technology/Chief Scientist, Assistant Secretary of the army for Acquisition Logistics and Technology, Washington, DC.

34. Dr. Connie S. Schmaljohn, Senior Research Scientist (Medical Defense Against Infectiuos Disease Threats), U.S. Army Medical Research Materiel Command, Fort Detrick, MD.

35. LTG Todd T. Semonite, Commanding General, U.S. Army Corps of Engineers, Washington, DC.

36. MG James E. Simpson, Commanding General, U.S. Army Contracting Command, Redstone Arsenal, AL.

37. Dr. Ananthram Swami, Senior Research Scientist (Network Science), U.S. Army Research Lab, U.S. Army Research, Development and Engineering Command, Adelphi, MD.

38. Mr. Roy A. Wallace, Assistant Deputy Chief of Staff, G–1, Office of the Deputy Chief of Staff, G–1, Washington, DC.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–23975 Filed 11–2–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Subcommittee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open Subcommittee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Defense Language Institute Foreign Language Center (DLIFLC) Board of Visitors, a subcommittee of the Army Education Advisory Committee. This meeting is open to the public.

DATES: The DLIFLC Board of Visitors Subcommittee will meet from 8:00 a.m. to 5:00 p.m. on December 6 and from 8:30 a.m. to 4:00 p.m. on December 7, 2017.

ADDRESSES: Defense Language Institute Foreign Language Center, 1759 Lewis Road, Monterey, CA 93944.

FOR FURTHER INFORMATION CONTACT: Mr. Detlev Kesten, the Alternate Designated Federal Officer for the subcommittee, in writing at Defense Language Institute Foreign Language Center, ATFL–APAS, Bldg. 634, Presidio of Monterey, CA 93944, by email at *detlev.kesten@dliflc.edu,* or by telephone at (831) 242–6670.

SUPPLEMENTARY INFORMATION: The subcommittee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to provide the Subcommittee with briefings and information focusing on the Institute's accreditation effort through the Accrediting Commission for Community and Junior Colleges. The Subcommittee will also address administrative matters.

Agenda: December 7—The Subcommittee will receive briefings on the Institute's ongoing self-study to reaffirm its academic accreditation. The Subcommittee will complete administrative procedures and appointment requirements. December 8—The Subcommittee will have time to discuss and compile observations pertaining to agenda items. General deliberations leading to provisional findings will be referred to the Army Education Advisory Committee for deliberation by the Committee under the open-meeting rules.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mr. Kesten, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section.

Because the meeting of the Subcommittee will be held in a Federal Government facility, security screening is required. A photo ID is required to enter the facility. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. The

facility is fully handicap accessible. Wheelchair access is available at the main entrance of the building. For additional information about public access procedures, contact Mr. Kesten, the subcommittee's Alternate Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the subcommittee, in response to the stated agenda of the open meeting or in regard to the subcommittee's mission in general. Written comments or statements should be submitted to Mr. Kesten, the subcommittee Alternate Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The Alternate Designated Federal Official will review all submitted written comments or statements and provide them to members of the subcommittee for their consideration. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Alternate Designated Federal Official at least seven business days prior to the meeting to be considered by the subcommittee. Written comments or statements received after this date may not be provided to the subcommittee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least seven business days in advance to the subcommittee's Alternate Designated Federal Official, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The Alternate Designated Federal Official will log each request, in the order received, and in consultation with the Subcommittee Chair, determine whether the subject matter of each comment is relevant to the Subcommittee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three minutes during the period, and will be invited to speak in the order in which their requests were received by the Alternate Designated Federal Official.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–23976 Filed 11–2–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2017–0007; OMB Control Number 0704–0248]

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 December 4, 2017.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Appendix F, Material Inspection and Receiving Report; OMB Control Number 0704–0248.

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: 153,000.

Responses per Respondent: 18, approximately.

Annual Responses: 2,800,000.

Average Burden per Response: .05 hours (3 minutes).

Annual Burden Hours: 140,000 hours.

Needs and Uses: The collection of this information is necessary to process shipping and receipt documentation for goods and services provided by contractors and permit payment under DoD contracts.

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. 2017–23984 Filed 11–2–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Drawdown and Habitat Enhancement of East Lake Tohopekaliga in Osceola County, Florida

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

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Jacksonville District, Cocoa Permits Section field office, has received a request for Department of the Army (DA) authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act of 1899, from the Florida Fish and Wildlife Conservation Commission (FWC) for activities associated with the proposed drawdown, vegetation removal, and demucking of East Lake Tohopekaliga (ELT) to improve habitat conditions for fish and wildlife. The drawdown would require a deviation to the Water Control Plan for ELT and a DA permit for

proposed fill in waters of the United States.

DATES: The USACE will hold a public scoping meeting for the Draft EIS on December 5, 2017, at 7:00 p.m. Eastern Standard Time. Interested parties are invited to submit scoping comments to USACE by January 4, 2018.

ADDRESSES: The public scoping meeting will be held at Osceola Heritage Park, 1875 Silver Spur Lane, Kissimmee, FL 34744. Scoping comments may be submitted by mail or hand-delivered to: Jeffrey S. Collins, U.S. Army Corps of Engineers, Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, FL 32926. Comments may also be submitted by email to: *jeffrey.s.collins@usace.army.mil.* All comments should include ''East Lake Tohopekaliga Drawdown Comments'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Questions about the Proposed Action and Draft EIS should be directed to Mr. Collins by telephone at (321) 504–3771 or by email: *jeffrey.s.collins@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. *Background/Project Authorization.* USACE is preparing this Draft EIS in accordance with National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) Regulations (40 Code of Federal Regulation [CFR] 1500 *et seq.*), and USACE provisions for implementing the procedural requirements of NEPA (33 CFR 230, USACE Engineering Regulation [ER] 200–2–2). A primary purpose of a USACE Regulatory Program EIS is to provide disclosure of the significant impacts of a proposal seeking a DA permit on the human environment. The Draft EIS and Final EIS are used to inform the public and agency decision-makers of alternatives to an applicant's project that may avoid or minimize impacts or enhance the quality of the human environment.

The EIS will address all the requirements of NEPA including applicable federal and state laws, regulations, and executive orders. A partial list of statutes to be addressed in the EIS includes: Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); Coastal Zone Management Act; Clean Air Act; Magnuson-Stevens Fishery Conservation and Management Act; Endangered Species Act; Fish and Wildlife Coordination Act; National Historic Preservation Act; Archeological and Historic Preservation Act; and Executive Order 11990, Protection of Wetlands. Additional authority is provided in 33 CFR 222.5, Water Control Management (ER 1110–2–240).

2. *Need or Purpose of Project.* The purpose of the proposed activity is aquatic habitat improvement in ELT. Major contributors to deteriorating aquatic habitat in the ELT are water level stabilization and pollution from watershed development. Negative environmental changes include an increase in aquatic plant density and biomass, organic sediments, and a shift to invasive species. Dense bands of organic material have formed along the lakeshore and, combined with aquatic plants such as pickerelweed, cattail, and tussucks, form a barrier that keeps fish from shallow spawning areas. Decline in coverage of desirable aquatic vegetation negatively impact the diversity and abundance of forage organisms that depend on these plant communities. In turn, this directly contributes to reduced sport fish production and wading bird utilization.

3. *Project Description.* East Lake Tohopekaliga is an approximately 11,968-acre lake located in the Kissimmee Chain of Lakes. FWC is pursuing authorization from USACE, Jacksonville District Regulatory Division, to conduct a temporary drawdown of ELT to accomplish demucking and vegetation removal activities for purposes of littoral zone habitat enhancement. FWC proposes to draw down ELT in Osceola County from 57.0 National Geodetic Vertical Datum (NGVD) feet to 53.0 NGVD feet. Four pumps (combined capacity of 400 cfs) are proposed to be used to drain ELT; pumps are required because gravity-fed conveyance becomes inefficient as the lower ELT stage approaches that of Lake Tohopekaliga. The proposed drawdown would begin in October-November 2018, work conducted in February-May 2019, with the refill initiated in June 2019. Other proposed activities include:

a. Modification of the Lake Tohopekaliga and ELT regulation schedules as established by the USACE Water Control Plan, to allow a temporary deviation in water levels in both lakes.

b. Installation of sheet piling and a flood control pump in the canal between ELT and Fells Cove, and in the canal between ELT and Lake Runnymede. These constructed elements may be necessary to maintain normal lake stages upstream of the canals.

c. Approximately 115 acres of littoral zone will be mechanically scraped along the east shore and consolidated into two 1–2 acre in-lake spoil islands. Woody vegetation within the scrape zone would be piled and burned.

d. Vegetation on the west shore would be sprayed with herbicide and subsequently burned.

4. *Issues.* Preliminary environmental and public interest factors have been identified and would be addressed in the EIS. Additional issues may be identified during the scoping process through commenting cooperating agencies and the public. USACE has preliminarily identified potential issues to include:

a. Potential impacts to threatened and endangered species, particularly the Everglades snail kite (*Rostrhamus sociabilis plumbeus*).

b. Required alteration of the Water Control Plan. The Master Water Control Manual for Kissimmee River-Lake Istokpoga Basin (USACE, 1994), which contains the relevant Water Control Plan, specifies coordination with USACE South Atlantic Division for review and approval of planned deviation requests.

c. Potential impacts to navigation, both commercial and recreational.

d. Potential aesthetic impacts to landowners with a viewshed of proposed disposal islands.

e. Potential impacts on public health and safety.

f. Potential impacts on waterborne recreation activities.

g. Potential impacts to cultural resources.

h. Potential economic impact on local businesses.

i. Potential air quality during burning of woody debris.

j. Potential water quality impacts during ELT drawdown, muck removal and creation of islands.

k. Potential concern regarding downstream discharges resulting from the ELT Drawdown.

l. Cumulative impacts of past, present and foreseeable future projects affecting ELT.

5. *Alternatives.* The Draft EIS will analyze reasonable alternatives to meet the project purpose and need. These alternatives will be further developed during the scoping process and an appropriate range of alternatives, including the no federal action alternative, will be considered in the EIS. Other preliminary alternatives to be considered include: Effectuating ELT drawdown with pumps; ELT drawdown without pumps; disposing of spoil material by truck-hauling off-site; and disposing of spoil material using in-lake disposal islands.

6. *Scoping Process.* USACE is furnishing this notice to advise other Federal and State agencies, affected

federally recognized Tribes, and the public of the proposed project. This notice announces the initiation of a 30-day scoping period which requests the public's involvement in the scoping and evaluation process of the Draft EIS. A public scoping meeting (see **DATES**) will be held to receive public comment and address public concerns concerning the scope of issues and level of analysis to be considered in preparation of the Draft EIS. Participation in the public meeting by federal, state and local agencies and other interested organizations and persons is encouraged. A detailed description of the study area will be developed following the scoping meeting, at which time USACE will determine the final study area for the EIS.

7. *Public Involvement.* The USACE invites Federal agencies, American Indian Tribal Nations, state and local governments, and other interested private organizations and parties to attend the public scooping meeting and to provide comments in order to ensure that all significant issues are identified and the full range of issues related to the permit request are addressed.

8. *Coordination.* The proposed action is being coordinated with a number of Federal, state, regional, and local agencies including but not limited to the following: U.S. Fish and Wildlife Service, U.S. National Marine Fisheries Service, U.S. Environmental Protection Agency, Florida Department of Environmental Protection, federally recognized Native American Indian Tribes, Florida State Historic Preservation Officer, Osceola County, the City of St. Cloud, and other agencies as identified in scoping, public involvement, and agency coordination.

9. *Agency Role.* The USACE will be the lead agency for the EIS. The USACE expects to receive input and critical information from federal, state and local agencies (see Coordination), either as commenting or cooperating agencies.

10. *Draft EIS Preparation.* The Draft EIS is expected to be published and circulated in late spring 2018. A Notice of Availability will be issued, which will open the public comment period. Comments will be accepted during the Draft EIS public comment period, which will last approximately 30 days.

Dated: October 24, 2017.

Donald W. Kinard,

Chief, Regulatory Division.

[FR Doc. 2017–23977 Filed 11–2–17; 8:45 am]

BILLING CODE 3720–58–P

DELAWARE RIVER BASIN COMMISSION

Notice of Public Hearing and Business Meeting November 15 and December 13, 2017

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, November 15, 2017. A business meeting will be held the following month on Wednesday, December 13, 2017. The hearing and meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pennsylvania.

Public Hearing. The public hearing on November 15, 2017 will begin at 1:30 p.m. Hearing items subject to the Commission's review will include draft dockets for withdrawals, discharges, and other water-related projects, as well as a resolution authorizing the Executive Director to enter into an agreement with the University of Maryland for the analysis of ambient water samples from the Delaware Estuary for primary productivity and associated nutrient parameters.

The list of projects scheduled for hearing, including project descriptions, and the text of the proposed resolution will be posted on the Commission's Web site, *www.drbc.net,* in a long form of this notice at least ten days before the hearing date.

Written comments on matters scheduled for hearing on November 15 will be accepted through 5:00 p.m. on November 20. Time permitting, an opportunity for Open Public Comment will be provided upon the conclusion of Commission business at the December 13 Business Meeting; in accordance with recent format changes, this opportunity will not be offered upon completion of the Public Hearing.

The public is advised to check the Commission's Web site periodically prior to the hearing date, as items scheduled for hearing may be postponed if additional time is deemed necessary to complete the Commission's review, and items may be added up to ten days prior to the hearing date. In reviewing docket descriptions, the public is also asked to be aware that project details commonly change in the course of the Commission's review, which is ongoing.

Public Meeting. The public business meeting on December 13, 2017 will begin at 10:30 a.m. and will include: Adoption of the Minutes of the Commission's September 13, 2017 Business Meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel, and consideration of any items for which a hearing has been completed or is not required. The latter are expected to include a resolution authorizing the Executive Director to execute an agreement for the preparation of an actuarial evaluation of the Commission's ''Other Post-Employment Benefit'' (''OPEB'') obligations, in accordance with Government Accounting Standards Board Statement No. 75 (''GASB 75'').

After all scheduled business has been completed and as time allows, the Business Meeting will also include up to one hour of Open Public Comment.

There will be no opportunity for additional public comment for the record at the December 13 Business Meeting on items for which a hearing was completed on November 15 or a previous date. Commission consideration on December 13 of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial, or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

Advance Sign-Up for Oral Comment. Individuals who wish to comment on the record during the public hearing on November 15 or to address the Commissioners informally during the Open Public Comment portion of the meeting on December 13 as time allows, are asked to sign-up in advance through EventBrite, the online registration process recently introduced by the Commission. Links to EventBrite for the Public Hearing and the Business Meeting are available at *drbc.net.* For assistance, please contact Ms. Paula Schmitt of the Commission staff, at *paula.schmitt@drbc.nj.gov.*

Addresses for Written Comment. Written comment on items scheduled for hearing may be made through SmartComment, the Web-based comment system recently introduced by the Commission, a link to which is posted at *drbc.net.* Although use of SmartComment is strongly preferred, comments may also be delivered by hand at the public hearing; or by hand, U.S. Mail or private carrier to Commission Secretary, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628.

For assistance, please contact Paula Schmitt at *paula.schmitt@drbc.nj.gov.*

Accommodations for Special Needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at 609–883–9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Additional Information, Contacts. Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Carol Adamovic, 609–883–9500, ext. 249. For other questions concerning hearing items, please contact Judith Scharite, Project Review Section assistant at 609–883–9500, ext. 216.

Dated: October 27, 2017.

Pamela M. Bush,

Commission Secretary and Assistant General Counsel.

[FR Doc. 2017–24011 Filed 11–2–17; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0133]

Agency Information Collection Activities; Comment Request; Consolidated State Performance Report Part I and Part II

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before January 2, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0133. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216–44, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Sarah Newman, 202–453–6956.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records. Public comments are encouraged on all changes proposed in the Part I and Part II Consolidated State Performance Report; the Department is also interested in obtaining input from data submitters and stakeholders on these specific questions:

1. CSPR Process

What part of the CSPR process is the most burdensome on your SEA?

a. Reporting the data into the system.
b. Data quality reviews.
c. EMAPS reporting.
d. Other, please specify.

What are ways ED should improve the CSPR process to reduce burden on your SEA?

2. Submission of CSPR

Currently CSPR is collected in two parts, with separate open and close schedules. Would it be less, more, or the same burden if ED moved to collecting CSPR as one part in the future? Which part of the process would increase or decrease your burden by moving to one part:

a. Reporting the data into the system.
b. Data quality reviews.
c. EMAPS reporting.
d. Other, please specify.

Title of Collection: Consolidated State Performance Report Part I and Part II.

OMB Control Number: 1810–0724.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 14,653.

Total Estimated Number of Annual Burden Hours: 16,447.

Abstract: The Consolidated State Performance Report (CSPR) is the required annual reporting tool for each State, the Bureau of Indian Education, District of Columbia, and Puerto Rico as authorized under Section 8303 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). The CSPR collects data on programs authorized by: Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title V, Part A; Title V, Part B, Subparts 1 and 2; and The McKinney-Vento Act. The information in this collection relate to the performance and monitoring activities of the aforementioned programs under ESSA and the McKinney-Vento Act. These data are needed for reporting on GPRA as well as other reporting requirements under ESSA.

There are significant changes between this collection and the SY2016–17 collection. The SY2016–17 collection represented the reporting requirements under the No Child Left Behind Act while the SY2017–18 aligns with the reporting requirements of the Every Student Succeeds Act.

Dated: October 31, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–23961 Filed 11–2–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy.

ACTION: Notice of open meeting: Correction.

SUMMARY: On October 25, 2017, the Department of Energy (DOE) published

a notice of open meeting announcing a meeting on November 18, 2017 of the Environmental Management Site-Specific Advisory Board, Paducah (82 FR 49357). This document makes a correction to that notice.

FOR FURTHER INFORMATION CONTACT: Jennifer Woodard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6825.

Corrections

In the **Federal Register** of October 25, 2017, in FR Doc. 2017–23160, on page 49357, please make the following correction:

In that notice under **ADDRESSES**, second column, third paragraph, the meeting address has been changed. The original address was West Kentucky Community and Technical College, Emerging Technology Center, 4810 Alben Barkley Drive, Paducah, Kentucky 42001. The new address is West Kentucky Community and Technical College, Anderson Technical Building, 4810 Alben Barkley Drive, Paducah, Kentucky 42001.

Issued at Washington, DC, on October 30, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–23918 Filed 11–2–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4784–095]

Topsham Hydro Partners Limited Partnership; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request For Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 4784–095.

c. *Dated Filed:* August 31, 2017.

d. *Submitted By:* Topsham Hydro Partners Limited Partnership.

e. *Name of Project:* Pejepscot Hydroelectric Project.

f. *Location:* On the Androscoggin River in Sagadahoc, Cumberland, and Androscoggin Counties in the village of Pejepscot and the town of Topsham, Maine.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. Potential *Applicant Contact:* C. Todd Wynn, Topsham Hydro Partners Limited Partnership, 150 Main Street, Lewiston, Maine 04240.

i. *FERC Contact:* Ryan Hansen at (202) 502–8074 or email at *ryan.hansen@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Topsham Hydro Partners Limited Partnership as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Topsham Hydro Partners Limited Partnership filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–4784–095.

All filings with the Commission must bear the appropriate heading: Comments on Pre-Application Document, Study Requests, Comments on Scoping Document 1, Request for Cooperating Agency Status, or Communications to and from Commission Staff. Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by December 29, 2017.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings,

and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Tuesday, November 28, 2017.
Time: 9:00 a.m. until 12:00 p.m.
Location: Brunswick Hotel and Tavern, 4 Noble St., Brunswick, ME 04011.
Phone: (207) 837–6565.

Evening Scoping Meeting

Date: Tuesday, November 28, 2017.
Time: 6:00 p.m. until 9:00 p.m.
Location: Brunswick Hotel and Tavern, 4 Noble St., Brunswick, ME 04011.
Phone: (207) 837–6565.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the eLibrary link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an Environmental Site Review of the project on Wednesday, November 29, 2017, starting at 9:00 a.m. All participants should meet at the Pejepscot Hydroelectric Project, 110 Pejepscot Village Main Street, Topsham ME 04086. All participants are responsible for their own transportation. Anyone with questions about the site visit should contact Frank Dunlap at (207) 755–5603 or at *frank.dunlap@brookfieldrenewables.com.*

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: October 30, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–23942 Filed 11–2–17; 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: ER18–178–000.
Applicants: Imperial Valley Solar 3, LLC.
Description: Compliance filing: Imperial Valley Solar 3, LLC. Exhibit C Assignment and Assumption to be effective 9/21/2017.
Filed Date: 10/30/17.
Accession Number: 20171030–5108.
Comments Due: 5:00 p.m. ET 11/20/17.

Docket Numbers: ER18–179–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Queue Position #AA2–081, Original Service Agreement No. 4702 to be effective 9/28/2017.
Filed Date: 10/30/17.
Accession Number: 20171030–5110.
Comments Due: 5:00 p.m. ET 11/20/17.

Docket Numbers: ER18–180–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to the OA, Sch. 6, sec. 1.5 re: Extending 30-day proposal window to 60 to be effective. 1/1/2018.
Filed Date: 10/30/17.
Accession Number: 20171030–5139.
Comments Due: 5:00 p.m. ET 11/20/17.

Docket Numbers: ER18–181–000.
Applicants: Arizona Public Service Company.
Description: Tariff Cancellation: Notice of Cancellation—Service Agreement No. 346 to be effective 12/31/2017.
Filed Date: 10/30/17.
Accession Number: 20171030–5159.
Comments Due: 5:00 p.m. ET 11/20/17.

Docket Numbers: ER18–182–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: 3rd Quarter 2017 Updates to OA–RAA Member Lists to be effective 9/30/2017.
Filed Date: 10/30/17.
Accession Number: 20171030–5163.
Comments Due: 5:00 p.m. ET 11/20/17.

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 30, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–23939 Filed 11–2–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc. (NYISO):

NYISO Electric System Planning Working Group and Transmission Planning Advisory Subcommittee Meeting

November 3, 2017, 10:00 a.m.–3:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2017-11-03.*

NYISO Business Issues Committee Meeting

November 15, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2017-11-15.*

NYISO Operating Committee Meeting

November 17, 2017, 10:00 a.m.–12:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=oc&directory=2017-11-17.*

NYISO Electric System Planning Working Group Meeting

November 17, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2017-11-17.*

NYISO Management Committee Meeting

November 29, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2017-11-29.*

The discussions at the meetings described above may address matters at issue in the following proceedings:

New York Independent System Operator, Inc., Docket No. ER13–102.

New York Independent System Operator, Inc., Docket No. ER15–2059.

New York Independent System Operator, Inc., Docket No. ER17–2327.

New York Transco, LLC, Docket No. ER15–572.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or *James.Eason@ferc.gov.*

Dated: October 30, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–23944 Filed 11–2–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP18–7–000: PF17–5–000]

Port Arthur Pipeline, LLC; Notice of Application

Take notice that on October 16, 2017, Port Arthur Pipeline, LLC (Port Arthur Pipeline), 2925 Briarpark, Suite 900, Houston, Texas 77042, pursuant to Section 7(c) of the NGA, and Parts 157 and 284 of the Commission's regulations, filed an application requesting a certificate of public convenience and necessity to construct, own, and operate its Louisiana Connector Project.

The Louisiana Connector Project consists of 131 miles of new 42-inch-diameter pipeline, a new 89,900 horsepower compressor station, interconnection facilities with interstate and intrastate natural gas facilities, and other appurtenant facilities. The Louisiana Connector Project is designed to deliver up to 2,000 million cubic feet (MMcf) per day of natural gas to the Liquefaction Project that is currently being developed by Port Arthur LNG, LLC and PALNG Common Facilities Company, LLC and is under review by the Commission in Docket No. CP17–20–000. The Louisiana Connector Project facilities will extend from an interconnect with Columbia Gas Transmission located northeast of Eunice, Louisiana in St. Landry Parish through Evangeline, Allen, Beauregard, Calcasieu, and Cameron Parishes in Louisiana and Orange and Jefferson Counties in Texas and terminate at the proposed Liquefaction Project south of Port Arthur in Jefferson County, Texas. The cost of the proposed project is $1,207,584,005, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

On March 13, 2017, the Commission staff granted Port Arthur Pipeline's request to utilize the Pre-Filing Process and assigned Docket No. PF17–5–000 to staff activities involved in the Louisiana Connector Project. Now, as of the filing of the October 16, 2017 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP18–7–000, as noted in the caption of this Notice.

Any questions regarding this application should be directed to Jerrod L. Harrison, Senior Counsel, Port Arthur Pipeline, 488 8th Avenue, San Diego, CA 9210, by phone at (619) 696–2987, or by email to *jharrison@sempraglobal.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211)

and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on November 20, 2017.

Dated: October 30, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–23940 Filed 11–2–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF17–9–000]

Fourchon LNG LLC; Notice of Intent To Prepare an Environmental Impact Statement for The Planned Fourchon Lng Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Session

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Fourchon LNG Project involving construction and operation of facilities by Fourchon LNG LLC (Fourchon LNG)] in Lafourche Parish, Louisiana. The Commission will use this EIS in its decision-making process to determine whether the project is in the public interest.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC, on or before December 6, 2017.

If you sent comments on this project to the Commission before the opening of this docket on August 3, 2017, you will need to file those comments in Docket No. PF17–9–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled An Interstate Natural Gas Facility On My Land? What Do I Need To Know? is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including how to participate in the Commission's proceedings.

Public Participation

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister*. If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (PF17–9–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend the public scoping session its staff will conduct in the project area, scheduled as follows:

Date and time	Location
Thursday, November 16, 2017, 5:00 to 8:00 p.m.	South LaFourche High School, 16911 E Main Street, Cut Off, LA 70345, 985–632–5721.

The primary goal of the scoping session is to have you identify the specific environmental issues and concerns that should be considered in the EIS to be prepared by FERC for this project. Individual verbal comments will be taken on a one-on-one basis with

a court reporter. This format is designed to receive the maximum amount of verbal comments, in a convenient way during the timeframe allotted.

The scoping session is scheduled from 5:00 p.m. to 8:00 p.m. (Central time). You may arrive at any time after 4:30 p.m. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival. Comments will be taken in the order of the numbers handed out until 8:00 p.m.; unless all numbers have been distributed before 7:00 p.m., and all individuals who wish to provide comments have had an opportunity to do so by that time, in which case staff may conclude the session at 7:00 p.m. Please see appendix 1 for additional information on the session format and conduct.[1]

Your scoping comments will be recorded by the court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see below for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 5 minutes per speaker may be implemented.

There will not be a formal presentation by Commission staff when the session opens. Commission staff will be available throughout the session to answer your questions about the FERC's environmental review process. Representatives from Fourchon LNG will also be present to answer project-specific questions.

It is important to note that verbal comments hold the same weight as written or electronically submitted comments. Likewise, the session is not your only public input opportunity; please refer to the review process flow chart in appendix 2.

Summary of the Planned Project

Fourchon LNG plans to construct and operate a liquefied natural gas (LNG) terminal on Belle Pass, within Port Fourchon, Lafourche Parish, Louisiana. The terminal would be located on land leased from the Greater Laforche Port Commission. Fourchon LNG intends to use the terminal to liquefy, store, and deliver LNG to domestic LNG fueled marine vessels and LNG carriers for export to overseas markets. The terminal would have a peak capacity of five million metric tonnes of LNG per annum (MTPA). Fourchon LNG would also dredge a ship berth and turning basin at the terminal.

The Fourchon LNG Project would consist of the following facilities:

- Two 0.7-mile-long, parallel 16-inch-diameter natural gas receiving pipelines extending from existing pipelines operated by Kinetica Partners LLC to the terminal;
- five 1.0 MTPA gas pre-treatment trains;
- ten liquefaction trains, with a maximum LNG production capacity of approximately 0.5 MTPA each;
- two LNG storage tanks, each with a capacity of 88,000 cubic meters (m^3);
- electric plant powered by a 20-megawatt gas turbine;
- boil-off gas handling system, utilities, and communications system; and
- one marine berth sized to accommodate LNG carriers up to about 180,000 m^3 in capacity.

The general location of the project facilities is shown in appendix 3.

Land Requirements for Construction

Construction of the planned facilities would disturb about 55 acres of land for the planned upland terminal and pipelines. About 40.6 acres would be affected in the Belle Pass Channel for the creation of the turning basin. Following construction, Fourchon LNG would maintain about 53 acres for permanent operation of the upland terminal and pipeline rights-of-way. Temporary construction areas would be restored and revert to former uses.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of an Order under Sections 3 or 7 of the Natural Gas Act for authorization to construct, install, and operate LNG facilities. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- cultural resources;
- socioeconomics;
- land use, recreation, and visual resources;
- air quality and noise;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before FERC receives an application. As part of our pre-filing review, we have begun to contact some other federal and state resources agencies to discuss their involvement in the scoping process and the preparation of the EIS.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EIS.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Army Corps of Engineers, U.S. Coast Guard, and Lafourche Parish have expressed an interest in participating as cooperating agencies in the preparation of the EIS to satisfy their NEPA responsibilities related to this project.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section of this notice, above.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] We, us, and our refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations implementing NEPA addresses cooperating agency responsibilities at Title 40, Code of Federal Regulations, Part 1501.6.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultations with the Louisiana State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian Tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance. Our EIS for this project will document our findings on the impacts on historic properties and summarize the status of consultations under Section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Fourchon LNG. This preliminary list of issues may change based on your comments and our analysis.

- Evaluation of temporary and permanent impacts on wetlands and the development of appropriate mitigation;
- potential impacts to fish and wildlife habitat, including potential impacts to federally listed threatened and endangered species;
- potential visual effects of the aboveground facilities;
- potential impacts of the construction workforce on local housing, infrastructure, public services, transportation, and economy;
- impacts on air quality and noise associated with construction and operation of the Fourchon LNG Project; and
- public safety and hazards associated with LNG facilities.

Environmental Mailing List

The environmental mailing list compiled by Commission staff includes federal, state, and local government representatives and agencies; elected officials; environmental groups and non-government organizations; Native Americans and Indian Tribes; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who are directly adjacent to facilities. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project, and anyone who submits comments on the project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the compact disc version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 4).

Becoming an Intervenor

Once Fourchon LNG files its application with the Commission, you may want to become an intervenor which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the e-filing link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF17–9). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: October 30, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–23943 Filed 11–2–17; 8:45 am]

BILLING CODE 6717–01–P

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–8–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application

Take notice that on October 16, 2017, Transcontinental Gas Pipe Line Company, LLC (Transco), P.O. Box 1396, Houston, Texas 77251 filed in Docket No. CP17–10–000 an abbreviated application pursuant to section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations, requesting retroactive authorization to abandon certain natural gas facilities, including gas supply metering and regulating facilities and pipeline laterals, that are located in Louisiana, Mississippi, Texas, New Jersey, and offshore Louisiana and are no longer in service. Transco is requesting this abandonment authorization to clarify the regulatory status of facilities that were previously erroneously abandoned pursuant to Transco's automatic blanket certificate authority, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at

FERCOnlineSupport@ferc.gov or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Bela Patel, Senior Regulatory Analyst, (713) 215–2659, P.O. Box 1396, Houston, Texas 77251.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on November 20, 2017.

Dated: October 30, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–23941 Filed 11–2–17; 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: RP18–24–001.

Applicants: Viking Gas Transmission Company.

Description: Tariff Amendment: Amendment to RP18–24–000 Update Non-Conforming Agreements—November 2017 to be effective 11/1/2017.

Filed Date: 10/24/17.

Accession Number: 20171024–5117.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: RP18–54–000.

Applicants: Equitrans, L.P.

Description: Compliance filing Notice Regarding Non-Jurisdictional Gathering Facilities (PEB–25 and PEB–824).

Filed Date: 10/24/17.

Accession Number: 20171024–5002.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: RP18–55–000.

Applicants: Big Sandy Pipeline, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates Oct 2017 Cleanup Filing to be effective 12/1/2017.

Filed Date: 10/24/17.

Accession Number: 20171024–5003.

Comments Due: 5 p.m. ET 11/6/17.

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 26, 2017

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–23937 Filed 11–2–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9035–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed 10/23/2017 Through 10/27/2017

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its

comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search.*

EIS No. 20170213, Final, FHWA, DE, US 113 North/South Study Millsboro-South Area, Contact: Ryan O'Donoghue (302) 734–2745

EIS No. 20170214, Draft, USAF, WA, KC–46A Main Operating Base #4 (MOB 4) Beddown, Comment Period Ends: 12/18/2017, Contact: Capt Matthew Smith (210) 925–3175

EIS No. 20170215, Final, FRA, TX, Texas-Oklahoma Passenger Rail Study Service-Level FEIS/ROD, Review Period Ends: 12/03/2017, Contact: Kevin Wright (202) 493–0845

EIS No. 20170216, Final, FEMA, NAT, National Flood Insurance Program Nationwide Programmatic Environmental Impact Statement, Review Period Ends: 12/03/2017, Contact: Bret Gates (202) 646–4133

EIS No. 20170217, Final, USACE, TX, Lower Bois d'Arc Creek Reservoir Fannin County Texas, Review Period Ends: 12/09/2017, Contact: Andrew Commer (918) 669–7400

EIS No. 20170218, Draft, NMFS, WA, 10 Salmon and Steelhead Hatchery Programs in the Duwamish-Green River Basin, Comment Period Ends: 12/20/2017, Contact: Steve Leider (360) 753–4650

Amended Notices

EIS No. 20170210, Final, USFS, WY, Upper Green River Area Rangeland Project, Review Period Ends: 12/11/2017, Contact: Dave Booth (307) 367–4326

Revision to FR Notice Published 10/27/2017; Correcting Lead Agency from USFWS to USFS.

Dated: October 31, 2017.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–23967 Filed 11–2–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–OAR–2016–0596; FRL–9970–36–OAR]

RIN 2060–AT22

Response to December 9, 2013, Clean Air Act Section 176A Petition From Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action on petition.

SUMMARY: The Environmental Protection Agency (EPA) is denying a Clean Air Act (CAA) petition filed on December 9, 2013, by the states of Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont. The petition requested that the EPA expand the Ozone Transport Region (OTR) by adding the states of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, West Virginia and the areas of Virginia not already in the OTR in order to address the interstate transport of air pollution with respect to the 2008 ozone national ambient air quality standards (NAAQS). As a result of this denial, the geographic scope and requirements of the OTR will remain unchanged. However, the EPA and states will continue to implement programs to address interstate transport of ozone pollution with respect to the 2008 ozone.

DATES: This final action is effective on November 3, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2016–0596. All documents in the docket are listed and publicly available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in the docket or in hard copy at the Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Ms. Gobeail McKinley, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail code C539–01, Research Triangle Park, NC 27711, telephone (919) 541–5246; email at *mckinley.gobeail@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, we mean the U.S. EPA.

A. How is this action organized?

The information in this **SUPPLEMENTARY INFORMATION** section of this preamble is organized as follows:

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VI. Final Action to Deny the CAA Section 176A Petition

VII. Judicial Review and Determinations Under Section 307(b)(1) of the CAA

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

In addition to being available in the docket, an electronic copy of this action will be posted at *https://www.epa.gov/ozone-pollution/2008-ozone-national-ambient-air-quality-standards-naaqs-section-176a-petitions.*

C. What acronyms, abbreviations and units are used in this preamble?

APA Administrative Procedure Act
CAA or Act Clean Air Act
CFR Code of Federal Regulations
D.C. Circuit United States Court of Appeals for the District of Columbia Circuit
EGU Electric Generating Unit
EPA U.S. Environmental Protection Agency
FIP Federal Implementation Plan
FR **Federal Register**
NAAQS National Ambient Air Quality Standards

NEI National Emissions Inventory
NESHAP National Emission Standards for Hazardous Air Pollutants
NO_X Nitrogen Oxides
NSPS New Source Performance Standard
NSR New Source Review
OMB Office of Management and Budget
OTAG Ozone Transport Assessment Group
OTC Ozone Transport Commission
OTR Ozone Transport Region
PM Particulate Matter
RACT Reasonably Available Control Technology
RTC Response to Comment
SIP State Implementation Plan
SO_2 Sulfur Dioxide
VOC Volatile Organic Compound

II. Executive Summary of the EPA's Decision on the CAA Section 176A Petition

In December 2013, the petitioning states of Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont (petitioners) submitted a petition under section 176A of the CAA that requests the EPA to expand the OTR by adding nine states to the region.[1] In January 2017, the EPA issued a proposal to deny the CAA section 176A(a) petition. The agency solicited comments on this proposal. The EPA received oral testimony from 17 speakers at a public hearing on the proposal on April 13, 2017. The EPA also received over 100 comments on the proposed denial. This final action addresses the major comments the agency received. The remaining comments are addressed in the Response to Comment (RTC) document available in the docket for this action.

In this final action, the EPA is denying the petition to expand the OTR. In making this decision, the EPA reviewed the incoming petition, the public comments received, the relevant statutory authorities and other relevant materials. Section 176A of the CAA provides the Administrator with discretion to determine whether to expand an existing transport region. In light of existing control requirements both within and outside the OTR, the agency's ongoing implementation of the ''good neighbor'' provision (CAA section 110(a)(2)(D)(i)(I)) through updates to the Cross State Air Pollution Rule (CSAPR), and the emission reductions achieved pursuant to federal and state programs promulgated pursuant to these and other CAA authorities, which have improved, and will continue to improve, air quality in the OTR and throughout the United States (U.S.), the EPA denies the section 176A petition to add states to the OTR for the purpose of addressing interstate transport of the 2008 ozone NAAQS. The EPA believes that other CAA provisions (*e.g.,* section 110(a)(2)(D)(i)(I)) provide a better pathway for states and the EPA to develop a tailored remedy that is most effective for addressing any remaining air quality problems for the 2008 ozone NAAQS identified by the petitioners. The states and the EPA have historically and effectively reduced ozone and the interstate transport of ozone pollution using these other CAA authorities. For purposes of addressing interstate transport with respect to the 2008 ozone NAAQS, the EPA believes that continuing its longstanding and effective utilization of the existing and expected control programs under the CAA's mandatory good neighbor provision embodied in section 110(a)(2)(D)(i)(I) is a more effective means of addressing regional ozone pollution transport for the areas within the OTR that must attain the NAAQS than expanding the OTR as requested. Furthermore, the EPA believes that reliance on these other CAA authorities is a more appropriate use of the agency's limited resources. In addition, in light of comments asking the agency to look more closely at the technical merits of the petition, the EPA has reassessed the technical information submitted in support of the petition, both by petitioners and commenters on the proposed denial, and finds there to be sufficient analytical gaps to justify this denial action. Accordingly, the EPA denies the CAA section 176A petition filed by the nine petitioning states.

III. Background and Legal Authority

A. Ozone and Public Health

Ground-level ozone is not emitted directly into the air, but is a secondary air pollutant created by chemical reactions between oxides of nitrogen (NO_X) and volatile organic compounds (VOCs) in the presence of sunlight. For a discussion of ozone-formation chemistry, interstate transport issues, and health effects, *see* 82 FR 6511.

On March 12, 2008, the EPA promulgated a revision to the NAAQS, lowering both the primary and secondary standards to 75 parts per billion (ppb).[2] On October 1, 2015, the EPA strengthened the ground-level ozone NAAQS, based on extensive scientific evidence about ozone's effects on public health and welfare.[3] As stated at proposal, this action does not address any CAA requirements with respect to the 2015 ozone NAAQS.

B. Sections 176A and 184 of the CAA and the OTR Process

Subpart 1 of title I of the CAA includes provisions governing general plan requirements for designated nonattainment areas. This subpart includes provisions providing for the development of transport regions to address the interstate transport of pollutants that contribute to NAAQS violations. In particular, section 176A(a) of the CAA provides that, on the Administrator's own motion or by a petition from the governor of any state, whenever the Administrator has reason to believe that the interstate transport of air pollutants from one or more states contributes significantly to a violation of the NAAQS in one or more other states, the Administrator may establish, by rule, a transport region for such pollutant that includes such states. The provision further provides that the Administrator may add any state, or portion of a state, to any transport region whenever the Administrator has reason to believe that the interstate transport of air pollutants from such state significantly contributes to a violation of the standard in the transport region.

Section 176A(b) of the CAA provides that when the Administrator establishes a transport region, the Administrator shall establish an associated transport commission, comprised of (at a minimum) the following: Governor or designee of each state, the EPA Administrator or designee, the Regional EPA Administrator and an air pollution control official appointed by the governor of each state. The purpose of the transport commission is to assess the degree of interstate pollution transport throughout the transport region and assess control strategies to mitigate the interstate pollution transport.

Subpart 2 of title I of the CAA includes provisions governing additional plan requirements for designated ozone nonattainment areas, including specific provisions focused on the interstate transport of ozone. In particular, subpart 2 includes section

[1] The nine states are Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, West Virginia and Virginia. The parts of northern Virginia included in the Washington, DC Consolidated Metropolitan Statistical Area are already in the OTR. The petition seeks to add the remainder of the state of Virginia to the OTR. *See* Response to December 9, 2013, Clean Air Act Section 176A Petition From Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont, Notice of Proposed Action on Petition, 82 FR 6509 (January 19, 2017).

[2] *See* National Ambient Air Quality Standards for Ozone, Final Rule, 73 FR 16436 (March 27, 2008).

[3] *See* National Ambient Air Quality Standards for Ozone, Final Rule, 80 FR 65292 (October 26, 2015).

184(a), which established a single transport region for ozone—the OTR—comprised of the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the Consolidated Metropolitan Statistical Area that includes the District of Columbia and certain parts of northern Virginia.

Section 184(b) of the CAA established certain control requirements that each state in the OTR is required to implement within the state and which require certain controls on sources of NO_X and VOC statewide. Section 184(b)(1)(A) of the CAA requires OTR states to include in their state implementation plans (SIPs) enhanced vehicle inspection and maintenance (I/M) programs.[4] Section 184(b)(2) of the CAA requires OTR-state SIPs to subject major sources of VOC in ozone transport regions to the same requirements that apply to major sources in designated ozone nonattainment areas classified as moderate, regardless of whether the source is located in a nonattainment area. Thus, the state must adopt rules to apply the nonattainment new source review (NNSR) (pursuant to CAA section 173) and reasonably available control technology (RACT) (pursuant to section 182(b)(2)) provisions for major VOC sources statewide. Section 184(b)(2) of the CAA further provides that, for purposes of implementing these requirements, a major stationary source shall be defined as one that emits or has the potential to emit at least 50 tons per year of VOCs. Under CAA section 184(b)(2), states must also implement Stage II vapor recovery programs, incremental to Onboard Refueling Vapor Recovery achievements, or measures that achieve comparable emissions reductions, for both attainment and nonattainment areas.[5]

Section 182(f) requires states to apply the same requirements to major stationary sources of NO_X as are applied to major stationary sources of VOC under subpart 2. Thus, the same NNSR and RACT requirements that apply to major stationary sources of VOC in the OTR also apply to major stationary sources of NO_X.[6] While NO_X emissions are necessary for the formation of ozone in the lower atmosphere, a local decrease in NO_X emissions can, in some cases, increase local ozone concentrations, creating potential ''NO_X disbenefits.'' Accordingly, CAA section 182(f) may be exempt from certain requirements of the EPA's motor vehicle I/M regulations and from certain federal requirements of general and transportation conformity.[7]

Additionally, under section 184(c) of the CAA, the OTC may, based on a majority vote of the governors on the Commission, recommend additional control measures not specified in the statute to be applied within all or part of the OTR if necessary to bring any areas in the OTR into attainment by the applicable attainment dates. If the EPA approves such a recommendation, under CAA section 184(c)(5), then the Administrator must declare each state's implementation plan inadequate to meet the requirements of CAA section 110(a)(2)(D) and must order the states to include the approved control measures in their revised plans pursuant to CAA section 110(k)(5). If a CAA section 110(k)(5) finding is issued, then states have 1 year to revise their SIPs to include the approved measures.

States included in the OTR by virtue of CAA section 184(b)(1) were required to submit SIPs to the EPA addressing these requirements within 2 years of the 1990 CAA amendments, or by November 15, 1992. Section 184(b)(1) of the CAA further provides that if states are later added to the OTR pursuant to CAA section 176A(a)(1), such states must submit SIPs addressing these requirements within 9 months after inclusion in the OTR. When the ozone NAAQS are updated, as occurred in 2008 and 2015, the OTR states must submit RACT SIPs on the same timeframe as areas designated as nonattainment—classified as Moderate or above. For the 2008 ozone NAAQS, OTR RACT SIPs were due no later than 2 years following the effective date of area designations (*i.e.,* the SIPs were due on July 20, 2014).[8]

C. Legal Standard for This Action

Section 176A(a)(1) of the CAA states that the Administrator *may* add a state to a transport region if the Administrator has reason to believe that emissions from the state significantly contribute to a violation of the NAAQS within the transport region. For the reasons discussed in this section, the use of the discretionary term ''may'' in CAA section 176A(a) means that the Administrator should exercise reasonable discretion in implementing the requirements of the CAA with respect to interstate pollution transport when determining whether or not to approve or deny a CAA section 176A petition.

The Administrator's discretion pursuant to CAA section 176A(a) has been affirmed by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit). In *Michigan* v. *EPA,* plaintiffs challenged whether the EPA may exercise its authority pursuant to CAA sections 110(k)(5) and 110(a)(2)(D) of the statute to address interstate transport without first forming a transport commission pursuant to CAA section 176A(b). 213 F.3d 663, 672 (2000). The D.C. Circuit held that the agency is only required to establish a transport commission ''if the agency exercises its discretion to create a transport region pursuant to section 176A(a).'' *Id.* The court explained that ''EPA can address interstate transport apart from convening a 176A/184 transport commission as subsection (a) provides that EPA 'may' establish a transport region . . . .'' *Id.* Thus, the court held that the discretion to create a transport region rests with the Administrator. So, too, does the discretion to add states to or remove states from a transport commission.

Consistent with the Supreme Court's opinion in *Massachusetts* v. *EPA,* 549 U.S. 497 (2007), the D.C. Circuit has held that agencies have the discretion to determine how to best allocate resources in order to prioritize regulatory actions in a way that best achieves the objectives of the authorizing statute. In *Defenders of Wildlife* v. *Gutierrez,* the court rejected a challenge to the National Marine Fisheries Service's (NMFS) denial of a petition for emergency rulemaking to impose speed restrictions to protect the right whale from boating traffic pursuant to section 553(e) of the Endangered Species Act, which requires agencies to ''give an interested person the right to petition for the issuance, amendment, or repeal of a rule.'' 532 F.3d 913 (DC Cir 2008). The NMFS denied the petition on the grounds that imposing such restrictions would divert resources from, and delay development of, a more comprehensive strategy for protecting the whale population. *Id.at 916.* The court determined that NMFS's explanation for the denial was a reasonable decision to focus its resources on a comprehensive strategy, which in light of the information before the NMFS at the

[4] Enhanced vehicle I/M programs are required in metropolitan statistical areas in the OTR with a 1990 Census population of 100,000 or more regardless of ozone attainment status.

[5] *See* May 16, 2012, Air Quality: Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver, 72 FR 28772 (May 16, 2012).

[6] *See* Nitrogen Oxides Supplement to the General Preamble, 57 FR 55622 (November 25, 1992).

[7] As stated in the EPA's I/M rule (November 5, 1992; 57 FR 52950) and conformity rules (November 14, 1995; 60 FR 57179 for transportation rules and November 30, 1993; 58 FR 63214 for general rules), certain NO_X requirements in those rules do not apply where the EPA grants an areawide exemption under CAA section 182(f).

[8] 40 CFR 51.1116. *See also* 2008 Ozone NAAQS Implementation Rule, 80 FR 12264, 12282 (March 6, 2015).

time, was reasoned and adequately supported by the record. *Id.* Similarly, in *WildEarth Guardians* v. *EPA,* the court reviewed the EPA's denial of a petition to list coal mines for regulation under CAA section 111(b)(1)(A). 751 F.3d 651 (D.C. Cir. 2014). Section 111(b)(1)(A) of the CAA provides that, as a means of developing standards of performance for new stationary sources, the EPA shall, by a date certain publish ''(and *from time to time* thereafter shall revise) a list of categories of stationary sources.'' (emphasis added) The provision provides that the Administrator ''shall include a category of sources in such list if *in his judgment* it causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health and welfare.'' The EPA denied the petition, explaining that it must prioritize its actions in light of limited resources and ongoing budget uncertainties, and that denial of the petition was not a determination as to whether coal mines should be regulated as a source of air pollutants. 751 F.3d at 650. The EPA also noted as part of its denial that it might in the future initiate a rulemaking to do so. The D.C. Circuit held that the language in CAA section 111(b)(1)(A)—''from time to time'' and ''in his judgment''—means that the Administrator may exercise reasonable discretion in determining when to add new sources to the list of source categories, and that such language afforded agency officials discretion to prioritize sources that are the most significant threats to public health to ensure effective administration of the agency's regulatory agenda. *Id.* at 651. In each of these cases previously discussed, the acting agency has been entitled to broad discretion to act on a pending petition so long as the agency provided a reasoned explanation. Notably, as each of these decisions focused on the case-specific circumstances relied upon by the acting agency to deny the pending petition, the courts did not speak to whether the agency might reach a different conclusion under different circumstances. Like the statutory provisions evaluated by the courts in these cases, the term ''may'' in CAA section 176A(a) means that the Administrator is permitted to exercise reasonable discretion in determining when and whether to add new states to a transport region. While the Administrator must adequately explain the facts and policy concerns he relied on in acting on the petition and conform such reasons with the authorizing statute, review of such a decision is highly deferential. Thus, the agency is entitled to broad discretion when determining whether to grant or deny such a petition.

D. The CAA Section 176A Petition and Related Correspondence

On December 9, 2013, the states of Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Rhode Island and Vermont submitted a petition under CAA section 176A requesting that the EPA add to the OTR the states of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, West Virginia and the portion of Virginia currently not within the OTR. On December 17, 2013, the petition was amended to add the state of Pennsylvania as a state petitioner.

The petitioners submitted a technical analysis with their petition, which the petitioners contended demonstrates that the nine named upwind states significantly contribute to violations of the 2008 ozone NAAQS in the OTR. The petitioners acknowledged and included data used to support rulemakings promulgated by the EPA that addressed interstate transport with respect to both the 2008 ozone NAAQS, and prior ozone NAAQS, in order to further support their request to expand the OTR. Moreover, the petitioners identified those areas that are designated nonattainment with respect to the 2008 ozone NAAQS within and outside the OTR and conducted a linear extrapolation with preliminary 2012 design values to the year 2015 to predict that certain areas outside the OTR will continue to be in nonattainment or will have difficulty maintaining attainment of the NAAQS after the EPA's 2008 ozone NAAQS final area designations in 2012. In addition, the petitioners included supplemental modeling, which was used to project ozone design values to the years 2018 and 2020. The petitioners' 2018 modeling purported to show that, with ''on-the-way'' OTR measures, areas within the OTR and within non-OTR states would continue to have problems attaining the 2008 ozone NAAQS. Lastly, their 2020 modeling purported to show that even with a 58 percent NO_X and 3 percent VOC anthropogenic emissions reduction over the eastern U.S., there would be one area in New Jersey that would continue to have trouble maintaining the NAAQS.

The petitioners further noted that the OTR states have adopted and implemented numerous and increasingly stringent controls on sources of VOCs and NO_X that may not currently be required for similar sources in the upwind states. Petitioners contended that expansion of the OTR to include these upwind states will help the petitioning states attain the 2008 ozone NAAQS. The petitioners included two case studies that identify the types of measures adopted throughout the current OTR, including mobile source and stationary source control measures that have been enacted to reduce emissions of NO_X and VOCs. The petitioners contended that the expansion of the OTR is warranted so that the downwind states and the upwind states can work together to address interstate ozone transport for the 2008 ozone NAAQS. Also, the petitioners asserted that without immediate expansion of the OTR, attainment of the 2008 ozone NAAQS in many areas in the U.S. will remain ''elusive.''

At the time the petition was submitted, the EPA's then most recent effort to address the interstate transport of ozone pollution (*i.e.,* CSAPR) was subject to litigation in the D.C. Circuit. As discussed in more detail later in this notice, the EPA issued CSAPR pursuant to section 110(a)(2)(D)(i)(I) of the CAA in order to address interstate transport with respect to the 1997 ozone NAAQS, as well as the 1997 and 2006 fine particulate matter ($PM_{2.5}$) NAAQS. 76 FR 48208 (August 8, 2011). On August 21, 2012, the D.C. Circuit issued a decision in *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), vacating CSAPR based on several holdings that would have limited the EPA's authority pursuant to section 110(a)(2)(D)(i)(I). The petitioners submitted the section 176A petition in December 2013. Thereafter, on April 29, 2014, the Supreme Court issued a decision reversing the D.C. Circuit's decision and upholding the EPA's interpretation of its authority pursuant to CAA section 110. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014).

Subsequent to the petition being filed, states and other stakeholders submitted additional information to the agency in support of, or, in opposition to, the petition. In the January 19, 2017, the proposed denial, the EPA summarized the correspondence it had received. These documents can be found in the docket for this action.

IV. The EPA's Decision on the CAA Section 176A Petition

At proposal, the EPA explained its proposed basis for the denial of the CAA section 176A petition. The EPA described other authorities provided by the CAA for addressing the interstate transport of ozone pollution and the flexibilities those provisions provide.

The EPA noted its historical use of these authorities to address the interstate transport of ozone pollution and the advantages of those rulemakings for addressing current ozone nonattainment problems for the 2008 ozone NAAQS. The EPA explained that it preferred to use these authorities to address the remaining interstate transport problems with respect to the 2008 ozone NAAQS because it believes these authorities allow the agency to develop a tailored remedy that is most effective for addressing any remaining air quality problems. Additionally, the EPA described other measures that have achieved, and will continue to achieve, significant reductions in emissions of NO_X and VOCs resulting in lower levels of transported ozone pollution that impact attainment and maintenance of the 2008 ozone NAAQS. This section summarizes the major points setting forth the EPA's reasons for denial of the petition. The EPA's basis for denying the petition has not fundamentally changed from the proposal; we continue to believe that other CAA mechanisms are more flexible and effective than expanding the OTR (pursuant to section 176A) for addressing current interstate ozone transport issues with respect to the 2008 ozone NAAQS. In Section V of this notice, and in the RTC document included in the docket for this action, the agency provides additional supporting rationale for its conclusion in light of the public comments.

A. The CAA Good Neighbor Provisions

The CAA provision that states and the EPA have primarily relied on to address interstate pollution transport is section 110(a)(2)(D)(i)(I), often referred to as the ''good neighbor'' provision, which requires states to prohibit certain emissions from in-state sources impacting the air quality in other states. Specifically, in keeping with the CAA's structure of shared state and federal regulatory responsibility, CAA section 110(a)(2)(D)(i)(I) requires all states, within 3 years of promulgation of a new or revised NAAQS, to submit SIPs that contain adequate provisions prohibiting any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any NAAQS. Thus, each state is required to submit a SIP that demonstrates the state is adequately controlling sources of emissions that would impact downwind states' air quality relative to the NAAQS in violation of the good neighbor provision.

Once a state submits a good neighbor SIP, the EPA must evaluate the SIP to determine whether it meets the statutory criteria of the good neighbor provision, and then approve or disapprove, in whole or in part, the state's submission in accordance with CAA section 110(k). In the event that a state does not submit a required SIP addressing the good neighbor provision, the EPA is required under the CAA to issue a ''finding of failure to submit'' that a state has failed to make the required SIP submission. If the EPA disapproves a state's SIP submission or if the EPA finds that a state has failed to submit a required SIP, then the action triggers the EPA's obligations under section 110(c) of the CAA, to promulgate a federal implementation plan (FIP) within 2 years, unless the state corrects the deficiency, and the EPA approves the plan or plan revision before the EPA promulgates a FIP. Thus, in the event that a state does not address the good neighbor provision requirements in a SIP submission, the statute provides that the EPA must address the requirements in the state's stead.

Section 110(k)(5) of the CAA also provides a means for the EPA to require states to revise previously approved SIPs, including good neighbor SIPs, if the EPA determines that an approved SIP is substantially inadequate to attain or maintain the NAAQS, to adequately mitigate interstate pollutant transport, or to otherwise comply with requirements of the CAA. The EPA can use its authority under CAA section 110(k)(5) to call for revision of the SIP by the state to correct the inadequacies under CAA section 110(a)(2)(D)(i)(I), and if the state fails to make the required submission, the EPA can promulgate a FIP under CAA section 110(c) to address the inadequacies.

Finally, section 126 of the CAA provides states with an additional opportunity to bring to the EPA's attention specific instances where a source or a group of sources in a specific state may be emitting in excess of what the good neighbor provision would allow. Section 126(b) of the CAA provides that any state or political subdivision may petition the Administrator of the EPA to find that any major source or group of stationary sources in upwind states emits or would emit any air pollutant in violation of the prohibition of CAA section 110(a)(2)(D)(i).[9] Petitions submitted pursuant to this section are referred to as CAA section 126 petitions. Section 126(c) of the CAA explains the impact of such a finding and establishes the conditions under which continued operation of a source subject to such a finding may be permitted. Specifically, CAA section 126(c) provides that it would be a violation of section 126 of the Act and of the applicable SIP: (1) For any major proposed new or modified source subject to a CAA section 126 finding to be constructed or operate in violation of the good neighbor prohibition of CAA section 110(a)(2)(D)(i); or (2) for any major existing source for which such a finding has been made to operate more than 3 months after the date of the finding. The statute, however, also gives the Administrator discretion to permit the continued operation of a source beyond 3 months if the source complies with emission limitations and compliance schedules provided by the EPA to bring about compliance with the requirements contained in CAA sections 110(a)(2)(D)(i) and 126 as expeditiously as practicable but no later than 3 years from the date of the finding. Where the EPA provides such limitations and compliance schedules, CAA section 110(a)(2)(D)(ii) further requires that good neighbor SIPs ensure compliance with these limitations and compliance schedules.[10]

The flexibility provided by these statutory provisions is different from that provided by the requirements imposed upon states in the OTR. Generally, states in the OTR must impose a uniform set of requirements on sources within each state that meet the minimum requirements imposed by the statute. The good neighbor provision, by contrast, provides both the states and the EPA with the flexibility to develop a remedy that is tailored to a particular air quality problem, including the flexibility to tailor the remedy to address the particular precursor pollutants and sources that would most effectively address the particular downwind air quality problem. As described in the next section (Section IV.B. of this notice) and in the proposal, the EPA has previously promulgated four interstate transport rulemakings

[9] The text of CAA section 126 codified in the U.S. Code cross references CAA section 110(a)(2)(D)(ii) instead of CAA section 110(a)(2)(D)(i). The courts have confirmed that this is a scrivener's error and the correct cross reference is to CAA section 110(a)(2)(D)(i), *See Appalachian Power Co.* v. *EPA,* 249 F.3d 1032, 1040–44 (D.C. Cir. 2001).

[10] The EPA has received, but not yet acted upon, several CAA section 126 petitions from a number of the petitioning states regarding the contribution of specific electric generating units (EGUs) to interstate ozone transport with respect to the 2008 and 2015 ozone NAAQS. Petitions have been submitted by Connecticut, Delaware, and Maryland. The list of EGUs identified in one or more of these petitions includes EGUs operating in Indiana, Kentucky, Ohio, Pennsylvania and West Virginia.

pursuant to these authorities in order to quantify the specific emission reductions required in certain eastern states to comply with the requirements of CAA section 110(a)(2)(D)(i)(I) for downwind nonattainment and maintenance concerns with respect to the NAAQS for ozone and $PM_{2.5}$.

B. The EPA's Interstate Transport Rulemakings Under the Good Neighbor Provision

To address the regional transport of ozone pursuant to the CAA's good neighbor provision under section 110(a)(2)(D)(i)(I), the EPA has promulgated four regional interstate transport rules focusing on the reduction of NO_X emissions, as the primary meaningful precursor to address regional ozone transport across state boundaries, from certain sources located in states in the eastern half of the U.S. [11] [12] The four interstate transport rulemakings are the: NO_X SIP Call,[13] Clean Air Interstate Rule (CAIR),[14] CSAPR [15] and the CSAPR Update.[16]

The EPA summarized the history and key provisions of each of these rulemakings in the January 19, 2017, proposed denial. *See* 82 FR 6516, 6517, 6518 and 6519. The CSAPR Update, which directly relates to the 2008 ozone NAAQS, is discussed in the next section. In each of these rulemakings, the EPA identified those sources and pollutants that, based on the available information at that time, were most effective in addressing the particular air quality problem identified by the EPA's analysis. This allowed the EPA to craft tailored remedies that provided efficient and effective means of addressing the particular air quality problem at issue. In each of the regional transport rules, the EPA's analyses demonstrated that NO_X is the ozone precursor that is most effective to reduce when addressing regional transport of ozone in the eastern U.S. The EPA has also focused each rule on those sources that can most cost-effectively reduce emissions of NO_X, such as electric generating units (EGUs) and, in one rule, certain large non-EGUs. These rulemakings demonstrate that the EPA has used and is continuing to use its authority under CAA section 110(a)(2)(D)(i)(I) to focus on those sources and precursors that most effectively address the particular interstate ozone transport problems in the eastern U.S.

The CSAPR Update To Address the 2008 Ozone NAAQS

On October 26, 2016, the EPA published an update to CSAPR that addresses the good neighbor provision with respect to the 2008 ozone NAAQS. 81 FR 74504 (CSAPR Update). The CSAPR Update requires sources in 22 states to reduce ozone season NO_X emissions that significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in other states. The EPA found that for each state included in the CSAPR Update, the state had failed to submit or the EPA had disapproved a complete SIP revision addressing the good neighbor provision for the 2008 ozone NAAQS. The EPA promulgated FIPs for each of the 22 states covered by the CSAPR Update. To accomplish implementation aligned with the applicable attainment deadline for the 2008 ozone NAAQS, the FIPs require affected EGUs to participate in the regional allowance trading program to achieve emission reductions beginning with the 2017 ozone season (*i.e.,* May-September 2017).

The CSAPR Update analysis found that emissions from eight of the nine states named in the CAA section 176A petition to be added to the OTR, in addition to a number of other states, were linked to downwind projected air quality problems, referred to as nonattainment and/or maintenance receptors, in the eastern U.S. in 2017 with respect to the 2008 ozone NAAQS. 81 FR 74506, 74538 and 74539. For one state named in the CAA section 176A petition, North Carolina, the EPA determined in the CSAPR Update that the state was not linked to any downwind air quality problems and, therefore, will not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in any other state pursuant to the good neighbor provision. 81 FR 74506, 74537 and 74538.

For those states linked to downwind air quality problems, the EPA next evaluated timely and cost-effective emissions reductions achievable by sources in each state in order to quantify the amount of emissions constituting each state's significant contribution to nonattainment and interference with maintenance of the standard pursuant to the good neighbor provision. The EPA focused its analysis on: (1) Emissions reductions achievable by 2017 in order to assist downwind states with meeting the applicable attainment deadline for the 2008 ozone NAAQS (81 FR 74521); (2) reductions in only NO_X emissions, consistent with past ozone transport rules (81 FR 74514); and (3) cost-effective NO_X emissions reductions from EGUs. The EPA, therefore, calculated emissions budgets for each affected state based on the cost-effective NO_X emissions reductions achievable from EGUs for the 2017 ozone season.

The EPA concluded that the emissions reductions achieved by implementation of the budgets constitute a portion of most affected states' significant contribution to nonattainment or interference with maintenance of the 2008 ozone NAAQS at these downwind receptors. 81 FR 74508, 74522.[17] For most states, the EPA could not determine that it had fully addressed emissions reduction obligations pursuant to the good neighbor provision because certain states were projected to remain linked to downwind air quality problems in 2017 even after implementation of the quantified emissions reductions and because the EPA did not quantify further NO_X reduction potential from EGUs beyond 2017 or any NO_X reduction potential from non-EGUs. In order to determine the level of NO_X control stringency necessary to quantify those emissions reductions that fully constitute each state's significant contribution to downwind nonattainment or interference with maintenance, the EPA explained in promulgating the final CSAPR Update that it would likely need to evaluate further emission reductions from EGU and non-EGU control strategies that could be implemented on longer timeframes. The CSAPR Update represented a significant first step by the EPA to quantify states' emission reduction obligations under the good neighbor provision for the 2008 ozone NAAQS. Even though the CSAPR Update did not fully address most upwind states' emission reduction obligation pursuant to the good neighbor provision, the implementation of the emissions budgets quantified in that rule are helping to address or resolve projected air quality problems in the eastern U.S., including the

[11] For purposes of these rulemakings, the western U.S. (or the West) consists of the 11 western contiguous states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

[12] Two of these rulemakings also addressed the reduction of annual NO_X and sulfur dioxide (SO_2) emissions for the purposes of addressing the interstate transport of particulate matter pollution pursuant to the good neighbor provision.

[13] 62 FR 57356 (October 27, 1998).

[14] 70 FR 25162 (May 12, 2005).

[15] 76 FR 48208 (August 8, 2011).

[16] 81 FR 74504 (October 26, 2016).

[17] For one state named in the CAA section 176A petition, Tennessee, the EPA determined that the emissions reductions required by the CSAPR Update would fully address the state's significant contribution to nonattainment and interference with maintenance of the 2008 ozone NAAQS in other states.

designated nonattainment areas within the OTR.

The EPA is actively continuing the work with states necessary to address any remaining obligations under the good neighbor provision with respect to the 2008 ozone NAAQS. The EPA is performing updated ozone transport air quality modeling and analysis to characterize interstate transport beyond 2017.[18] The results of this analysis will provide updated information on any remaining ozone problems and linkages between states.

C. Additional Rules That Reduce NO_X and VOC Emissions

In addition to the significant efforts to implement the good neighbor provision for the 2008 and prior ozone NAAQS, there are also numerous federal and state emission reduction rules that have already been adopted, which have resulted or will result in the further reduction of ozone precursor emissions, including emissions from states named in the CAA section 176A petition and petitioning states. Many of these rules directly require sources to achieve reductions of NO_X, VOC, or both, and others require actions that will indirectly result in such reductions. As a result of these emissions reductions, the interstate transport of ozone has been and will continue to be reduced over time.

The majority of man-made NO_X and VOC emissions that contribute to ozone formation in the U.S. comes from the following sectors: On-road and nonroad mobile sources, industrial processes (including solvents), consumer and commercial products, and the electric power industry. In 2014, the most recent year for which the National Emissions Inventory (NEI) is available, the largest contributors of annual NO_X emissions nationally are on-road and nonroad mobile sources (accounted for about 56 percent) and the electric power industry (EGUs; accounted for about 13 percent). With respect to VOCs, the largest contributors of annual man-made emissions nationally are industrial processes (including solvents; accounted for about 48 percent) and mobile sources (accounted for about 27 percent).[19] [20]

The EPA establishes emissions standards under various CAA authorities for numerous classes of automobile, truck, bus, motorcycle, earth mover, aircraft, and locomotive engines, and for the fuels used to power these engines. The pollutant reduction benefits from new engine standards increase each year as older and more-polluting vehicles and engines are replaced with newer, cleaner models. The benefits from fuel programs generally begin as soon as a new fuel is available. Further, the ongoing emission reductions from mobile source federal programs, such as those listed previously, will provide for substantial emissions reductions well into the future, and will complement state and local efforts to attain the 2008 ozone NAAQS.

There are several existing national rules that continue to achieve emission reductions through 2025 and beyond with more protective emission standards for on-road vehicles that include: Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards;[21] Control of Air Pollution from New Motor Vehicles: Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements;[22] Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements;[23] Model Year 2017 and Later Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards;[24] Model Year 2012–2016 Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards;[25] Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2;[26] Phase 1 Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles[27] and Control of Hazardous Air Pollutants from Mobile Sources.[28]

Similarly, already adopted regulations for non-road engines and equipment that will achieve further reductions include: Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel;[29] Republication for Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression-Ignition Engines Less Than 30 Liters per Cylinder;[30] Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder;[31] the International Maritime Organization's Emission Control Area to Reduce Emissions from Ships in the U.S. Caribbean; Control of Air Pollution From Aircraft and Aircraft Engines;[32] Emission Standards and Test Procedures; Control of Emissions from Nonroad Large Spark-Ignition Engines, and Recreational Engines (Marine and Land-Based);[33] and Control of Emissions from Nonroad Spark-Ignition Engines and Equipment.[34]

As a result of the rules and programs listed in this section, various other state programs and efforts, and wider economic trends, ozone levels across the nation and the OTR have been declining—*e.g.,* down by more than 30 percent since 1980 nationwide. Ozone levels across the nation are expected to further decline over the next several years due to emissions controls already in place. The EPA's emissions projections in support of the 2015 ozone NAAQS modeling show declining emissions of NO_X and VOCs between 2017 and 2025. In the states comprising the OTR plus the nine upwind states named in the CAA section 176A petition, total NO_X emissions over the upcoming 7-year period (2017–2025) are expected to decline by almost 20 percent on average and VOC emissions are expected to decline by more than 10 percent on average over the same period.[35]

D. Summary of Rationale for the Decision on the CAA Section 176A Petition

As proposed, the EPA is finalizing its denial of the CAA section 176A petition because we believe that the statute provides other, more effective means of addressing the impact of interstate ozone transport on any remaining air quality problems within the OTR with respect to the 2008 ozone NAAQS. Continuing those existing efforts is a better use of the agency's limited resources. As described at proposal, the statute provides several provisions that

[18] In January 2017, the EPA also shared preliminary 2023 interstate transport data and solicited input from states on the EPA's interstate transport assessment for the 2015 ozone NAAQS. 82 FR 1733 (January 6, 2017). The EPA included input and feedback received from the public submitted in response to the Notice of Data Availability in conducting the updated modeling.

[19] The VOC percentages are for anthropogenic VOCs only. Emissions from natural sources, such as trees, also comprise around 70 percent of total VOC emissions nationally, with a higher proportion occurring during the ozone season and in areas with more vegetative cover.

[20] For more information, *see* the ''2014 NEI Summary Spreadsheet'' in the docket.

[21] 81 FR 23414 (April 28, 2014).

[22] 65 FR 6698 (February 10, 2000).

[23] 66 FR 5002 (January 18, 2001).

[24] 77 FR 62624 (October 15, 2012).

[25] 75 FR 25324 (May 7, 2010).

[26] 81 FR 73478 (October 25, 2016).

[27] 76 FR 57106 (September 15, 2011).

[28] 72 FR 8428 (February 26, 2007).

[29] 69 FR 38958 (June 29, 2004).

[30] 73 FR 37096 (June 30, 2008).

[31] 75 FR 22896 (April 30, 2010).

[32] 77 FR 36342 (June 18, 2012).

[33] 67 FR 68242 (November 8, 2002).

[34] 73 FR 59034 (October 8, 2008).

[35] For more information, see the ''2011, 2017 and 2025 NEI Summary Spreadsheet'' in the docket.

allow states and the EPA to address interstate ozone transport with a remedy better tailored to the nature of the particular air quality problem, focusing on those precursor emissions and sources that most directly impact downwind ozone nonattainment and maintenance problems and which can be controlled most cost effectively. The EPA and states are actively using these provisions, and numerous federal and state measures have reduced, and will continue to reduce, the VOC and NO_X emissions that contribute to ozone formation and the interstate transport of ozone pollution. The EPA does not believe that it is necessary to add more states to the OTR at this time in order to effectively address transported pollution in the OTR relative to the 2008 ozone NAAQS.

While the CAA contains several provisions, both mandatory and discretionary, to address interstate pollution transport, the EPA's decision whether to grant or deny a CAA section 176A petition to expand an existing transport region is discretionary. Section 176A of the CAA states that the Administrator *may* add any state or portion of a state to an existing transport region whenever the Administrator has reason to believe that the interstate transport of air pollutants from such state significantly contributes to a violation of the standard in the transport region. The EPA does not dispute that certain named upwind states in the petition might impact air quality in one or more downwind states that are measuring violations of the 2008 ozone NAAQS. However, the EPA believes that states and the EPA can effectively address the upwind states' impacts on downwind ozone air quality through the good neighbor provision. The EPA has already taken steps to address interstate transport with respect to the 2008 ozone NAAQS through the promulgation of the CSAPR Update, which reduces emissions starting with the 2017 ozone season. The EPA used the authority of CAA sections 110(a)(2)(D)(i)(I) and 110(c) to tailor a remedy focused on the precursor pollutant most likely to improve ozone levels (currently NO_X) in downwind states and those sources that can most cost-effectively reduce emissions within a limited timeframe (*i.e.,* EGUs). The EPA further implemented the remedy through an allowance trading program that achieves emission reductions while providing sources with the flexibility to implement the control strategies of their choice.

We believe that the continued use of the authority provided by the good neighbor provision to address the interstate transport of ozone pollution plus other regulations that are already in place will permit the states and the EPA to achieve any additional mandatory reductions to address the 2008 ozone NAAQS without the need to implement the additional requirements that inclusion in the OTR would entail. As described in the proposal, this approach to address the interstate transport of ozone is a proven, efficient, and cost-effective means of addressing downwind air quality concerns that the agency has employed and refined over nearly two decades. However, the EPA notes that the addition of states to the OTR pursuant to the CAA section 176A authority—and the additional planning requirements that would entail—could be given consideration as an appropriate means to address the interstate transport requirements of the CAA should the agency's approach or other circumstances change in the future.

As described in this action, the CAA provides the agency and states with the authority to mitigate the specific sources that contribute to interstate pollution through implementation plans to satisfy the requirements of the good neighbor provision, CAA section 110(a)(2)(D)(i)(I), and through the related petition process under CAA section 126. This authority gives the EPA and states numerous potential policy approaches to address interstate pollution transport of ozone, and the EPA has consistently and repeatedly used its authority under CAA section 110(a)(2)(D)(i)(I) to approve state plans for reducing ozone transport or to promulgate FIPs to specifically focus on the sources of ozone transport both within and outside the OTR. The NO_X SIP Call, CAIR, CSAPR, CSAPR Update and numerous individual SIP approvals demonstrate that the EPA has a long history of using its CAA section 110 authority to specifically address interstate pollution transport in a tailored way that is specific to a NAAQS and set of pollution sources that are the primary contributors to interstate pollution transport. As described in Section IV.B of this notice, using the authority of the good neighbor provision has allowed the EPA to focus its efforts on pollution sources that are responsible for the largest contributions to ozone transport and that can cost-effectively reduce emissions, and also enables the agency to focus on NO_X as the primary driver of long range ozone transport—an approach the courts have found to be a reasonable means of addressing interstate ozone transport. *Michigan* v. *EPA,* 213 F.3d at 688 (''EPA reasonably concluded that long-range ozone transport can only be addressed adequately through NO_X reductions''); *see also EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. at 1607 (affirming as ''efficient and equitable'' the EPA's use of cost to apportion emission reduction responsibility pursuant to the good neighbor provision).

As explained previously, adding states to an OTR under CAA section 176A will not afford the states and EPA with the flexibility to focus on specific sources and ozone precursor emissions tailored to address the downwind state's current air quality problems and needed remedy to achieve attainment of the 2008 NAAQS. The statute prescribes a specific set of controls for a variety of sources to control emissions of both VOCs and NO_X. CAA section 110(a)(2)(D)(i)(I), on the other hand, permits the EPA and the regulated community the flexibility to focus controls on specific sources and pollutants that most efficiently address the air quality problem being addressed. The EPA determined in the CSAPR Update that regional NO_X emissions reductions are the most effective means for providing ozone benefits for areas in the eastern United States, including the OTR, currently violating the 2008 ozone NAAQS, and that NO_X reductions can be most efficiently achieved by focusing on those sources that can cost-effectively reduce emissions within a limited timeframe. Accordingly, the EPA does not believe that the requirements which would be imposed upon states added to the OTR would be the most effective means of addressing any remaining interstate transport concerns with respect to the 2008 ozone NAAQS.

The implementation of controls within the OTR, when combined with the numerous federal and state emission reduction programs that have already been adopted that have resulted in the reduction of ozone precursor emissions either directly or as a co-benefit of those regulations, have helped to significantly reduce ozone levels. These programs will continue to reduce ozone precursor emissions and ozone concentrations both within and outside of the OTR over many years to come. The EPA believes the most efficient way to address any remaining 2008 ozone NAAQS interstate transport problems is to continue to address any required reductions through a combination of tailored programs, including the implementation of the CSAPR Update, further development of implementation plans pursuant to section 110, development of local attainment plans, and, if appropriate, consideration of

additional emissions limitations resulting from action on CAA section 126 petitions.

The Administrator may exercise reasonable discretion in determining whether or not to approve or deny a CAA section 176A petition. The EPA has reviewed the request of the petitioners to add additional states to the OTR in light of required control strategies for ozone transport regions and the other statutory tools available to the agency and states to address the interstate transport of ozone pollution. The agency believes that continuing its longstanding and effective use of the existing and expected control programs under the CAA's mandatory good neighbor provision embodied in section 110(a)(2)(D)(i)(I), including implementation of the CSAPR Update beginning in 2017 and technical work now underway to fully address the good neighbor provision for the 2008 NAAQS, is a more effective approach for addressing regional interstate ozone transport problems relative to the 2008 ozone standard.

The EPA, therefore, denies the petitioners' request to add at this time additional states to the OTR for the purpose of addressing interstate transport of the 2008 ozone NAAQS. The agency will instead continue to use other authorities available within the CAA in order to address the long-range, interstate transport of ozone pollution. This response only considers the effectiveness of the OTR expansion to achieve appropriate emission reductions to address the 2008 ozone NAAQS. The EPA notes that, under different circumstances, the OTR provisions have been an effective tool for air quality management, and could be similarly effective in the future for addressing interstate transport of ozone pollution. Accordingly, nothing in this document should be read to limit states' ability to file a petition under CAA section 176A in the future or to prejudge the outcome of such a petition, if filed.

V. Major Comments on the Proposed Denial

The EPA solicited comment on the proposed denial of the petition based on the EPA's preference for addressing interstate transport with respect to the 2008 ozone NAAQS pursuant to other CAA authorities. This section addresses significant comments received on the January 19, 2017, proposed denial. Remaining comments are addressed in a separate RTC document found in the docket for this action.

A. Adequacy of the EPA's Rationale

Commenters believed that the EPA's explanation for denial in the proposal was inadequate. Commenters stated that the EPA's explanation for the proposed denial of the petition failed to provide a technical review of the data submitted by the petitioners and instead focused on the availability of other CAA programs. Commenters asserted the EPA ''must adequately explain the facts and policy concerns relied on in acting on the petition and conform such reasons with the authorizing statute.'' For example, they claimed, the EPA offered no analysis of relative costs of other tools and the efficiency of those approaches nor did the EPA propose to find the petition technically inadequate with respect to the air quality data presented in the technical support document (TSD) for the petition.[36] Commenters stated that the agency failed to provide empirical evidence to support the basis for the proposed denial. Some commenters believed empirical data are required in order for the agency to respond to a CAA section 176A petition. Some commenters believed that the EPA's supporting technical data for the CAIR and CSAPR rules technically justify expansion of the OTR, pointing in particular to the Petition TSD. Commenters in support of the proposed denial claimed there are errors with the petitioners' supporting data. In addition, some commenters acknowledged that recent air quality measurements and emission reductions of ozone precursor pollutants show that air quality has improved. In contrast, some commenters opposed to the proposed denial encouraged the EPA to grant the petition in part based on data provided by petitioners that showed that some of the states outside the OTR were violating the NAAQS and believed the OTR requirements would also help those areas meet the NAAQS.

Response: The EPA disagrees that it bears the burden of conducting extensive air quality or other empirical analysis in response to a CAA section 176A petition. Petitioners for administrative action generally should establish the merits of their petition in the first instance. *See, e.g., Radio-Television News Dirs. Ass'n* v. *FCC,* 184 F.3d 872, 881 (D.C. Cir. 1999). While the agency has reviewed the technical information supplied in support of the petition, there have been significant changes to emissions levels, regulatory requirements, and ambient air quality that have occurred in the interim since the petition was submitted in December 2013. The EPA has taken into account this additional supporting air quality information, including current air quality conditions, some recent on-the-books control strategies, and significant changes in emissions inventories that have occurred over the past several years. In general, commenters did not call into question the EPA's view at proposal that ozone levels across the nation and the OTR have been declining and are expected to further decline over the next several years (82 FR 6520). As a separate matter, neither petitioners nor commenters provided information supporting the reasonableness of imposing the suite of section 184 of the CAA control strategies as a whole to address any remaining interstate air quality impact that states named in the petition would have with respect to the 2008 ozone NAAQS. In its proposed denial, the agency emphasized its preference for continuing the more tailored, flexible, and cost-effective approach of addressing interstate transport of ozone under CAA section 110(a)(2)(D)(i)(I). In response to comments asserting that the agency failed to more fully address the technical information underlying the petition, the agency will respond briefly regarding why it believes the information presented in support of the petition is insufficient given the totality of information the agency considered, including more recent air quality information.

The air quality information relied upon, in part, by petitioners included the EPA's CAIR modeling from 2005, which is now over 10 years old, and the CSAPR *base case* modeling from 2011.[37] These two sets of modeling do not capture the reductions in ozone precursors that have occurred as a result of the implementation of either the CSAPR, which went into effect in 2015, or the CSAPR Update, which went into effect for the 2017 ozone season and was specifically designed to address the 2008 ozone NAAQS at issue in this petition. Petitioners' data also do not capture other changes in the emissions inventory and pollution control requirements that have occurred since that time. As the EPA noted in the proposal, 82 FR 6519, the modeling for the final CSAPR Update in 2016, the modeling currently underway to address states' remaining interstate transport obligations for the 2008 ozone NAAQS,

[36] Technical Support Document for the Petition to the United States Environmental Protection Agency for the Addition of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia and West Virginia to the Ozone Transport Region (December 9, 2013) (EPA–HQ–OAR–2016–0596–0002 docket number) (hereinafter ''Petition TSD'').

[37] Petition TSD 4–14.

and recent air quality monitor design values provide a more current picture of air quality issues and projections.

The EPA acknowledges that the petitioners originally may have submitted information reflective of air quality prior to December 2013, but the EPA believes it is appropriate to consider all relevant information available at the time it takes action on the petition, not only the information provided in the petition, but more current information reflecting additional developments in federal regulations and changes in air quality. The EPA believes it would be unreasonable for the agency to consider OTR expansion and subject states to OTR requirements without considering the most recent information that is directly relevant to the 2008 ozone NAAQS air quality problems intended to be addressed by the petitioners. The EPA notes that at the time the petitioners submitted the petition in December 2013, the CSAPR implementation requirements had been vacated by the D.C. Circuit, and there was uncertainty regarding if and when the rule's emissions reductions would take effect. However, subsequent to the petitioners filing the petition, on April 29, 2014, the Supreme Court issued a decision reversing the D.C. Circuit's decision on the CSAPR and on October 23, 2014, the lower court granted the EPA's request to lift the stay on the CSAPR. In addition to the emissions reductions as a result of CSAPR, the EPA has issued the CSAPR Update which further reduces NO_X emission during the ozone season for a number of eastern states. Because the data used by the petitioners are now dated, they do not reflect the sustained trend of declining emissions and improved air quality. As noted in the proposal, since 2013 when the petition was submitted, there has been a long-term trend of improving air quality in the eastern U.S. For instance, petitioners identified 2012 preliminary design values showing that the designated nonattainment areas of Charlotte-Rock Hill, NC-SC; Chicago-Naperville, IL-IN-WI; Cincinnati, IN-KY-OH; Cleveland-Akron-Lorain, OH; Columbus, OH; Knoxville, TN; Memphis, AR-MS-TN; and St. Louis-St. Charles-Farmington, IL-MO would be in violation of the 2008 ozone NAAQS. Further the petitioners extrapolated the 2012 design values to 2015 to project that the designated nonattainment areas of Chicago-Naperville, IL-IN-WI; Cincinnati, IN-KY-OH; Cleveland-Akron-Lorain, OH; and Columbus, OH would continue to violate the NAAQS. However, most of these areas are now measuring attainment of the NAAQS.[38] Thus, the nature of the remaining 2008 ozone NAAQS nonattainment issues in the non-OTR states is not as severe in terms of the number of nonattainment areas as it appeared to be in the past.[39] These improvements have been driven in part by CSAPR and other air pollution control programs and rules, see Section IV.C of this notice, as well as a well-documented, long-term trend of transition toward sources of electricity generation in the power sector that have lowered NO_X emissions.[40]

The EPA also observes an analytical gap in the information submitted in support of this petition as to the reasonableness of the remedy that would be imposed by application of the suite of requirements under CAA section 184 to address the air quality problems at issue. The EPA need not dispute now (nor did it at proposal) that the states named in the petition may impact air quality at downwind areas in states within the OTR, at least as of the time of the CSAPR Update modeling. *See* 82 FR 6518. In the agency's view, however, the air quality information submitted here, standing alone, does not automatically warrant expanding the OTR to this group of states at this time. Under the approach the EPA has historically taken to identify control measures to address regional interstate transport (in the NO_X SIP Call, CAIR, CSAPR, and CSAPR Update), a linkage to a downwind air quality problem would not automatically result in imposition of mandatory controls, such as those that would be required under CAA section 184 if this petition were granted. Rather, the EPA has also historically considered the reasonableness of application of control strategies available within a linked state, usually by examining which precursors to ozone formation it would be most effective to control, as well as the costeffectiveness of those controls. Neither petitioners nor commenters in support of the petition supply an analysis regarding the reasonableness of applying the controls that would be required under CAA section 184 if the petition were granted, such as providing an analysis of their effectiveness in addressing the interstate transport problem at issue or the costs associated with those mandatory controls. As the EPA emphasized at proposal, 82 FR 6520 and 6521, application of appropriate controls through an examination of which precursors and sources to address and the cost effectiveness of available control strategies has been an integral principle of its efforts to address interstate transport of air pollution in federal regional transport rules.[41] As discussed in Section V.B. of this notice, there are good grounds to question the reasonableness of application of at least some CAA section 184 requirements in the non-OTR states in this petition. The agency is, therefore, well-justified in continuing to rely primarily on its CAA section 110(a)(2)(D)(i)(I) authority in transport rules to focus on the pollutants and the sources in a manner that most effectively and efficiently addresses long range ozone transport.

B. Effectiveness of Ozone Precursor Emissions Reductions

Some commenters highlighted the benefits of the OTC, as well as the benefits of RACT, I/M, and NSR. Commenters believed the EPA's reliance on other CAA tools to justify denial is inadequate because the EPA has not analyzed the costs of those tools or acknowledged that the cost per ton of emission reduced is lower in the non-OTR states than in the OTR states. They asserted that the EPA is overestimating control cost and underselling the ability of sources to meet more stringent limits.

Other commenters that support denial of the petition questioned the effectiveness of VOC emission reductions on air quality in areas within the OTR. The commenters claimed that VOC emissions from the states outside of the current OTR states are not effective and would not improve air quality or reduce the ozone concentrations in the Baltimore, Philadelphia, New York and Connecticut areas.

Response: While the EPA acknowledges that the OTR has been an effective tool for addressing widespread and persistent ozone transport problems in the East, petitioners have not demonstrated that the suite of mandatory controls that would apply to new states added to the OTR would be a more effective means than its current approach under the good neighbor provision for addressing any remaining ozone transport problems with respect

[38] Status of Designated Areas for the Ozone-8Hr (2008) NAAQS, *https://www3.epa.gov/airquality/urbanair/sipstatus/reports/ozone-8hr__2008__areabynaaqs.html* (last visited September 20, 2017).

[39] Further, the statutory basis for granting a CAA section 176A petition is tied to *interstate* transport of air pollutants. *See* 42 U.S.C. 7506a(a). Intrastate air quality problems, in and of themselves, would not be a basis for granting this petition.

[40] Power Plant Emission Trends (NO_X Tab), *https://www3.epa.gov/airmarkets/progress/datatrends/index.html* (last visited September 20, 2017).

[41] *See, e.g., EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584, 1606–07 (2014).

to the 2008 ozone NAAQS. These existing efforts represent a better use of limited EPA and state resources. The EPA appreciates that the process provided by the OTR regulations, via the OTC, has fostered a collaborative process for current OTR states to address ozone transport issues. However, at this time, we do not believe that the benefits of this process outweigh the concerns that the mandatory requirements imposed in the OTR are not the measures best suited to addressing any remaining downwind air quality problems in the most reasonable manner, *i.e.,* by focusing on those sources and precursor emissions most likely to lead to cost-effective downwind air quality benefits.

For instance, the EPA has previously explained that ''authoritative assessments of ozone control approaches'' have concluded that VOC reductions are generally most effective for addressing ozone locally, including in dense urbanized areas and ''immediately downwind.'' *See* CSAPR Final Rule, 76 FR 48222; *see also* 82 FR 6517 (citing 63 FR 57381). Yet granting this petition would require mandatory VOC controls pursuant to section 184(b) over a vast region that would not be local to or nearby the remaining ozone problems in the OTR that the petition aims to address. Petitioners have not connected these types of VOC reductions over such a wide region with specific air quality benefits within the existing OTR. The EPA continues to believe that NO_X emission reductions strategies are more effective than VOC reductions in lowering ozone concentrations over longer distances. The EPA believes that regional ozone formation is primarily due to NO_X, but VOCs are also important because VOCs influence how efficiently ozone is produced by NO_X, particularly in dense urban areas. Reductions in anthropogenic VOC emissions will typically have less of an impact on the long-range transport of ozone, although these emission reductions can be effective in reducing ozone in nearby urban areas where ozone production may be limited by the availability of VOCs. Therefore, a combination of localized VOC reductions in urban areas with additional NO_X reductions across a larger region will help to reduce ozone and precursors in nonattainment areas, as well as downwind transport across the eastern U.S. Further, NO_X reductions will reduce peak ozone concentrations in nonattainment areas. As noted in the proposal, model assessments have looked at impacts on peak ozone concentrations after potential emission reduction scenarios for NO_X and VOCs for NO_X-limited and VOC-limited areas. Specifically, one study [42] concluded that NO_X emission reductions strategies would be effective in lowering ozone mixing ratios in urban areas and another study showed NO_X reductions would reduce peak ozone concentrations in nonattainment areas in the Mid-Atlantic (*i.e.,* a 10 percent reduction in EGU and non-EGU NO_X emissions would result in approximately a 6 ppb reduction in peak ozone concentrations in Washington, DC).[43]

C. Efficiency in Addressing Statutory Interstate Transport Requirements

Commenters in support of granting the petition believed expansion of OTR is an efficient method to address interstate transport of pollution that could satisfy the intent of the good neighbor provision and give upwind states a successful coordination process for addressing ozone pollution. Some commenters believed the collaborative process inherent in the OTC's mission is efficient and uniquely suited to address transport and achieve timely attainment of the ozone NAAQS and clean air. They believed there are two important mechanisms in the OTR process that would reduce ozone levels: (1) The establishment of a minimum baseline for emissions control in the area, and (2) a framework for states to collaborate in the development and implementation of additional measures if necessary to solve the ozone problem. They also believed OTR expansion would obviate the need for future good neighbor FIPs and CAA section 126 petitions. They argue that the EPA has a history of ''inaction, delay, and failure'' to adequately address interstate transport under CAA sections 110(a)(2)(D)(i)(I) and 126. One commenter claimed that states have not taken the initiative to address interstate transport requirements until required by the EPA. In addition the commenter believes that they have to force EPA to fulfill its statutory obligations by litigation. They believed the CSAPR Update is inadequate because it addresses only a part of most states' interstate transport obligations. They further noted the EPA's delayed action on CAA section 126 petitions. The commenter asserted that these statutory tools are resource intensive and time-consuming. They believed the EPA should expand the OTR to include all the states that contribute materially to regional ozone levels because it will facilitate the development of a more efficient state-led response to address interstate ozone transport. Another commenter believed that the EPA cannot selectively choose not to use CAA section 176A as a tool because it prefers other provisions, and that this ignores the statutory goal that states attain the standard as expeditiously as practicable.

Response: The EPA appreciates the time and resources needed for the agency and states to take action to address interstate transport obligations. However, the agency disagrees that expansion of the OTR would necessarily be a faster or more efficient method to address interstate ozone transport than continuing to work within the well-established framework of the EPA's historical approach to addressing interstate transport pursuant to the good neighbor provision. Because addressing the good neighbor obligation is required of all states following NAAQS promulgation, and not just those areas that are eventually designated nonattainment, states are required to submit their plans for addressing their CAA section 110(a)(2)(D) obligations 3 years after the promulgation of a NAAQS. 42 U.S.C. 7410(a). Thus, the CAA section 110(a)(2)(D)(i)(I) process on its face provides a faster timeframe for implementation of interstate transport requirements for a new NAAQS than application of OTR requirements, which run from the effective date of designations and are set under CAA section 182 through a separate rulemaking process.

In any case, both the OTR SIP process and the good neighbor process are state-driven in the first instance. States are expected to submit approvable implementation plans by the deadlines required in the statute and states can choose to submit plans—under either the good neighbor or OTR process—that achieve greater emission reductions faster than required by the CAA. Even though the EPA has sometimes been required to apply FIPs to address good neighbor obligations, which have in turn been litigated, the good neighbor provision process has proven to be successful historically. Moreover, given increasing experience applying the EPA's prior interstate transport rules and the fact that many interstate transport issues have already been addressed through litigation, the states and the EPA are increasingly positioned to implement this provision in a

[42] Jiang, G.; Fast, J.D. (2004) Modeling the effects of VOC and NO_X emission sources on ozone formation in Houston during the TexAQS 2000 field campaign. Atmospheric Environment 38: 5071–5085.

[43] Liao, K. et al. (2013) Impacts of interstate transport of pollutants on high ozone events over the Mid-Atlantic United States. Atmospheric Environment 84, 100–112.

timelier fashion. Lastly, it is important to note that, notwithstanding the fact that OTR states do have OTR control requirements, the EPA has generally (most recently via the CSAPR Update) had to seek additional emission reductions from OTR states through the good neighbor process to address interstate transport and help areas within and outside the OTR reduce ozone concentrations.

Some commenters alleged that the EPA has delayed or failed to act on CAA section 126 petitions from states. All of the CAA section 126 petitions submitted by the states in the OTR (*i.e.,* Connecticut, Delaware and Maryland) for the 2008 ozone NAAQS were submitted in 2016, and the agency is continuing to review these petitions. Action on these petitions is beyond the scope of this action. However, the EPA observes that four of the six petitions the EPA has received from OTR states since 2016 concern sources within another OTR state, which tends to demonstrate limitations in some respects to the efficacy of the OTR process.

D. Equity Among States

Commenters stated that the ''disparity'' between environmental performance of sources within the OTR and those outside the OTR has grown. One commenter estimated that the difference in cost of controls for further reductions from OTR sources could be in the range of $10,000 to $40,000 per ton, while in the non-OTR states it could be as low as $500 to $1,200 per ton. Commenters further stated that denial of the petition will continue to leave OTR states at a competitive disadvantage, as the control requirements within the OTR increase the costs to business and industry, while the non-OTR states are allowed to emit at far higher levels.

Other commenters asserted in contrast that OTR control requirements are costly and burdensome. They claimed the mandatory requirements would impose a substantial cost burden upon both the permitting authorities and the regulated communities. One commenter asserted that the petitioners' notion of economic fairness as a basis for the petition is inappropriate and states that the EPA has no authority to require controls on that basis. This commenter suggested that OTR states should be required to address their requirements first before seeking an expansion. The commenter contended that OTR states are not fully implementing required OTR and other ozone controls, and, if they were, it may sufficiently control ozone to obviate the need for expansion of the OTR.

Response: As an initial matter, the statutory basis for granting a CAA section 176A petition is tied to the *interstate* transport of air pollutants. *See* 42 U.S.C. 7506a(a). The EPA recognizes, however, that equity, or fairness, can play a role in apportioning responsibility for addressing air quality problems to which multiple states are contributing. These concerns have played a role in the legal analysis of the EPA's past rulemakings under CAA section 110(a)(2)(D)(i)(I). In *EPA* v. *EME Homer City,* the Supreme Court upheld the agency's approach in the CSAPR of eliminating amounts of air pollution that can cost effectively be reduced as an efficient and equitable solution to the allocation problem of the good neighbor provision. 134 S. Ct. 1584, 1607 (2014). The Court noted that the EPA's approach was ''[e]quitable because, by imposing uniform cost thresholds on regulated states, EPA's rule subjects to stricter regulation those States that have done relatively less in the past to control their pollution.'' *Id.* Thus, the agency's approach to implementing the good neighbor provision explicitly considers the equity concerns raised by commenters when apportioning emission reduction responsibility among multiple upwind states. However, the agency does not believe Congress intended for it to exercise its discretion under CAA section 176A to resolve an alleged economic disparity or competitive disadvantage that is inherent in the creation of the OTR under CAA section 184 in a manner that is unrelated to the primary purpose of addressing interstate transport. Nor have petitioners provided meaningful information to substantiate that alleged disparity. Commenters' passing reference to the potential for obtaining reductions at costs-per-ton of $500 to $1,200 in the non-OTR states, rather than $10,000 to $40,000 per ton in the OTR states, was not submitted with supporting evidence. In any case, even if we assumed those numbers were true for *some* types of control measures, it is by no means clear (and is in fact highly doubtful) that all of the mandatory control requirements that would be required of a new OTR state under CAA section 184 would be at that level of cost effectiveness. By contrast, the EPA's approach under the good neighbor provision, as recognized by the Supreme Court, operates fairly by establishing control levels and apportioning responsibility among states based on a *uniform* level of control, represented by cost.

E. Statutory Intent of CAA Section 176A (or 184)

Some commenters believe that the current geography of the OTR no longer reflects the region most relevant to the nature of interstate ozone pollution in the East as it is now understood; they point out that New England states (*e.g.,* New Hampshire, Maine and Massachusetts) no longer exceed the NAAQS, and their sources contribute less at downwind receptors than the states requested to be added to the OTR. They asserted that Congress created CAA section 176A to address changes in the geographical distribution of the ozone problem by providing a process for adding or removing states from the OTR. Therefore, they claimed that the EPA must set the boundaries of the transport region based on the scientific evidence presented and its own related analyses to provide the proper forum for states to address their obligations with respect to ozone transport. The commenters concluded that each iteration of the EPA's own transport rules have identified a larger area.

Response: As an initial matter, the agency does not have before it a petition to remove any states from the OTR. In addition, the EPA already adjusts good neighbor remedies in transport rules to capture the geographical distribution of states that are most effective in addressing each specific NAAQS ozone pollution issue. For example, states like Massachusetts, Rhode Island, and Connecticut were included in the NO_X SIP Call to address the 1979 ozone NAAQS. In contrast, those three states were not included in the CSAPR, which addressed the 1997 ozone NAAQS. Furthermore, states like Texas and Oklahoma are included in the CSAPR Update that addresses the 2008 ozone NAAQS but were not included in the NO_X SIP Call or CAIR to address prior ozone NAAQS issues.

F. Comments on the 2015 Ozone NAAQS

A number of commenters raised concerns relating to the 2015 ozone NAAQS stating that: (1) The EPA should not limit the petition response to 2008 ozone NAAQS interstate transport issues, (2) if the EPA were to grant the petition, the OTR requirements would help states attain the 2015 ozone NAAQS, and (3) the petition response should apply to any and all future ozone NAAQS. One commenter suggested that the EPA's response should be limited to the 2008 ozone NAAQS because the petitioners' data focuses on the 2008 NAAQS, interstate transport SIPs for the 2015 ozone NAAQS are not due yet, and

designations have not yet occurred for the 2015 ozone NAAQS.

Response: Comments regarding the 2015 ozone NAAQS are outside the scope of this action. The petition requested the EPA to expand the OTR on the basis of alleged air quality problems associated with attaining and maintaining the 2008 ozone NAAQS. The December 2013 petition was submitted prior to the EPA strengthening the ozone NAAQS in 2015. Consequently, the EPA's proposal focused on the appropriate mechanism to address interstate transport issues relative to the 2008 ozone NAAQS—not the 2015 ozone NAAQS. The EPA is, therefore, limiting this final action to the 2008 ozone NAAQS. Comments on any determinations made in prior rulemaking actions to identify downwind air quality problems relative to the 2015 ozone NAAQS or to quantify upwind state emission reduction obligations relative to those air quality problems, including the EPA's decision to focus on certain precursor emissions or sources, are not within the scope of this action.

VI. Final Action To Deny the CAA Section 176A Petition

Based on the considerations outlined at proposal, after considering all comments, and for the reasons described in this action, the EPA is denying the CAA section 176A petition submitted by nine petitioning states in December 2013. The EPA continues to believe an expansion of the OTR is unnecessary at this time and would not be the most efficient or effective way to address the remaining interstate transport issues for the 2008 ozone NAAQS in states currently included in the OTR. Additional local and regional ozone precursor emissions reductions are expected in the coming years from already on-the-books rules. The EPA believes its authority and the states' authority under other CAA provisions (including CAA section 110(a)(2)(D)(i)(I)) will allow the agency and states to develop a more effective remedy for addressing any remaining air quality problems for the 2008 ozone NAAQS identified by the petitioners.

VII. Judicial Review and Determinations Under Section 307(b)(1) of the CAA

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit if (i) the agency action consists of ''nationally applicable regulations promulgated, or final action taken, by the Administrator,'' or (ii) such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

This final action is ''nationally applicable.'' Additionally, the EPA finds that this action is based on a determination of ''nationwide scope and effect.'' This action makes a determination on a petition from nine states in the Northeast, which would impact another nine states in the Mid-Atlantic, Southern, and Midwestern areas of the U.S. These 18 states span five regional federal judicial circuits as well as the District of Columbia. The determinations on which this action is based rest in part on the scope and effect of certain other nationally applicable rulemakings under the CAA, including the CSAPR and the CSAPR Update. For these reasons, this final action is ''nationally applicable,'' and the Administrator also finds that this action is based on a determination of nationwide scope and effect for purposes of CAA section 307(b)(1).

Pursuant to CAA section 307(b)(1), any petitions for review of this final action should be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date this action is published in the **Federal Register**.

VIII. Statutory Authority

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

Dated: October 27, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–23983 Filed 11–2–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1166]

Information Collection Approved by the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for a revision of a currently approved public information collection pursuant to the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number, and no person is required to respond to a collection of information unless it displays a currently valid control number. Comments concerning the accuracy of the burden estimates and any suggestions for reducing the burden should be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Cathy Williams, Office of the Managing Director, at (202) 418–2918, or email: *Cathy.Williams@fcc.gov*.

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

OMB Control Number: 3060–1166.

OMB Approval Date: October 23, 2017.

OMB Expiration Date: October 31, 2020.

Title: Section 1.21001, Participation in Competitive Bidding for Support; Section 1.21002, Prohibition of Certain Communications During the Competitive Bidding Process.

Form Number: N/A.

Number of Respondents and Responses: 750 respondents and 750 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 1,125 hours.

Total Annual Cost: No cost.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection 47 U.S.C. 154, 254 and 303(r).

Nature and Extent of Confidentiality: There is no need for confidentiality. Information collected in each application for universal service support will be made available for public inspection, and the Commission is not requesting that respondents submit confidential information to the Commission as part of the pre-auction application process. Respondents seeking to have information collected on an application for universal service support withheld from public inspection may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules, 47 CFR Section 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission will use the information collected under this collection to determine whether applicants are eligible to participate in auctions for Universal Service Fund support. On November 18, 2011, the Commission released an order

comprehensively reforming and modernizing the universal service and intercarrier compensation systems, creating the Connect America Fund (CAF), the Connect America Mobility Fund (MF), including the Tribal Mobility Fund (TMF), and the Remote Areas Fund (RAF). To implement these reforms and conduct competitive bidding for CAF, MF, TMF, and RAF support, the Commission adopted new rules containing information collection requirements that would be used to determine whether an applicant is generally qualified to bid for universal service support. The Commission also adopted rules containing information collection requirements that would be used to determine whether an applicant is specifically qualified to bid for Phase I of the Mobility Fund and Tribal Mobility Fund.

The revised collection removes the information collection requirements that apply specifically to applicants seeking to participate in competitive bidding for Mobility Fund Phase I (MF–I) and Tribal Mobility Fund Phase I (TMF–I) support, and the associated FCC Form 180 used by entities applying to participate in the MF–I and TMF–I auctions, because support under MF–I and TMF–I has been awarded. The revised collection retains the information collection requirements that apply generally to all applicants seeking to participate in competitive bidding for universal service support. The revised collection also amends the title of the information collection to ''Section 1.21001, Participation in Competitive Bidding for Support; Section 1.21002, Prohibition of Certain Communications During the Competitive Bidding Process'' to reflect the revised information collection.

The Commission will use the information collected under the revised information collection to determine whether applicants are legally, technically, and financially qualified to participate in a Commission auction for universal service support. The information collection requirements retained under this collection are designed to limit the competitive bidding to qualified applicants; to deter possible abuse of the bidding process; and to enhance the use of competitive bidding to distribute Universal Service Fund (USF) support in furtherance of the public interest. Commission staff reviews the information collected as part of the pre-auction process, prior to the auction being held, and determines whether each applicant satisfies the Commission's requirements to participate in the auction. Thus, the information is being collected to meet the objectives of the USF program.

The Commission received approval from OMB for the revised information collection requirements contained in OMB 3060–1166 on October 23, 2017.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–23911 Filed 11–2–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0855]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before December 4, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov*. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0855.

Title: Telecommunications Reporting Worksheets and Related Collections, FCC Forms 499–A and 499–Q.

Form Number(s): FCC Forms 499–A and 499–Q.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents and Responses: 6,700 respondents; 41,650 responses.

Estimated Time per Response: 0.25 hours–25 hours.

Frequency of Response: Annually, quarterly, recordkeeping and on occasion reporting requirements.

Obligation to Respond: Mandatory. Statutory authority for this collection of information is contained in 151, 154(i), 154(j), 155, 157, 159, 201, 205, 214, 225, 254, 303(r), 715 and 719 of the Act, 47 U.S.C. 151, 154(i), 154(j), 155, 157, 159, 201, 205, 214, 225, 254, 303(r), 616, and 620.

Total Annual Burden: 247,375 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission will allow respondents to certify that data contained in their submissions is privileged or confidential commercial or financial information and that disclosure of such information would likely cause substantial harm to the competitive position of the entity filing the FCC worksheets. If the Commission receives a request for or proposes to disclose the information, the respondent would be required to make the full showing pursuant to the Commission's rules for withholding from public inspection information submitted to the Commission.

Needs and Uses: This information collection requires contributors to the federal universal service fund, telecommunications relay service fund, and numbering administration to file, pursuant to sections 151, 225, 251 and 254 of the Act, a Telecommunications Reporting Worksheet on an annual basis (FCC Form 499–A and/or on a quarterly basis (FCC Form 499–Q). The information is also used to calculate FCC regulatory fees for interstate telecommunications service providers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–23910 Filed 11–2–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0991]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before January 2, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0991.

Title: AM Measurement Data.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,800 respondents; 3,135 responses.

Estimated Hours per Response: 0.50–25 hours.

Frequency of Response: Recordkeeping requirement, Third party disclosure requirement, On occasion reporting requirement.

Total Annual Burden: 20,200 hours.

Total Annual Cost: $1,131,500.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 151, 152, 154(i), 303, and 307 of the Communications Act of 1934, as amended.

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

Privacy Impact Assessment: No impact(s).

Needs and Uses: The Commission is revising this information collection to reflect the September 22, 2017, adoption of the Third Report and Order in MB Docket No. 13–249, FCC 17–119, *In the Matter of Revitalization of AM Radio Service* (*AMR Third R&O*). Specifically, the *AMR Third R&O* removed certain requirements and associated burdens contained in 47 CFR 73.151, 73.154, and 73.155. To the extent the revisions affect reporting or record-keeping requirements, they reduce those burdens for AM broadcasters operating with directional antenna arrays. The Commission is seeking approval for the revised information collection requirements contained under this collection from the Office of Management and Budget (OMB).

In the 2015 AM revitalization proceeding, the FCC proposed streamlining certain technical requirements to assist AM broadcasters in providing radio service to consumers. For example, many AM stations must

directionalize their signals during some or all of the broadcast day in order to avoid interference with other AM stations. Maintaining a directional signal pattern can be technically complex, time-consuming, and expensive. Such stations are subject to a variety of rules requiring signal strength measurements and other engineering analyses to ensure compliance with their authorizations.

In the *AMR Third R&O,* the FCC eliminated, clarified, or eased several of the rules governing AM stations using directional antenna arrays, which comprise almost 40 percent of all AM stations. First, the FCC revises 47 CFR 73.154(a) to relax the rule on submission of partial proofs of performance of directional AM antenna arrays by eliminating the requirement to take measurements on non-monitored radials adjacent to monitored radials. Next, the FCC modified several rules pertaining to AM stations that use Method of Moments (MoM) models of directional array performance. MoM modeling allows broadcasters to verify antenna system performance through computer modeling, as opposed to sending engineers in the field to take field strength measurements. Thus, a proof using a MoM model is less expensive than taking field strength measurements of an AM station's directional pattern. Specifically, the FCC: (1) Revised 47 CFR 73.151(c)(1)(ix) to eliminate the requirement of obtaining a registered surveyor's certification, provided that no new towers are being added to an existing AM array; (2) added 47 CFR 73.151(c)(1)(x) to extend the exemption (of having to file a new proof with the FCC) to any AM tower modification that does not affect the modeled values used in the previously submitted license proof; (3) revised 47 CFR 73.151(c)(3) to retain the current requirement for submission of reference field strength measurements in the initial license application, but eliminated the requirement to submit additional reference field strength measurements in subsequent license applications; and (4) revised 47 CFR 73.155 to eliminate the requirement for biennial recertification of the performance of a directional pattern licensed pursuant to a MoM proof, except when system components have been repaired or replaced.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–23909 Filed 11–2–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Wednesday, November 8, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Audit Division Recommendation Memorandum on the NY Republican Federal Campaign Committee (NYR) (A13–11)

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–24128 Filed 11–1–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, November 7, 2017 at 10:00 a.m. and its continuation at the conclusion of the open meeting on November 8, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

Matters relating to internal personnel decisions, or internal rules and practices.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2017–24026 Filed 11–1–17; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: November 8, 2017; 10:00 a.m.

PLACE: 800 N. Capitol Street NW., First Floor Hearing Room, Washington, DC.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Update from Commissioner Dye on Supply Chain Innovation Teams Initiative.
2. Staff Briefing on Economic Analysis and Statutory Issues in Review Process for Carrier and Marine Terminal Operator Agreements.
3. Commission Action on Petition P2–15, Petition of the National Customs Brokers and Forwarders Association of America, Inc. for Initiation of Rulemaking.

CONTACT PERSON FOR MORE INFORMATION: Rachel E. Dickon, Assistant Secretary, (202) 523 5725.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–24100 Filed 11–1–17; 4:15 pm]

BILLING CODE 6731–AA–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

November 1, 2017.

TIME AND DATE: 10:00 a.m., Wednesday, November 15, 2017.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Alcoa World Alumina, LLC,* Docket Nos. CENT 2015–128–M et al. (Issues include whether the Judge erred in making negligence and unwarrantable failure determinations because he concluded that a particular miner was not acting as an agent of the operator.).

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO MEETING: 1 (866) 867–4769, Passcode: 678–100.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2017–24095 Filed 11–1–17; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 21, 2017.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Trust B of the Gene Irvin Irrevocable Trust, dtd 10/19/04, individually and as part of the Irvin Family Group, and C. Kay Irvin, individually and as trustee, all of Adrian, Missouri;* to retain voting shares of Adrian Bancshares, Inc., Adrian, Missouri, and thereby retain shares of Adrian Bank, Adrian, Missouri. Additionally, *Lecia Irvin, Lori Haskins, and Paul Haskins, all of Adrian, Missouri;* to join the Irvin Family Group which, acting in concert, controls voting shares of Adrian Bancshares.

Board of Governors of the Federal Reserve System, October 30, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–23914 Filed 11–2–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 22, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *David L. Schultz, Luana, Iowa;* to acquire voting shares of WFC, Inc. and thereby indirectly acquire shares of Waukon State Bank, both of Waukon, Iowa.

Board of Governors of the Federal Reserve System, October 31, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–24001 Filed 11–2–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0064; Docket 2017–0053; Sequence 16]

Information Collection; Organization and Direction of Work

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

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 concerning organization and direction of work.

DATES: Submit comments on or before January 2, 2018.

ADDRESSES: Submit comments identified by Information Collection 9000–0064, Organization and Direction of Work, 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 9000–0064. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0064, Organization and Direction of Work''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0064, Organization and Direction of Work'', on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405–0001. ATTN: Ms. Mandell/IC 9000–0064, Organization and Direction of Work.

Instructions: Please submit comments only and cite Information Collection 9000–0064, Organization and Direction of Work, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr. Procurement Analyst, Federal Acquisition Policy Division, GSA, telephone 202–501–1448, or via email at *curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

When the Government awards a cost-reimbursement construction contract, the contractor must submit to the contracting officer—and keep current a chart showing the general executive and administrative organization—the personnel to be employed in connection with the work under the contract, and their respective duties. The chart is used in the administration of the contract and as an aid in determining cost. The chart is used by contract administration personnel to assure the work is being properly accomplished at reasonable prices. The burden hours under FAR 52.236–19 were reduced based on FY 2017 FPDS data that showed the actual number of respondents for this type of requirement.

B. Annual Reporting Burden

Respondents: 19.
Responses per Respondent: 1.
Annual Responses: 19.
Hours per Response: .75.
Total Burden Hours: 14.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and 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 NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0064, Organization and Direction of Work, in all correspondence.

Dated: October 31, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–23981 Filed 11–2–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0014; [Docket 2017–0053; Sequence 8]

Submission for OMB Review; Statement and Acknowledgment (Standard Form 1413)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, 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 currently approved information collection requirement concerning statement and acknowledgment Standard Form (SF) 1413. A notice was published in the **Federal Register** at 82 FR 35953 on August 2, 2017. No comments were received.

DATES: Submit comments on or before December 4, 2017.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA 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 9000–0014. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0014, Statement and Acknowledgment (Standard Form 1413).'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0014, Statement and Acknowledgment (Standard Form 1413)'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0014, Statement and Acknowledgment (SF 1413).

Instructions: Please submit comments only and cite Information Collection 9000–0014, 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. Zenaida Delgado, Procurement Analyst, Federal Acquisition Policy Division, GSA, 202–969–7207 or email *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

SF 1413, Statement and Acknowledgment, is used by all executive agencies, including the Department of Defense, to obtain a statement from contractors that the proper clauses have been included in subcontracts. The form is used by the prime contractor to identify and report all applicable subcontracts (all tiers) awarded under the prime contract, identify specific scopes of work the subcontractors will be performing, subcontract award date, and subcontract number, and provide formal notification to the applicable subcontractors of the labor laws and associated clauses they are responsible for complying with.

DoD, GSA and NASA analyzed the FY 2016 data from the Federal Procurement Data System (FPDS) to develop the estimated burden hours for this information collection.

B. Annual Reporting Burden

Respondents: 34,805.

Responses per Respondent: 2.

Total Responses: 69,610.

Hours per Response: .05.

Total Burden Hours: 3,481.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulation (FAR), and 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 NW., Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 9000–0014, Statement and Acknowledgment (SF 1413), in all correspondence.

Dated: October 31, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–23979 Filed 11–2–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0153; Docket 2017–0053; Sequence 17]

Information Collection; OMB Circular A–119

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) 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 concerning OMB Circular A–119.

DATES: Submit comments on or before January 2, 2018.

ADDRESSES: Submit comments identified by Information Collection 9000–0153, OMB Circular A–119, 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 9000–0153. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0153, OMB Circular A–119''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0153, OMB Circular A–119'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0153, OMB Circular A–119.

Instructions: Please submit comments only and cite Information Collection 9000–0153, OMB Circular A–119, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, Acquisition Policy Division, GSA, 202–208–4949 or email *michaelo.jackson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

On February 19, 1998, a revised OMB Circular A–119, ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities,'' was published in the **Federal Register** at 63 FR 8545, February 19, 1998. FAR Subparts 11.1 and 11.2 were revised and a solicitation provision was added at 52.211–7, Alternatives to Government-Unique Standards, to implement the requirements of the revised OMB circular. If an alternative standard is proposed, the offeror must furnish data and/or information regarding the alternative in sufficient detail for the Government to determine if it meets the Government's requirements.

We believe the burden for FAR 52.211–7 to be negative, as it is purely a permissive means for offerors to propose reducing regulatory burden on a given solicitation. There are other places A–119 has an effect, though we believe these to be positive. One is by enabling the single process initiative. Another is the general replacement of Mil standards with commercial standards, *e.g.,* ISO 9000. Also, A–119 is the basis for the language in FAR 53.105, which reduces the chaos in data standards development. The whole purpose of A–119 was to reduce regulatory burden by promoting the use of industry standards in lieu of federal ones.

To the extent that the data on the annual frequency of the use of voluntary consensus standards under FAR 52.211–7 is not available, we believe 100 is reasonable. As an aside, FAR part 45 recognizes the use of voluntary consensus standards in the management of Government property. However, in these cases, there is no Government standard per se, with the voluntary consensus standard serving as the Government standard. Consequently, when under part 45 voluntary consensus standards are used, they are not an alternative to a Government standard under FAR 52.211–7.

This collection implements OMB Circular A–119, Federal Participation in the Development and Use of Voluntary Consensus Standards. FAR solicitation provision 52.211–7, Alternatives to Government-Unique Standards, is the collection instrument. We have previously indicated that ''to the extent that the data on the annual frequency of the use of voluntary consensus standards under FAR 52.211–7 is not available, we believe that 100 is reasonable.'' This is the number that has been reported since the inception of this PRA collection, which indicates that revised data has been consistently unavailable since responses are provided to contracting personnel at the local level in response to a local solicitation. We checked the FPDS data dictionary and there are no codes to flag data fields or provide a count of when Mil standards are used in solicitations/contracts. Considering the lack of FPDS or other data, we recommend continuing the PRA coverage at the current level.

B. Annual Reporting Burden

Respondents: 100.

Responses per Respondent: 1.

Total Responses: 100.

Hours per Response: 1.

Total Burden Hours: 100.

Affected Public: Businesses or other for-profit and not-for-profit.

Respondent's Obligation: Required to obtain or retain benefits.

Reporting Frequency: On occasion.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and 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 NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0153, OMB Circular A–119, in all correspondence.

Dated: October 31, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–23982 Filed 11–2–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0047; Docket No. 2017–0053; Sequence 15]

Information Collection; Place of Performance

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

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 currently approved information collection requirement concerning place of performance.

DATES: Submit comments on or before January 2, 2018.

ADDRESSES: Submit comments identified by Information Collection 9000–0047, Place of Performance 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 9000–0047. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0047, Place of Performance''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0047 Place of Performance'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB) 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Lois Mandell/IC 9000–0047, Place of Performance.

Instructions: Please submit comments only and cite Information Collection 9000–0047 Place of Performance, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, Acquisition Policy Division at 202–208–4949 or email *michaelo.jackson@gsa.gov.*

A. Purpose

The information relative to the place of performance and owner of plant or facility, if other than the prospective contractor, is a basic requirement when contracting for supplies or services (including construction). A prospective contractor must affirmatively demonstrate its responsibility. Hence, the Government must be apprised of this information prior to award. The contracting officer must know the place of performance and the owner of the plant or facility to (1) determine bidder responsibility; (2) determine price reasonableness; (3) conduct plant or source inspections; and (4) determine whether the prospective contractor is a manufacturer or a regular dealer.

The information is used to determine the prospective contractor's eligibility for awards and to assure proper preparation of the contract. Prospective contractors are only required to submit place of performance information on an exceptional basis; that is, whenever the place of performance for a specific solicitation is different from the address of the prospective contractor as indicated in the proposal.

B. Annual Reporting Burden

Time required to read, prepare, and record information is estimated at 2.73 minutes per completion. The Federal Procurement Data System (FPDS) shows that for fiscal year 2016, there were 1,960,218 solicitations that would have contained the two provisions (including contracts and orders, excluding modifications) for manufacturing in the United States. The 1,960,218 actions will be used as the new basis for total annual responses.

Respondents: 16,754.
Responses per Respondent: 117.
Total Responses: 1,960,218.
Hours per Response: .0455.
Total Burden Hours: 89,190.
Affected Public: Businesses or other for-profit and not-for-profit.
Respondent's Obligation: Required to obtain or retain benefits.
Type of Request: Revision of a currently approved collection.
Reporting Frequency: On occasion.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and 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, NW., Washington, DC 20405 telephone 202–501–4755. Please cite OMB Control No. 9000–0047, Place of Performance, in all correspondence.

Dated: October 31, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–23980 Filed 11–2–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3350–N]

Medicare Program; Request for Nominations for Members for the Medicare Evidence Development & Coverage Advisory Committee

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: This notice announces the request for nominations for membership on the Medicare Evidence Development & Coverage Advisory Committee (MEDCAC). Among other duties, the MEDCAC provides advice and guidance to the Secretary of the Department of Health and Human Services (the Secretary) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) concerning the adequacy of scientific evidence available to CMS in making coverage determinations under the Medicare program.

The MEDCAC reviews and evaluates medical literature and technology assessments, and hears public testimony on the evidence available to address the impact of medical items and services on health outcomes of Medicare beneficiaries.

DATES: Nominations must be received by Monday, November 27, 2017.

ADDRESSES: You may mail nominations for membership to the following address: Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Attention: Maria Ellis, 7500 Security Boulevard, Mail Stop: S3–02–01, Baltimore, MD 21244 or send via email to *MEDCACnomination@cms.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Maria Ellis, Executive Secretary for the MEDCAC, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Coverage and Analysis Group, S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244 or contact Ms. Ellis by phone (410–786–0309) or via email at *Maria.Ellis@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary signed the initial charter for the Medicare Coverage Advisory Committee (MCAC) on November 24, 1998. A notice in the **Federal Register** (63 FR 68780) announcing establishment of the MCAC was published on December 14, 1998. The MCAC name was updated to more accurately reflect the purpose of the committee and on January 26, 2007, the Secretary published a notice in the **Federal Register** (72 FR 3853), announcing that the Committee's name changed to the Medicare Evidence Development & Coverage Advisory Committee (MEDCAC). The current Secretary's Charter for the MEDCAC is available on the CMS Web site at: *http://www.cms.hhs.gov/FACA/Downloads/medcaccharter.pdf,* or you may obtain a copy of the charter by submitting a request to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

The MEDCAC is governed by provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2), which sets forth standards for the formulation and use of advisory committees, and is authorized by section 222 of the Public Health Service Act as amended (42 U.S.C. 217A).

We are requesting nominations for candidates to serve on the MEDCAC. Nominees are selected based upon their individual qualifications and not solely as representatives of professional associations or societies. We wish to ensure adequate representation of the interests of both women and men, members of all ethnic groups, and physically challenged individuals. Therefore, we encourage nominations of qualified candidates who can represent these interests.

The MEDCAC consists of a pool of 100 appointed members including: 94 at-large standing members (6 of whom are patient advocates), and 6 representatives of industry interests. Members generally are recognized authorities in clinical medicine including subspecialties, administrative medicine, public health, biological and physical sciences, epidemiology and biostatistics, clinical trial design, health care data management and analysis, patient advocacy, health care economics, medical ethics or other relevant professions.

The MEDCAC works from an agenda provided by the Designated Federal Official. The MEDCAC reviews and evaluates medical literature and technology assessments, and hears public testimony on the evidence available to address the impact of medical items and services on health outcomes of Medicare beneficiaries. The MEDCAC may also advise the Centers for Medicare & Medicaid Services (CMS) as part of Medicare's ''coverage with evidence development'' initiative.

II. Provisions of the Notice

As of June 2018, there will be 54 membership terms expiring. Of the 54 memberships expiring, 3 are industry representatives, 6 are patient advocates, and the remaining 45 membership openings are for the at-large standing MEDCAC membership.

All nominations must be accompanied by curricula vitae. Nomination packages should be sent to Maria Ellis at the address listed in the **ADDRESSES** section of this notice. Nominees are selected based upon their individual qualifications. Nominees for membership must have expertise and experience in one or more of the following fields:

- Clinical medicine including subspecialties
- Administrative medicine
- Public health
- Biological and physical sciences
- Epidemiology and biostatistics
- Clinical trial design
- Health care data management and analysis
- Patient advocacy
- Health care economics
- Medical ethics
- Other relevant professions

We are looking particularly for experts in a number of fields. These include cancer screening, genetic testing, clinical epidemiology, psychopharmacology, screening and diagnostic testing analysis, and vascular surgery. We also need experts in biostatistics in clinical settings, dementia treatment, minority health, observational research design, stroke epidemiology, and women's health.

The nomination letter must include a statement that the nominee is willing to serve as a member of the MEDCAC and appears to have no conflict of interest that would preclude membership. We are requesting that all curricula vitae include the following:

- Date of birth
- Place of birth
- Social security number
- Title and current position
- Professional affiliation
- Home and business address
- Telephone and fax numbers
- Email address
- List of areas of expertise

In the nomination letter, we are requesting that nominees specify whether they are applying for a patient advocate position, for an at-large standing position, or as an industry representative. Potential candidates will be asked to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of financial conflict of interest. Department policy prohibits multiple committee memberships. A federal advisory committee member may not serve on more than one committee within an agency at the same time.

Members are invited to serve for overlapping 2-year terms. A member may continue to serve after the expiration of the member's term until a successor is named. Any interested person may nominate one or more qualified persons. Self-nominations are also accepted. Individuals interested in the representative positions must include a letter of support from the organization or interest group they would represent.

Dated: October 20, 2017.

Kate Goodrich,

Director, Center for Clinical Standards and Quality, Chief Medical Officer, Centers for Medicare & Medicaid Services.

[FR Doc. 2017–24008 Filed 11–2–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–2409–N]

RIN 0938–ZB43

Medicaid Program; Final FY 2015 and Preliminary FY 2017 Disproportionate Share Hospital Allotments, and Final FY 2015 and Preliminary FY 2017 Institutions for Mental Diseases Disproportionate Share Hospital Limits

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

ACTION: Notice.

SUMMARY: This notice announces the final federal share disproportionate share hospital (DSH) allotments for federal fiscal year (FY) 2015 and the preliminary federal share DSH allotments for FY 2017. This notice also announces the final FY 2015 and the preliminary FY 2017 limitations on aggregate DSH payments that states may make to institutions for mental disease and other mental health facilities. In addition, this notice includes background information describing the methodology for determining the amounts of states' FY DSH allotments.

DATES: This notice is applicable December 4, 2017. The final allotments and limitations set forth in this notice are applicable for the fiscal years specified.

FOR FURTHER INFORMATION CONTACT: Stuart Goldstein, (410) 786–0694 and Richard Cuno, (410) 786–1111.

SUPPLEMENTARY INFORMATION:

I. Background

A. Fiscal Year DSH Allotments

A state's federal fiscal year (FY) disproportionate share hospital (DSH) allotment represents the aggregate limit on the federal share amount of the state's DSH payments to DSH hospitals in the state for the FY. The amount of such allotment is determined in accordance with the provisions of section 1923(f)(3) of the Social Security Act (the Act). Under such provisions, in general a state's FY DSH allotment is calculated by increasing the amount of its DSH allotment for the preceding FY by the percentage change in the Consumer Price Index for all Urban Consumers (CPI–U) for the previous FY.

The Affordable Care Act amended Medicaid DSH provisions, adding section 1923(f)(7) of the Act which would have required reductions to states' FY DSH allotments from FY 2014 through FY 2020, the calculation of which was described in the Disproportionate Share Hospital Payment Reduction final rule published in the September 18, 2013 **Federal Register** (78 FR 57293). Subsequent legislation, most recently by the Medicare Access and CHIP Reauthorization Act of 2015 (Pub. L. 114–10, enacted on April 16, 2015) (MACRA), delayed the start of these reductions until FY 2018. The proposed rule delineating the methodology for the calculation of DSH allotment reductions scheduled to begin in FY 2018 was published in the July 28, 2017 **Federal Register** (82 FR 35155).

Because there are no reductions to DSH allotments for FY 2015 and FY 2017 under section 1923(f)(7) of the Act, as amended, this notice contains only the state-specific final FY 2015 DSH allotments and preliminary FY 2017 DSH allotments, as calculated under the statute without application of the reductions that would have been imposed under the Affordable Care Act provisions beginning with FY 2014. This notice also provides information on the calculation of such FY DSH allotments, the calculation of the states' institutions for mental diseases (IMDs) DSH limits, and the amounts of states' final FY 2015 IMD DSH limits and preliminary FY 2017 IMD DSH limits.

B. Determination of Fiscal Year DSH Allotments

Generally, in accordance with the methodology specified under section 1923(f)(3) of the Act, a state's FY DSH allotment is calculated by increasing the amount of its DSH allotment for the preceding FY by the percentage change in the CPI–U for the previous FY. Also in accordance with section 1923(f)(3) of the Act, a state's DSH allotment for a FY is subject to the limitation that an increase to a state's DSH allotment for a FY cannot result in the DSH allotment exceeding the greater of the state's DSH allotment for the previous FY or 12 percent of the state's total medical assistance expenditures for the allotment year (this is referred to as the 12 percent limit).

Furthermore, under section 1923(h) of the Act, federal financial participation (FFP) for DSH payments to IMDs and other mental health facilities is limited to state-specific aggregate amounts. Under this provision, the aggregate limit for DSH payments to IMDs and other mental health facilities is the lesser of a state's FY 1995 total computable (state and federal share) IMD and other mental health facility DSH expenditures applicable to the state's FY 1995 DSH allotment (as reported on the Form CMS–64 as of January 1, 1997), or the amount equal to the product of the state's current year total computable DSH allotment and the applicable percentage specified in section 1923(h) of the Act.

In general, we determine states' DSH allotments for a FY and the IMD DSH limits for the same FY using the most recent available estimates of or actual medical assistance expenditures, including DSH expenditures in their Medicaid programs and the most recent available change in the CPI–U used for the FY in accordance with the methodology prescribed in the statute. The indicated estimated or actual expenditures are obtained from states for each relevant FY from the most recent available quarterly Medicaid budget reports (Form CMS–37) or quarterly Medicaid expenditure reports (Form CMS–64), respectively, submitted by the states. For example, as part of the initial determination of a state's FY DSH allotment (referred to as the preliminary DSH allotments) that is determined before the beginning of the FY for which the DSH allotments and IMD DSH limits are being determined, we use estimated expenditures for the FY obtained from the August submission of the CMS–37 submitted by states prior to the beginning of the FY; such estimated expenditures are subject to update and revision during the FY before such actual expenditure data become available. We also use the most recent available estimated CPI–U percentage change that is available before the beginning of the FY for determining the states' preliminary FY DSH allotments; such estimated CPI–U percentage change is subject to update and revision during the FY before the actual CPI–U percentage change becomes available. In determining the final DSH allotments and IMD DSH limits for a FY we use the actual expenditures for the FY and actual CPI–U percentage change for the previous FY.

II. Provisions of the Notice

A. Calculation of the Final FY 2015 Federal Share State DSH Allotments, and the Preliminary FY 2017 Federal Share State DSH Allotments

1. Final FY 2015 Federal Share State DSH Allotments

Addendum 1 to this notice provides the states' final FY 2015 DSH allotments determined in accordance with section 1923(f)(3) of the Act. As described in the background section, in general, the DSH allotment for a FY is calculated by increasing the FY DSH allotment for the preceding FY by the CPI–U increase for the previous fiscal year. For purposes of

calculating the states' final FY 2015 DSH allotments, the preceding final fiscal year DSH allotments (for FY 2014) were published in the October 26, 2016 **Federal Register** (81 FR 74432). For purposes of calculating the states' final FY 2015 DSH allotments we are using the actual Medicaid expenditures for FY 2015. Finally, for purposes of calculating the states' final FY 2015 DSH allotments, the applicable historical percentage change in the CPI–U for the previous FY (FY 2014) was 1.6 percent; we note that this is the same as the estimated 1.6 percentage change in the CPI–U for FY 2014 that was available and used in the calculation of the preliminary FY 2015 DSH allotments which were published in the February 2, 2016 **Federal Register** (81 FR 5448).

2. Calculation of the Preliminary FY 2017 Federal Share State DSH Allotments

Addendum 2 to this notice provides the preliminary FY 2017 DSH allotments determined in accordance with section 1923(f)(3) of the Act. The preliminary FY 2017 DSH allotments contained in this notice were determined based on the most recent available estimates from states of their FY 2017 total computable Medicaid expenditures. Also, the preliminary FY 2017 allotments contained in this notice were determined by increasing the preliminary FY 2016 DSH allotments. The actual percentage increase in the CPI–U for FY 2016 was 0.9 percent (CMS originally published the preliminary FY 2016 DSH allotments in the October 26, 2016 **Federal Register** (81 FR74432)).

We will publish states' final FY 2017 DSH allotments in a future notice based on the states' four quarterly Medicaid expenditure reports (Form CMS–64) for FY 2017 available following the end of FY 2017 utilizing the actual change in the CPI–U for FY 2016.

B. Calculation of the Final FY 2015 and Preliminary FY 2017 IMD DSH Limits

Section 1923(h) of the Act specifies the methodology to be used to establish the limits on the amount of DSH payments that a state can make to IMDs and other mental health facilities. FFP is not available for DSH payments to IMDs or other mental health facilities that exceed the IMD DSH limits. In this notice, we are publishing the final FY 2015 and the preliminary FY 2017 IMD DSH limits determined in accordance with the provisions discussed above.

Addendums 3 and 4 to this notice detail each state's final FY 2015 and preliminary FY 2017 IMD DSH limit, respectively, determined in accordance with section 1923(h) of the Act.

III. Collection of Information Requirements

This notice does not impose any new or revised information collection or recordkeeping requirements or burden. While discussed in section I.B. of this notice and in Addendums 3 and 4, the requirements and burden associated with Form CMS–37 (OMB control number 0938–0101) and Form CMS–64 (OMB control number 0938–0067) are unaffected by this notice. Consequently, this notice, CMS–37, and CMS–64 are not subject to Office of Management and Budget review under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) associated with the publication of this notice.

IV. Regulatory Impact Analysis

We have examined the impact of this notice as required by Executive Order 12866 on Regulatory Planning and Review (September 1993), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, enacted on March 22, 1995) (UMRA '95), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This notice reaches the $100 million economic threshold and thus is considered a major rule under the Congressional Review Act.

The final FY 2015 DSH allotments being published in this notice are approximately $11 million more than the preliminary FY 2015 DSH allotments published in the February 2, 2016 **Federal Register** (81 FR 5448). The increase in the final FY 2015 DSH allotments is a result of being calculated by multiplying the actual increase in the CPI–U for 2014 by the final FY 2014 DSH allotments, while the preliminary FY 2015 DSH allotments were calculated by multiplying the estimated CPI–U for 2014 by the preliminary FY 2014 DSH allotments. Although the estimated and actual increase in the CPI–U remained the same at 1.6 percent, the preliminary FY 2014 DSH allotments were lower than the final FY 2014 DSH allotments and therefore the final FY 2015 DSH allotments are higher than the preliminary FY 2015 DSH allotments. The final FY 2015 IMD DSH limits being published in this notice are approximately $695,000 more than the preliminary FY 2015 IMD DSH limits published in the February 2, 2016 **Federal Register** (81 FR 5448). The increases in the IMD DSH limits are because the DSH allotment for a FY is a factor in the determination of the IMD DSH limit for the FY. Since the final FY 2015 DSH allotments were increased as compared to the preliminary FY 2015 DSH allotments, the associated FY 2015 IMD DSH limits for some states were also increased.

The preliminary FY 2017 DSH allotments being published in this notice have been increased by approximately $118 million more than the preliminary FY 2016 DSH allotments published in the October 26, 2016 **Federal Register** (81 FR 74432). The increase in the DSH allotments is due to the application of the statutory formula for calculating DSH allotments under which the prior fiscal year allotments are increased by the percentage increase in the CPI–U for the prior fiscal year. The preliminary FY 2017 IMD DSH limits being published in this notice are approximately $5.5 million more than the preliminary FY 2016 IMD DSH limits published in the October 2, 2016 **Federal Register** (81 FR 74432). The increases in the IMD DSH limits are because the DSH allotment for a FY is a factor in the determination of the IMD DSH limit for the FY. Since the preliminary FY 2017 DSH allotments are greater than the preliminary FY 2016 DSH allotments, the associated preliminary FY 2017 IMD DSH limits for some states also increased.

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $7.0 million to $34.5 million in any one year. Individuals and states are not included in the definition of a small entity. We are not preparing an analysis for the RFA because the Secretary has determined that this notice will not have significant

economic impact on a substantial number of small entities. Specifically, any impact on providers is due to the effect of the various controlling statutes; providers are not impacted as a result of the independent regulatory action in publishing this notice. The purpose of the notice is to announce the latest DSH allotments and IMD DSH limits, as required by the statute.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Core-Based Statistical Area for Medicaid payment regulations and has fewer than 100 beds. We are not preparing analysis for section 1102(b) of the Act because the Secretary has determined that this notice will not have a significant impact on the operations of a substantial number of small rural hospitals.

The Medicaid statute specifies the methodology for determining the amounts of states' DSH allotments and IMD DSH limits; and as described previously, the application of the methodology specified in statute results in the decreases or increases in states' DSH allotments and IMD DSH limits for the applicable FYs. The statute applicable to these allotments and limits does not apply to the determination of the amounts of DSH payments made to specific DSH hospitals; rather, these allotments and limits represent an overall limit on the total of such DSH payments. For this reason, we do not believe that this notice will have a significant economic impact on a substantial number of small entities.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2017, that threshold is approximately $148 million. This notice will have no consequential effect on spending by state, local, or tribal governments, in the aggregate, or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this notice does not impose any costs on state or local governments or otherwise have Federalism implications, the requirements of E.O. 13132 are not applicable.

Executive Order 13771, titled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017. It has been determined that this notice is a transfer rule and is not a regulatory action for the purposes of Executive Order 13771.

A. Alternatives Considered

The methodologies for determining the states' fiscal year DSH allotments and IMD DSH limits, as reflected in this notice, were established in accordance with the methodologies and formula for determining states' allotments and limits as specified in statute. This notice does not put forward any further discretionary administrative policies for determining such allotments and limits, or otherwise.

B. Accounting Statement

As required by OMB Circular A–4 (available at *http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf*), in Table 1, we have prepared an accounting statement showing the classification of the estimated expenditures associated with the provisions of this notice. Table 1 provides our best estimate of the change (decrease) in the federal share of states' Medicaid DSH payments resulting from the application of the provisions of the Medicaid statute relating to the calculation of states' FY DSH allotments and the increase in the FY DSH allotments from FY 2016 to FY 2017.

TABLE 1—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES, FROM THE FY 2016 TO FY 2017

[In millions]

Category	Transfers
Annualized Monetized Transfers.	$118.
From Whom To Whom?.	Federal Government to States.

Congressional Review Act

This proposed regulation is subject to the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) and has been transmitted to the Congress and the Comptroller General for review.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

Dated October 11, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated October 27, 2017.

Eric D. Hargan,

Acting Secretary, Department of Health and Human Services.

KEY TO ADDENDUM 1—FINAL DSH ALLOTMENTS FOR FY 2015

[The Final FY 2015 DSH Allotments for the NON-Low DSH States are presented in the top section of this addendum, and the Final FY 2015 DSH Allotments for the Low-DSH States are presented in the bottom section of this addendum.]

Column	Description
Column A	*State.*
Column B	*FY 2015 FMAPs.* This column contains the States' FY 2015 Federal Medical Assistance Percentages.
Column C	*Prior FY (2014) DSH Allotments.* This column contains the States' prior FY 2014 DSH Allotments.
Column D	*Prior FY (2014) DSH Allotments (Col C) × (100percent + Percentage Increase in CPIU): 101.6 percent.* This column contains the amount in Column C increased by 1 plus the percentage increase in the CPI–U for the prior FY (101.6 percent).
Column E	FY *2015 TC MAP Exp. Including DSH.* This column contains the amount of the States' FY 2015 total computable (TC) medical assistance expenditures including DSH expenditures.
Column F	*FY 2015 TC DSH Expenditures.* This column contains the amount of the States' FY 2015 total computable DSH expenditures.
Column G	*FY 2015 TC MAP Exp. Net of DSH.* This column contains the amount of the States' FY 2015 total computable medical assistance expenditures net of DSH expenditures, calculated as the amount in Column E minus the amount in Column F.
Column H	*12 percent Amount.* This column contains the amount of the ''12 percent limit'' in Federal share, determined in accordance with the provisions of section 1923(f)(3) of the Act.
Column I	*Greater of FY 2014 Allotment or 12 percent Limit.* This column contains the greater of the State's prior FY (FY 2014) DSH allotment or the amount of the 12 percent limit, determined as the maximum of the amount in Column C or Column H.

KEY TO ADDENDUM 1—FINAL DSH ALLOTMENTS FOR FY 2015—Continued

[The Final FY 2015 DSH Allotments for the NON-Low DSH States are presented in the top section of this addendum, and the Final FY 2015 DSH Allotments for the Low-DSH States are presented in the bottom section of this addendum.]

Column	Description
Column J	*FY 2015 DSH Allotment.* This column contains the States' final FY 2015 DSH allotments, determined as the minimum of the amount in Column I or Column D. For states with ''na'' in Columns I or D, refer to the footnotes in the addendum.

ADDENDUM 1—FINAL DSH ALLOTMENTS FOR FISCAL YEAR: 2015

State	FY 2015 FMAPs (percent)	Prior FY (2014) DSH allotments	Prior FY (2014) DSH allotment (Col C) × 100% + Pct increase in CPIU: 101.6%	FY 2015 TC MAP Exp. including DSH	FY 2015 TC DSH expenditures	FY 2015 TC MAP EXP. net OF DSH Col E–F	"12% Amount" = Col G × .12/(1-.12/Col B)* (In FS)	Greater of Col H Or Col C (12% Limit, FY 2014 allotment)	FY 2015 DSH allotment MIN Col I, Col D
ALABAMA	68.99	$328,262,759	$333,514,963	$5,264,823,220	$482,949,270	$4,781,873,950	$694,651,308	$694,651,308	$333,514,963
ARIZONA	68.46	108,086,519	109,815,903	10,617,725,498	171,078,470	10,446,647,028	1,520,037,100	1,520,037,100	109,815,903
CALIFORNIA	50.00	1,170,270,080	1,188,994,401	82,139,045,889	2,390,079,654	79,748,966,235	12,591,942,037	12,591,942,037	1,188,994,401
COLORADO	51.01	98,745,708	100,325,639	7,301,119,320	196,484,794	7,104,634,526	1,114,813,865	1,114,813,865	100,325,639
CONNECTICUT	50.00	213,504,233	216,920,301	7,183,360,060	129,030,409	7,054,329,651	1,113,841,524	1,113,841,524	216,920,301
DISTRICT OF COLUMBIA	70.00	65,385,671	66,431,842	2,369,871,903	36,875,089	2,332,996,814	337,882,297	337,882,297	66,431,842
FLORIDA	59.72	213,504,233	216,920,301	21,320,462,370	358,797,341	20,961,665,029	3,147,939,570	3,147,939,570	216,920,301
GEORGIA	66.94	286,896,314	291,486,655	9,664,791,833	435,016,070	9,229,775,763	1,349,489,311	1,349,489,311	291,486,655
ILLINOIS	50.76	229,517,051	233,189,324	16,938,472,430	442,188,036	16,496,284,394	2,592,419,182	2,592,419,182	233,189,324
INDIANA	66.52	228,182,651	231,833,573	9,249,771,996	232,141,314	9,017,630,682	1,320,292,281	1,320,292,281	231,833,573
KANSAS	56.63	44,035,248	44,739,812	3,010,910,864	78,925,971	2,931,984,893	446,439,537	446,439,537	44,739,812
KENTUCKY	69.94	154,790,570	157,267,219	9,423,467,372	226,627,736	9,196,839,636	1,332,192,539	1,332,192,539	157,267,219
LOUISIANA [1]	62.05	731,960,000	743,671,360	7,863,181,815	1,329,125,915	6,534,055,900	972,079,525	972,079,525	743,671,360
MAINE	61.88	112,089,722	113,883,158	2,477,405,878	42,093,817	2,435,312,061	362,543,168	362,543,168	113,883,158
MARYLAND	50.00	81,398,489	82,700,865	9,410,240,087	107,964,734	9,302,275,353	1,468,780,319	1,468,780,319	82,700,865
MASSACHUSETTS	50.00	325,593,956	330,803,459	15,378,247,995	0	15,378,247,995	2,428,144,420	2,428,144,420	330,803,459
MICHIGAN	65.54	282,893,110	287,419,400	15,867,358,420	336,597,089	15,530,761,331	2,281,403,282	2,281,403,282	287,419,400
MISSISSIPPI	73.58	162,796,978	165,401,730	5,136,317,498	224,546,417	4,911,771,081	704,270,444	704,270,444	165,401,730
MISSOURI	63.45	505,738,153	513,829,963	9,518,489,904	680,860,006	8,837,629,898	1,307,866,162	1,307,866,162	513,829,963
NEVADA	64.36	49,372,853	50,162,819	3,105,613,113	77,953,523	3,027,659,590	446,585,572	446,585,572	50,162,819
NEW HAMPSHIRE	50.00	170,908,561	173,643,098	1,716,225,884	108,694,387	1,607,531,497	253,820,763	253,820,763	173,643,098
NEW JERSEY	50.00	687,216,752	698,212,220	14,049,422,255	1,089,139,502	12,960,282,753	2,046,360,435	2,046,360,435	698,212,220
NEW YORK	50.00	1,714,705,875	1,742,141,169	57,896,956,615	3,431,160,259	54,465,796,356	8,599,862,583	8,599,862,583	1,742,141,169
NORTH CAROLINA	65.88	314,918,744	319,957,444	13,212,668,475	531,329,898	12,681,338,577	1,860,682,818	1,860,682,818	319,957,444
OHIO	62.64	433,680,475	440,619,363	21,423,012,674	686,937,454	20,736,075,220	3,077,980,454	3,077,980,454	440,619,363
PENNSYLVANIA	51.82	599,146,255	608,732,595	23,223,615,661	750,991,666	22,472,623,995	3,509,386,365	3,509,386,365	608,732,595
RHODE ISLAND	50.00	69,388,876	70,499,098	2,584,840,295	140,548,917	2,444,291,378	385,940,744	385,940,744	70,499,098
SOUTH CAROLINA	70.64	349,613,182	355,206,993	5,767,691,574	487,856,512	5,279,835,062	763,235,093	763,235,093	355,206,993
TENNESSEE [2]	na	na	na	na	na	na	na	na	53,100,000
TEXAS	58.05	1,020,817,117	1,037,150,191	34,691,253,016	2,330,024,141	32,361,228,875	4,895,294,687	4,895,294,687	1,037,150,191
VERMONT [3]	56.21	24,019,227	24,403,535	1,632,611,663	37,448,781	1,595,162,882	243,376,898	243,376,898	24,403,535
VIRGINIA	50.00	93,522,940	95,019,307	8,032,760,161	20,698,074	8,012,062,087	1,265,062,435	1,265,062,435	95,019,307
WASHINGTON	50.03	197,491,416	200,651,279	10,494,138,618	362,580,070	10,131,558,548	1,599,416,905	1,599,416,905	200,651,279
WEST VIRGINIA	71.35	72,057,679	73,210,602	3,646,548,197	72,590,493	3,573,957,704	515,589,315	515,589,315	73,210,602
TOTAL	0.00	11,140,511,397	11,318,759,579	451,612,422,553	18,029,335,809	433,583,086,744	66,549,622,938	66,549,622,938	11,371,859,581
LOW DSH STATES									
ALASKA	50.00	21,745,078	22,092,999	1,405,373,754	19,880,034	1,385,493,720	218,762,166.32	218,762,166	22,092,999
ARKANSAS	70.88	46,050,497	46,787,305	5,469,511,577	64,862,196	5,404,649,381	780,736,851	780,736,851	46,787,305
DELAWARE	53.63	9,664,479	9,819,111	1,860,130,571	14,439,649	1,845,690,922	285,326,171	285,326,171	9,819,111
HAWAII	52.23	10,403,840	10,570,301	1,957,983,075	0	1,957,983,075	305,042,374.37	305,042,374	10,570,301
IDAHO	71.75	17,547,381	17,828,139	1,715,448,736	24,187,617	1,691,261,119	243,711,434.89	243,711,435	17,828,139
IOWA	55.54	42,040,199	42,712,842	4,476,316,992	47,094,445	4,429,222,547	677,994,544	677,994,544	42,712,842
MINNESOTA	50.00	79,731,955	81,007,666	10,704,500,992	57,035,579	10,647,465,413	1,681,178,749	1,681,178,749	81,007,666
MONTANA	65.90	12,117,193	12,311,068	1,132,392,709	18,620,317	1,113,772,392	163,408,387	163,408,387	12,311,068
NEBRASKA	53.27	30,208,951	30,692,294	1,846,405,999	38,427,073	1,807,978,926	280,041,785	280,041,785	30,692,294
NEW MEXICO	69.65	21,745,078	22,092,999	4,920,345,001	22,732,973	4,897,612,028	710,047,551	710,047,551	22,092,999
NORTH DAKOTA	50.00	10,196,942	10,360,093	1,085,776,090	2,594,883	1,083,181,207	171,028,612	171,028,612	10,360,093
OKLAHOMA	62.30	38,657,915	39,276,442	4,703,038,531	43,517,776	4,659,520,755	692,536,325	692,536,325	39,276,442
OREGON	64.06	48,322,397	49,095,555	8,027,137,262	60,717,454	7,966,419,808	1,176,324,671	1,176,324,671	49,095,555
SOUTH DAKOTA	51.64	11,790,395	11,979,041	805,740,131	1,584,383	804,155,748	125,711,209	125,711,209	11,979,041
UTAH	70.56	20,942,613	21,277,695	2,147,978,557	25,398,058	2,122,580,499	306,904,262	306,904,262	21,277,695
WISCONSIN	58.27	100,915,788	102,530,441	7,893,501,866	31,421,346	7,862,080,520	1,188,130,794	1,188,130,794	102,530,441
WYOMING	50.00	241,612	245,478	558,961,575	471,420	558,490,155	88,182,656	88,182,656	245,478

ADDENDUM 1—FINAL DSH ALLOTMENTS FOR FISCAL YEAR: 2015—Continued

State	FY 2015 FMAPs (percent)	Prior FY (2014) DSH allotments	Prior FY (2014) DSH allotment (Col C) × 100% + Pct increase in CPIU: 101.6%	FY 2015 TC MAP Exp. including DSH	FY 2015 TC DSH expenditures	FY 2015 TC MAP EXP. net OF DSH Col E–F	"12% Amount" = Col G × .12/(1-.12/Col B)* (In FS)	Greater of Col H Or Col C (12% Limit, FY 2014 allotment)	FY 2015 DSH allotment MIN Col I, Col D
TOTAL LOW DSH STATES	0.00	522,322,313	530,679,470	60,710,543,418	472,985,203	60,237,558,215	9,095,068,543	9,095,068,543	530,679,469
TOTAL	0.00	11,662,833,710	11,849,439,049	512,322,965,971	18,502,321,012	493,820,644,959	75,644,691,482	75,644,691,482	11,902,539,050

[1] Louisiana's FY 2015 DSH allotment is determined under the provisions of section 1923(f)(3)(C) and (D) of the Act.
[2] Tennessee's DSH allotment for FY 2015 determined under section 1923(f)(6)(A) of the Act.
[3] FMAP for Vermont for FY 2015 determined in accordance with section 1905(z)(1)(A) of the Act.

KEY TO ADDENDUM 2: PRELIMINARY DSH ALLOTMENTS FOR FY 2017

[The Preliminary FY 2017 DSH Allotments for the NON-Low DSH States are presented in the top section of this addendum, and the Preliminary FY 2017 DSH Allotments for the Low-DSH States are presented in the bottom section of this addendum.]

Column	Description
Column A	*State.*
Column B	*FY 2017 FMAPs.* This column contains the States' FY 2017 Federal Medical Assistance Percentages.
Column C	*Prior FY (2016) DSH Allotments.* This column contains the States' prior preliminary FY 2016 DSH Allotments.
Column D	*Prior FY (2016) DSH Allotments (Col C) × (100 percent + Percentage Increase in CPIU): 100.9 percent.* This column contains the amount in Column C increased by 1 plus the estimated percentage increase in the CPI–U for the prior FY (100.9 percent).
Column E	*FY 2017 TC MAP Exp. Including DSH.* This column contains the amount of the States' projected FY 2017 total computable (TC) medical assistance expenditures including DSH expenditures.
Column F	*FY 2017 TC DSH Expenditures.* This column contains the amount of the States' projected FY 2017 total computable DSH expenditures.
Column G	*FY 2017 TC MAP Exp. Net of DSH.* This column contains the amount of the States' projected FY 2017 total computable medical assistance expenditures net of DSH expenditures, calculated as the amount in Column E minus the amount in Column F.
Column H	*12 percent Amount.* This column contains the amount of the ''12 percent limit'' in Federal share, determined in accordance with the provisions of section 1923(f)(3) of the Act.
Column I	*Greater of FY 2016 Allotment or 12 percent Limit.* This column contains the greater of the State's preliminary prior FY (FY 2016) DSH allotment or the amount of the 12 percent Limit, determined as the maximum of the amount in Column C or Column H
Column J	*FY 2017 DSH Allotment.* This column contains the States' preliminary FY 2017 DSH allotments, determined as the minimum of the amount in Column I or Column D. For states with ''na'' in Columns I or D, refer to the footnotes in the addendum.

ADDENDUM 2—PRELIMINARY DSH ALLOTMENTS FOR FISCAL YEAR: 2017

State	FY 2017 FMAPs (percent)	Prior FY (2016) DSH allotments	Prior FY (2016) DSH allotment (Col C) × 100% + Pct increase in CPIU: 100.9%	FY 2017 TC MAP Exp. including DSH [2]	FY 2017 TC DSH expenditures [2]	FY 2017 TC MAP EXP. net Of DSH Col E–F	"12% Amount" = Col G × .12/(1-.12/Col B)* (In FS)	Greater of Col H Or Col C (12% Limit, FY 2016 allotment)	FY 2017 DSH allotment MIN Col I, Col D
ALABAMA	70.16	$334,515,508	$337,526,148	$5,722,108,000	$480,212,000	$5,241,896,000	$758,813,116	$758,813,116	$337,526,148
ARIZONA	69.24	110,145,351	111,136,659	12,751,216,000	161,305,000	12,589,911,000	1,827,516,641	1,827,516,641	111,136,659
CALIFORNIA	50.00	1,192,561,384	1,203,294,436	92,799,788,000	128,407,000	92,671,381,000	14,632,323,316	14,632,323,316	1,203,294,436
COLORADO	50.02	100,626,616	101,532,256	8,208,119,000	199,337,000	8,008,782,000	1,264,384,878	1,264,384,878	101,532,256
CONNECTICUT	50.00	217,571,062	219,529,202	7,618,871,000	141,094,000	7,477,777,000	1,180,701,632	1,180,701,632	219,529,202
DISTRICT OF COLUMBIA	70.00	66,631,138	67,230,818	2,789,426,000	10,000,000	2,779,426,000	402,537,559	402,537,559	67,230,818
FLORIDA	61.10	217,571,062	219,529,202	24,118,173,000	358,261,000	23,759,912,000	3,548,017,816	3,548,017,816	219,529,202
GEORGIA	67.89	292,361,115	294,992,365	10,198,853,000	581,504,000	9,617,349,000	1,401,871,870	1,401,871,870	294,992,365
ILLINOIS	51.30	233,888,892	235,993,892	16,836,812,000	459,144,000	16,377,668,000	2,565,417,919	2,565,417,919	235,993,892
INDIANA	66.74	232,529,074	234,621,836	11,762,997,000	811,661,000	10,951,336,000	1,602,248,077	1,602,248,077	234,621,836
KANSAS	56.21	44,874,031	45,277,897	3,410,646,000	77,573,000	3,333,073,000	508,533,002	508,533,002	45,277,897
KENTUCKY	70.46	157,739,021	159,158,672	10,676,966,000	227,501,000	10,449,465,000	1,511,329,396	1,511,329,396	159,158,672
LOUISIANA	62.28	745,902,374	752,615,495	11,132,573,000	1,117,522,000	10,015,051,000	1,488,633,356	1,488,633,356	752,615,495
MAINE	64.38	114,224,807	115,252,830	2,663,472,000	42,296,000	2,621,176,000	386,600,941	386,600,941	115,252,830
MARYLAND	50.00	82,948,968	83,695,509	11,950,442,000	153,711,000	11,796,731,000	1,862,641,737	1,862,641,737	83,695,509
MASSACHUSETTS	50.00	331,795,869	334,782,032	18,581,439,000	0	18,581,439,000	2,933,911,421	2,933,911,421	334,782,032
MICHIGAN	65.15	288,281,658	290,876,193	18,171,344,000	372,764,000	17,798,580,000	2,618,048,889	2,618,048,889	290,876,193
MISSISSIPPI	74.63	165,897,935	167,391,016	5,723,846,000	225,000,000	5,498,846,000	786,291,957	786,291,957	167,391,016
MISSOURI	63.21	515,371,453	520,009,796	10,670,006,000	693,986,000	9,976,020,000	1,477,643,173	1,477,643,173	520,009,796
NEVADA	64.67	50,313,307	50,766,127	3,578,926,000	80,370,000	3,498,556,000	515,477,387	515,477,387	50,766,127
NEW HAMPSHIRE	50.00	174,164,027	175,731,503	2,169,830,000	247,753,000	1,922,077,000	303,485,842	303,485,842	175,731,503
NEW JERSEY	50.00	700,306,857	706,609,619	15,361,605,000	850,921,000	14,510,684,000	2,291,160,632	2,291,160,632	706,609,619
NEW YORK	50.00	1,747,367,593	1,763,093,901	71,683,117,000	5,973,100,000	65,710,017,000	10,375,265,842	10,375,265,842	1,763,093,901
NORTH CAROLINA	66.88	320,917,316	323,805,572	13,175,069,000	257,682,000	12,917,387,000	1,889,026,624	1,889,026,624	323,805,572
OHIO	62.32	441,941,221	445,918,692	24,746,576,000	0	24,746,576,000	3,677,758,227	3,677,758,227	445,918,692
PENNSYLVANIA	51.78	610,558,793	616,053,822	30,203,978,000	890,607,000	29,313,371,000	4,578,722,022	4,578,722,022	616,053,822
RHODE ISLAND	51.02	70,710,595	71,346,990	2,718,936,000	144,308,000	2,574,628,000	403,969,822	403,969,822	71,346,990
SOUTH CAROLINA	71.30	356,272,614	359,479,068	6,171,883,000	503,738,000	5,668,145,000	817,818,695	817,818,695	359,479,068
TENNESSEE [1]	64.96	na	na	na	na	na	na	na	53,100,000
TEXAS	56.18	1,040,261,642	1,049,623,997	40,497,188,000	1,853,258,000	38,643,930,000	5,896,829,300	5,896,829,300	1,049,623,997
VERMONT	54.46	24,476,746	24,697,037	1,726,339,000	37,449,000	1,688,890,000	259,944,275	259,944,275	24,697,037
VIRGINIA	50.00	95,304,365	96,162,104	9,016,918,000	190,421,000	8,826,497,000	1,393,657,421	1,393,657,421	96,162,104
WASHINGTON	50.00	201,253,233	203,064,512	12,794,211,000	429,915,000	12,364,296,000	1,952,257,263	1,952,257,263	203,064,512
WEST VIRGINIA	71.80	73,430,234	74,091,106	4,246,975,000	73,358,000	4,173,617,000	601,335,854	601,335,854	74,091,106
TOTAL	.....	11,352,715,861	11,454,890,304	523,878,648,000	17,774,158,000	506,104,490,000	77,714,175,902	77,714,175,902	11,507,990,304
LOW DSH STATES									
ALASKA	50.00	22,159,278	22,358,712	2,521,495,000	25,641,000	2,495,854,000	394,082,210.53	394,082,211	22,358,712
ARKANSAS	69.69	46,927,667	47,350,016	6,490,998,000	50,820,000	6,440,178,000	933,574,633	933,574,633	47,350,016
DELAWARE	54.20	9,848,568	9,937,205	1,968,900,000	0	1,968,900,000	303,453,213	303,453,213	9,937,205
HAWAII	54.93	10,602,012	10,697,430	2,264,951,000	0	2,264,951,000	347,767,319.16	347,767,319	10,697,430
IDAHO	71.51	17,881,623	18,042,558	2,075,465,000	27,147,000	2,048,318,000	295,362,568.00	295,362,568	18,042,558
IOWA	56.74	42,840,981	43,226,550	4,891,542,000	48,927,000	4,842,615,000	736,978,029	736,978,029	43,226,550
MINNESOTA	50.00	81,250,689	81,981,945	12,229,177,000	154,641,000	12,074,536,000	1,906,505,684	1,906,505,684	81,981,945
MONTANA	65.56	12,348,001	12,459,133	1,664,645,000	1,810,000	1,662,835,000	244,246,742	244,246,742	12,459,133
NEBRASKA	51.85	30,784,371	31,061,430	2,166,975,000	41,996,000	2,124,979,000	331,784,676	331,784,676	31,061,430
NEW MEXICO	71.13	22,159,278	22,358,712	5,528,792,000	31,460,000	5,497,332,000	793,557,027	793,557,027	22,358,712
NORTH DAKOTA	50.00	10,391,173	10,484,694	1,305,889,000	1,485,000	1,304,404,000	205,958,526	205,958,526	10,484,694
OKLAHOMA	59.94	39,394,271	39,748,819	5,276,333,000	47,870,000	5,228,463,000	784,465,763	784,465,763	39,748,819
OREGON	64.47	49,242,842	49,686,028	9,814,476,000	81,372,000	9,733,104,000	1,435,090,257	1,435,090,257	49,686,028
SOUTH DAKOTA	54.94	12,014,978	12,123,113	906,932,000	1,527,000	905,405,000	139,011,506	139,011,506	12,123,113
UTAH	69.90	21,341,528	21,533,602	2,638,196,000	33,036,000	2,605,160,000	377,410,744	377,410,744	21,533,602
WISCONSIN	58.51	102,838,032	103,763,574	8,862,528,000	102,737,000	8,759,791,000	1,322,387,542	1,322,387,542	103,763,574
WYOMING	50.00	246,214	248,430	600,990,000	482,000	600,508,000	94,817,053	94,817,053	248,430

TOTAL LOW DSH STATES	.....	532,271,506	537,061,950	71,208,284,000	650,951,000	70,557,333,000	10,646,453,493	10,646,453,493	537,061,951
TOTAL	.....	11,884,987,367	11,991,952,253	595,086,932,000	18,425,109,000	576,661,823,000	88,360,629,395	88,360,629,395	12,045,052,255

[1] Tennessee's DSH allotment for FY 2017 determined under section 1923(f)(6)(A) of the Act.
[2] Expenditures based on the amounts reported by States on the Form CMS–37.

KEY TO ADDENDUM 3—FINAL IMD DSH LIMITS FOR FY 2015

[The final FY 2015 IMD DSH Limits for the Non-Low DSH States are presented in the top section of this addendum and the preliminary FY 2015 IMD DSH Limits for the Low-DSH States are presented in the bottom section of the addendum.]

Column	Description
Column A	State.
Column B	*Inpatient Hospital Services FY 95 DSH Total Computable.* This column contains the States' total computable FY 1995 inpatient hospital DSH expenditures as reported on the Form CMS–64 as of January 1, 1997.
Column C	*IMD and Mental Health Services FY 95 DSH Total Computable.* This column contains the total computable FY 1995 mental health facility DSH expenditures as reported on the Form CMS–64 as of January 1, 1997.
Column D	*Total Inpatient Hospital & IMD & Mental Health FY 95 DSH Total Computable, Col. B + C.* This column contains the total computation of all inpatient hospital DSH expenditures and mental health facility DSH expenditures for FY 1995 as reported on the Form CMS–64 as of January 1, 1997 (representing the sum of Column B and Column C).
Column E	*Applicable Percentage, Col. C/D.* This column contains the ''applicable percentage'' representing the total Computable FY 1995 mental health facility DSH expenditures divided by total computable all inpatient hospital and mental health facility DSH expenditures for FY 1995 (the amount in Column C divided by the amount in Column D) Per section 1923(h)(2)(A)(ii)(III) of the Act, for FYs after FY 2002, the applicable percentage can be no greater than 33 percent.
Column F	*FY 2015 Federal Share DSH Allotment.* This column contains the states' FY 2015 DSH allotments from Addendum 1, Column J.
Column G	*FY 2015 FMAP.*
Column H	*FY 2015 DSH Allotments in Total Computable, Col. F/G.* This column contains states' FY 2015 total computable DSH allotment (determined as Column F/Column G).
Column I	*Applicable Percentage Applied to FY 2015 Allotments in TC, Col E x Col H.* This column contains the applicable percentage of FY 2015 total computable DSH allotment (calculated as the percentage in Column E multiplied by the amount in Column H).
Column J	*FY 2015 TC IMD DSH Limit. Lesser of Col. I or C.* This column contains the total computable FY 2015 TC IMD DSH Limit equal to the lesser of the amount in Column I or Column C.
Column K	*FY 2015 IMD DSH Limit in Federal Share, Col. G x J.* This column contains the FY 2015 Federal Share IMD DSH limit determined by converting the total computable FY 2015 IMD DSH Limit from Column J into a federal share amount by multiplying it by the FY 2015 FMAP in Column G.

ADDENDUM 3—FINAL IMD DSH LIMIT FOR FY: 2015

State	Inpatient hospital services FY 95 DSH total computable	IMD and mental health services FY 95 DSH total computable	Total inpatient & IMD & mental health FY 95 DSH total computable Col B + C	Applicable percent Col C/D	FY 2015 allotment in FS	FY 2015 FMAPs (percent)	FY 2015 allotments in TC Col F/G	Applicable percentage applied to FY 2015 allotments in TC Col E x Col H	FY 2015 TC IMD limit (lesser of Col I or Col C)	FY 2015 IMD limit in FS Col G x J
ALABAMA	$413,006,229	$4,451,770	$417,457,999	1.07	$333,514,963	68.99	$483,425,080	$5,155,243	$4,451,770	$3,071,276
ARIZONA	93,916,100	28,474,900	122,391,000	23.27	109,815,903	68.46	160,408,856	37,319,951	28,474,900	19,493,917
CALIFORNIA	2,189,879,543	1,555,919	2,191,435,462	0.07	1,188,994,401	50.00	2,377,988,802	1,688,372	1,555,919	777,960
COLORADO	173,900,441	594,776	174,495,217	0.34	100,325,639	51.01	196,678,375	670,388	594,776	303,395
CONNECTICUT	303,359,275	105,573,725	408,933,000	25.82	216,920,301	50.00	433,840,602	112,004,090	105,573,725	52,786,863
DISTRICT OF COLUMBIA	39,532,234	6,545,136	46,077,370	14.20	66,431,842	70.00	94,902,631	13,480,601	6,545,136	4,581,595
FLORIDA	184,468,014	149,714,986	334,183,000	33.00	216,920,301	59.72	363,228,903	119,865,538	119,865,538	71,583,699
GEORGIA	407,343,557	0	407,343,557	0.00	291,486,655	66.94	435,444,659	0	0	0
ILLINOIS	315,868,508	89,408,276	405,276,784	22.06	233,189,324	50.76	459,395,831	101,347,501	89,408,276	45,383,641
INDIANA	79,960,783	153,566,302	233,527,085	33.00	231,833,573	66.52	348,517,097	115,010,642	115,010,642	76,505,079
KANSAS	11,587,208	76,663,508	88,250,716	33.00	44,739,812	56.63	79,003,729	26,071,231	26,071,231	14,764,138
KENTUCKY	158,804,908	37,443,073	196,247,981	19.08	157,267,219	69.94	224,860,193	42,902,131	37,443,073	26,187,685
LOUISIANA	1,078,512,169	132,917,149	1,211,429,318	10.97	743,671,360	62.05	1,198,503,400	131,498,927	131,498,927	81,595,084
MAINE	99,957,958	60,958,342	160,916,300	33.00	113,883,158	61.88	184,038,717	60,732,777	60,732,777	37,581,442
MARYLAND	22,226,467	120,873,531	143,099,998	33.00	82,700,865	50.00	165,401,730	54,582,571	54,582,571	27,291,285
MASSACHUSETTS	469,653,946	105,635,054	575,289,000	18.36	330,803,459	50.00	661,606,918	121,484,823	105,635,054	52,817,527
MICHIGAN	133,258,800	304,765,552	438,024,352	33.00	287,419,400	65.54	438,540,433	144,718,343	144,718,343	94,848,402
MISSISSIPPI	182,608,033	0	182,608,033	0.00	165,401,730	73.58	224,791,696	0	0	0
MISSOURI	521,946,524	207,234,618	729,181,142	28.42	513,829,963	63.45	809,818,697	230,151,959	207,234,618	131,490,365
NEVADA	73,560,000	0	73,560,000	0.00	50,162,819	64.36	77,940,987	0	0	0
NEW HAMPSHIRE	92,675,916	94,753,948	187,429,864	33.00	173,643,098	50.00	347,286,196	114,604,445	94,753,948	47,376,974
NEW JERSEY	736,742,539	357,370,461	1,094,113,000	32.66	698,212,220	50.00	1,396,424,440	456,114,538	357,370,461	178,685,231
NEW YORK	2,418,869,368	605,000,000	3,023,869,368	20.01	1,742,141,169	50.00	3,484,282,338	697,117,024	605,000,000	302,500,000
NORTH CAROLINA	193,201,966	236,072,627	429,274,593	33.00	319,957,444	65.88	485,667,037	160,270,122	160,270,122	105,585,957
OHIO	535,731,956	93,432,758	629,164,714	14.85	440,619,363	62.64	703,415,330	104,459,187	93,432,758	58,526,280
PENNSYLVANIA	388,207,319	579,199,682	967,407,001	33.00	608,732,595	51.82	1,174,705,895	387,652,945	387,652,945	200,881,756
RHODE ISLAND	108,503,167	2,397,833	110,901,000	2.16	70,499,098	50.00	140,998,196	3,048,576	2,397,833	1,198,917
SOUTH CAROLINA	366,681,364	72,076,341	438,757,705	16.43	355,206,993	70.64	502,841,157	82,603,565	72,076,341	50,914,727
TENNESSEE*	0	0	0	0.00	53,100,000	64.99	81,704,878	0	0	0
TEXAS	1,220,515,401	292,513,592	1,513,028,993	19.33	1,037,150,191	58.05	1,786,649,769	345,412,642	292,513,592	169,804,140
VERMONT**	19,979,252	9,071,297	29,050,549	31.23	24,403,535	56.21	43,414,935	13,556,707	9,071,297	5,098,976
VIRGINIA	129,313,480	7,770,268	137,083,748	5.67	95,019,307	50.00	190,038,614	10,771,889	7,770,268	3,885,134
WASHINGTON	171,725,815	163,836,435	335,562,250	33.00	200,651,279	50.03	401,061,921	132,350,434	132,350,434	66,214,922
WEST VIRGINIA	66,962,606	18,887,045	85,849,651	22.00	73,210,602	71.35	102,607,711	22,573,842	18,887,045	13,475,907
TOTAL	13,402,460,846	4,118,758,904	17,521,219,750	.....	11,371,859,581	.....	20,259,435,756	3,849,221,003	3,472,944,320	1,945,212,274
LOW DSH STATES										
ALASKA	2,506,827	17,611,765	20,118,592	33.00	22,092,999	50.00	44,185,998	14,581,379	14,581,379	7,290,690
ARKANSAS	2,422,649	819,351	3,242,000	25.27	46,787,305	70.88	66,009,177	16,682,506	819,351	580,756
DELAWARE	0	7,069,000	7,069,000	33.00	9,819,111	53.63	18,308,989	6,041,966	6,041,966	3,240,307
HAWAII	0	0	0	0.00	10,570,301	52.23	20,237,988	0	0	0
IDAHO	2,081,429	0	2,081,429	0.00	17,828,139	71.75	24,847,580	0	0	0
IOWA	12,011,250	0	12,011,250	0.00	42,712,842	55.54	76,904,649	0	0	0
MINNESOTA	24,240,000	5,257,214	29,497,214	17.82	81,007,666	50.00	162,015,332	28,875,584	5,257,214	2,628,607
MONTANA	237,048	0	237,048	0.00	12,311,068	65.90	18,681,439	0	0	0
NEBRASKA	6,449,102	1,811,337	8,260,439	21.93	30,692,294	53.27	57,616,471	12,634,056	1,811,337	964,899
NEW MEXICO	6,490,015	254,786	6,744,801	3.78	22,092,999	69.65	31,720,027	1,198,229	254,786	177,458
NORTH DAKOTA	214,523	988,478	1,203,001	33.00	10,360,093	50.00	20,720,186	6,837,661	988,478	494,239
OKLAHOMA	20,019,969	3,273,248	23,293,217	14.05	39,276,442	62.30	63,044,048	8,859,180	3,273,248	2,039,234
OREGON	11,437,908	19,975,092	31,413,000	33.00	49,095,555	64.06	76,639,955	25,291,185	19,975,092	12,796,044
SOUTH DAKOTA	321,120	751,299	1,072,419	33.00	11,979,041	51.64	23,197,213	7,655,080	751,299	387,971
UTAH	3,621,116	934,586	4,555,702	20.51	21,277,695	70.56	30,155,463	6,186,286	934,586	659,444
WISCONSIN	6,609,524	4,492,011	11,101,535	33.00	102,530,441	58.27	175,957,510	58,065,978	4,492,011	2,617,495
WYOMING	0	0	0	0.00	245,478	50.00	490,956	0	0	0

ADDENDUM 3—FINAL IMD DSH LIMIT FOR FY: 2015—Continued

State	Inpatient hospital services FY 95 DSH total computable	IMD and mental health services FY 95 DSH total computable	Total inpatient & IMD & mental health FY 95 DSH total computable Col B + C	Applicable percent Col C/D	FY 2015 allotment in FS	FY 2015 FMAPs (percent)	FY 2015 allotments in TC Col F/G	Applicable percentage applied to FY 2015 allotments in TC Col E x Col H	FY 2015 TC IMD limit (lesser of Col I or Col C)	FY 2015 IMD limit in FS Col G x J
TOTAL LOW DSH STATES	98,662,480	63,238,167	161,900,647	.....	530,679,469	.....	910,732,982	192,909,092	59,180,748	33,877,144
TOTAL	13,501,123,326	4,181,997,071	17,683,120,397	.....	11,902,539,050	.....	21,170,168,738	4,042,130,095	3,532,125,067	1,979,089,418

*Tennessee's DSH allotment for FY 2015 determined under section 1923(f)(6)(A) of the Act.
** Vermont's FMAP for FY 2015 determined in accordance with section 1905(z)(1)(A) of the Act.

KEY TO ADDENDUM 4—PRELIMINARY IMD DSH LIMITS FOR FY 2017

[The preliminary FY 2017 IMD DSH Limits for the Non-Low DSH States are presented in the top section of this addendum and the preliminary FY 2017 IMD DSH Limits for the Low-DSH States are presented in the bottom section of the addendum.]

Column	Description
Column A	*State.*
Column B	*Inpatient Hospital Services FY 95 DSH Total Computable.* This column contains the States' total computable FY 1995 inpatient hospital DSH expenditures as reported on the Form CMS–64 as of January 1, 1997.
Column C	*IMD and Mental Health Services FY 95 DSH Total Computable.* This column contains the total computable FY 1995 mental health facility DSH expenditures as reported on the Form CMS–64 as of January 1, 1997.
Column D	*Total Inpatient Hospital & IMD & Mental Health FY 95 DSH Total Computable, Col. B + C.* This column contains the total computation of all inpatient hospital DSH expenditures and mental health facility DSH expenditures for FY 1995 as reported on the Form CMS–64 as of January 1, 1997 (representing the sum of Column B and Column C).
Column E	*Applicable Percentage, Col. C/D.* This column contains the ''applicable percentage'' representing the total Computable FY 1995 mental health facility DSH expenditures divided by total computable all inpatient hospital and mental health facility DSH expenditures for FY 1995 (the amount in Column C divided by the amount in Column D) Per section 1923(h)(2)(A)(ii)(III) of the Act, for FYs after FY 2002, the applicable percentage can be no greater than 33 percent.
Column F	*FY 2017 Federal Share DSH Allotment.* This column contains the states' preliminary FY 2017 DSH allotments from Addendum 1, Column J.
Column G	*FY 2017 FMAP.*
Column H	*FY 2017 DSH Allotments in Total Computable, Col. F/G.* This column contains states' FY 2017 total computable DSH allotment (determined as Column F/Column G).
Column I	*Applicable Percentage Applied to FY 2017 Allotments in TC, Col E x Col H.* This column contains the applicable percentage of FY 2016 total computable DSH allotment (calculated as the percentage in Column E multiplied by the amount in Column H).
Column J	*FY 2017 TC IMD DSH Limit. Lesser of Col. I or C.* This column contains the total computable FY 2017 TC IMD DSH Limit equal to the lesser of the amount in Column I or Column C.
Column K	*FY 2017 IMD DSH Limit in Federal Share, Col. G x J.* This column contains the FY 2017 Federal Share IMD DSH limit determined by converting the total computable FY 2017 IMD DSH Limit from Column J into a federal share amount by multiplying it by the FY 2017 FMAP in Column G.

ADDENDUM 4—PRELIMINARY IMD DSH LIMIT FOR FISCAL YEAR: 2017

State	Inpatient hospital services FY 95 DSH total computable	IMD and mental health services FY 95 DSH total computable	Total inpatient & IMD & mental health FY 95 DSH total computable Col B + C	Applicable percent Col C/D	FY 2017 allotment in FS	FY 2017 FMAPs (percent)	FY 2017 allotments in TC Col F/G	Applicable percentage applied to FY 2017 allotments in TC Col E x Col H	FY 2017 TC IMD limit (lesser of Col I or Col C)	FY 2017 IMD limit in FS Col G x J
ALABAMA	$413,006,229	$4,451,770	$417,457,999	1.07	$337,526,148	70.16	$481,080,599	$5,130,241	$4,451,770	$3,123,362
ARIZONA	93,916,100	28,474,900	122,391,000	23.27	111,136,659	69.24	160,509,328	37,343,327	28,474,900	19,716,021
CALIFORNIA	2,189,879,543	1,555,919	2,191,435,462	0.07	1,203,294,436	50.00	2,406,588,872	1,708,678	1,555,919	777,960
COLORADO	173,900,441	594,776	174,495,217	0.34	101,532,256	50.02	202,983,319	691,879	594,776	297,507
CONNECTICUT	303,359,275	105,573,725	408,933,000	25.82	219,529,202	50.00	439,058,404	113,351,163	105,573,725	52,786,863
DISTRICT OF COLUMBIA	39,532,234	6,545,136	46,077,370	14.20	67,230,818	70.00	96,044,026	13,642,732	6,545,136	4,581,595
FLORIDA	184,468,014	149,714,986	334,183,000	33.00	219,529,202	61.10	359,294,930	118,567,327	118,567,327	72,444,637
GEORGIA	407,343,557	0	407,343,557	0.00	294,992,365	67.89	434,515,194	0	0	0
ILLINOIS	315,868,508	89,408,276	405,276,784	22.06	235,993,892	51.30	460,027,080	101,486,761	89,408,276	45,866,446
INDIANA	79,960,783	153,566,302	233,527,085	33.00	234,621,836	66.74	351,546,053	116,010,198	116,010,198	77,425,206
KANSAS	11,587,208	76,663,508	88,250,716	33.00	45,277,897	56.21	80,551,320	26,581,936	26,581,936	14,941,706
KENTUCKY	158,804,908	37,443,073	196,247,981	19.08	159,158,672	70.46	225,885,143	43,097,686	37,443,073	26,382,389
LOUISIANA	1,078,512,169	132,917,149	1,211,429,318	10.97	752,615,495	62.28	1,208,438,496	132,588,998	132,588,998	82,576,428
MAINE	99,957,958	60,958,342	160,916,300	33.00	115,252,830	64.38	179,019,618	59,076,474	59,076,474	38,033,434
MARYLAND	22,226,467	120,873,531	143,099,998	33.00	83,695,509	50.00	167,391,018	55,239,036	55,239,036	27,619,518
MASSACHUSETTS	469,653,946	105,635,054	575,289,000	18.36	334,782,032	50.00	669,564,064	122,945,921	105,635,054	52,817,527
MICHIGAN	133,258,800	304,765,552	438,024,352	33.00	290,876,193	65.15	446,471,517	147,335,600	147,335,600	95,989,144
MISSISSIPPI	182,608,033	0	182,608,033	0.00	167,391,016	74.63	224,294,541	0	0	0
MISSOURI	521,946,524	207,234,618	729,181,142	28.42	520,009,796	63.21	822,670,141	233,804,363	207,234,618	130,993,002
NEVADA	73,560,000	0	73,560,000	0.00	50,766,127	64.67	78,500,274	0	0	0
NEW HAMPSHIRE	92,675,916	94,753,948	187,429,864	33.00	175,731,503	50.00	351,463,006	115,982,792	94,753,948	47,376,974
NEW JERSEY	736,742,539	357,370,461	1,094,113,000	32.66	706,609,619	50.00	1,413,219,238	461,600,228	357,370,461	178,685,231
NEW YORK	2,418,869,368	605,000,000	3,023,869,368	20.01	1,763,093,901	50.00	3,526,187,802	705,501,250	605,000,000	302,500,000
NORTH CAROLINA	193,201,966	236,072,627	429,274,593	33.00	323,805,572	66.88	484,159,049	159,772,486	159,772,486	106,855,839
OHIO	535,731,956	93,432,758	629,164,714	14.85	445,918,692	62.32	715,530,635	106,258,344	93,432,758	58,227,295
PENNSYLVANIA	388,207,319	579,199,682	967,407,001	33.00	616,053,822	51.78	1,189,752,457	392,618,311	392,618,311	203,297,761
RHODE ISLAND	108,503,167	2,397,833	110,901,000	2.16	71,346,990	51.02	139,841,219	3,023,561	2,397,833	1,223,374
SOUTH CAROLINA	366,681,364	72,076,341	438,757,705	16.43	359,479,068	71.30	504,178,216	82,823,209	72,076,341	51,390,431
TENNESSEE*	0	0	0	0.00	53,100,000	64.96	81,742,611	0	0	0
TEXAS	1,220,515,401	292,513,592	1,513,028,993	19.33	1,049,623,997	56.18	1,868,323,241	361,202,558	292,513,592	164,334,136
VERMONT	19,979,252	9,071,297	29,050,549	31.23	24,697,037	54.46	45,348,948	14,160,620	9,071,297	4,940,228
VIRGINIA	129,313,480	7,770,268	137,083,748	5.67	96,162,104	50.00	192,324,208	10,901,443	7,770,268	3,885,134
WASHINGTON	171,725,815	163,836,435	335,562,250	33.00	203,064,512	50.00	406,129,024	134,022,578	134,022,578	67,011,289
WEST VIRGINIA	66,962,606	18,887,045	85,849,651	22.00	74,091,106	71.80	103,190,955	22,702,157	18,887,045	13,560,898
TOTAL	13,402,460,846	4,118,758,904	17,521,219,750	.....	11,507,990,304	.....	20,515,824,545	3,899,171,855	3,482,003,733	1,949,661,335
LOW DSH STATES										
ALASKA	2,506,827	17,611,765	20,118,592	33.00	22,358,712	50.00	44,717,424	14,756,750	14,756,750	7,378,375
ARKANSAS	2,422,649	819,351	3,242,000	25.27	47,350,016	69.69	67,943,774	17,171,437	819,351	571,006
DELAWARE	0	7,069,000	7,069,000	33.00	9,937,205	54.20	18,334,327	6,050,328	6,050,328	3,279,278
HAWAII	0	0	0	0.00	10,697,430	54.93	19,474,659	0	0	0
IDAHO	2,081,429	0	2,081,429	0.00	18,042,558	71.51	25,230,818	0	0	0
IOWA	12,011,250	0	12,011,250	0.00	43,226,550	56.74	76,183,557	0	0	0
MINNESOTA	24,240,000	5,257,214	29,497,214	17.82	81,981,945	50.00	163,963,890	29,222,870	5,257,214	2,628,607
MONTANA	237,048	0	237,048	0.00	12,459,133	65.56	19,004,169	0	0	0
NEBRASKA	6,449,102	1,811,337	8,260,439	21.93	31,061,430	51.85	59,906,326	13,136,172	1,811,337	939,178
NEW MEXICO	6,490,015	254,786	6,744,801	3.78	22,358,712	71.13	31,433,589	1,187,409	254,786	181,229
NORTH DAKOTA	214,523	988,478	1,203,001	33.00	10,484,694	50.00	20,969,388	6,919,898	988,478	494,239
OKLAHOMA	20,019,969	3,273,248	23,293,217	14.05	39,748,819	59.94	66,314,346	9,318,734	3,273,248	1,961,985
OREGON	11,437,908	19,975,092	31,413,000	33.00	49,686,028	64.47	77,068,447	25,432,588	19,975,092	12,877,942
SOUTH DAKOTA	321,120	751,299	1,072,419	33.00	12,123,113	54.94	22,066,096	7,281,812	751,299	412,764
UTAH	3,621,116	934,586	4,555,702	20.51	21,533,602	69.90	30,806,298	6,319,802	934,586	653,276
WISCONSIN	6,609,524	4,492,011	11,101,535	33.00	103,763,574	58.51	177,343,316	58,523,294	4,492,011	2,628,276
WYOMING	0	0	0	0.00	248,430	50.00	496,860	0	0	0

TOTAL LOW DSH STATES	98,662,480	63,238,167	161,900,647	.....	537,061,951	.....	921,257,282	195,321,094	59,364,480	34,006,155
TOTAL	13,501,123,326	4,181,997,071	17,683,120,397	.....	12,045,052,255	.....	21,437,081,826	4,094,492,949	3,541,368,213	1,983,667,490

*Tennessee's DSH allotment for FY 2017, determined under section 1923(f)(6)(A) of the Act, is $53,100,000.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–6077–N]

Medicare, Medicaid, and Children's Health Insurance Programs: Announcement of Decision To Lift the Temporary Moratorium on Enrollment of Non-Emergency Ground Ambulance Suppliers in Texas

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

ACTION: Lifting of temporary enrollment moratorium on non-emergency ground ambulance suppliers in Texas.

SUMMARY: This document announces that on September 1, 2017, the statewide temporary moratorium on the enrollment of new Medicare Part B non-emergency ground ambulance suppliers in Texas was lifted. This announcement also applies to the temporary moratorium on enrollment of non-emergency ground ambulance suppliers in Medicaid and the Children's Health Insurance Program in Texas.

FOR FURTHER INFORMATION CONTACT: Jung Kim, (410) 786–9370. News media representatives must contact CMS' Public Affairs Office at (202) 690–6145 or email them at *press@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. CMS' Implementation of Temporary Enrollment Moratoria

The Social Security Act (the Act) provides the Secretary with tools and resources to combat fraud, waste, and abuse in Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). In particular, section 1866(j)(7) of the Act provides the Secretary with authority to impose a temporary moratorium on the enrollment of new Medicare, Medicaid, or CHIP providers and suppliers, including categories of providers and suppliers, if the Secretary determines such a moratorium is necessary to prevent or combat fraud, waste, or abuse under these programs. Regarding Medicaid, section 1902(kk)(4) of the Act requires States to comply with any moratorium imposed by the Secretary unless the State determines that the imposition of such temporary moratorium would adversely impact Medicaid beneficiaries' access to care. In addition, section 2107(e)(1)(F) of the Act provides that the Medicaid provisions in 1902(kk) are also applicable to CHIP.

In the February 2, 2011 **Federal Register** (76 FR 5862), CMS published a final rule with comment period titled, ''Medicare, Medicaid, and Children's Health Insurance Programs; Additional Screening Requirements, Application Fees, Temporary Enrollment Moratoria, Payment Suspensions and Compliance Plans for Providers and Suppliers,'' which implemented section 1866(j)(7) of the Act by establishing new regulations at 42 CFR 424.570. Under § 424.570(a)(2)(i) and (iv), CMS, or CMS in consultation with the Department of Health and Human Services' Office of Inspector General (HHS–OIG) or the Department of Justice (DOJ), or both, may impose a temporary moratorium on newly enrolling Medicare providers and suppliers if CMS determines that there is a significant potential for fraud, waste, or abuse with respect to a particular provider or supplier type, or particular geographic locations, or both. At § 424.570(a)(1)(ii), CMS stated that it would announce any temporary moratorium in a **Federal Register** document that includes the rationale for the imposition of such moratorium.

Based on this authority and our regulations at § 424.570, we initially imposed moratoria to prevent enrollment of new Home Health Agencies, subunits, and branch locations [1] (hereafter referred to as HHAs) in Miami-Dade County, Florida and Cook County, Illinois, as well as surrounding counties, and Medicare Part B ground ambulance suppliers in Harris County, Texas and surrounding counties, in a notice issued on July 31, 2013 (78 FR 46339). These moratoria also applied to Medicaid and CHIP. We exercised this authority again in a notice published on February 4, 2014 (79 FR 6475) when we extended the existing moratoria for an additional 6 months and expanded them to include enrollment of HHAs in Broward County, Florida; Dallas County, Texas; Harris County, Texas; and Wayne County, Michigan and surrounding counties, and enrollment of ground ambulance suppliers in Philadelphia, Pennsylvania and surrounding counties. Then, we further extended these moratoria in documents issued on August 1, 2014 (79 FR 44702), February 2, 2015 (80 FR 5551), July 28, 2015 (80 FR 44967), and February 2, 2016 (81 FR 5444). On August 3, 2016 (81 FR 51120), we extended the moratoria for an additional 6 months and expanded them to statewide for enrollment of HHAs in Florida, Illinois, Michigan, and Texas, and non-emergency ground ambulance suppliers in New Jersey, Pennsylvania, and Texas. We also announced the lifting of temporary moratoria for all Part B emergency ambulance suppliers as well as emergency ambulance providers in Medicaid and CHIP.[2] Finally, on January 29, 2017 (82 FR 2363) and again on July 28, 2017 (82 FR 35122), we extended the statewide moratoria of HHAs in Florida, Illinois, Michigan, and Texas, and Part B non-emergency ground ambulance suppliers in New Jersey, Pennsylvania, and Texas for additional 6 month periods. These extensions also applied to such providers in Medicaid and CHIP.

II. Lifting a Temporary Moratorium

CMS has authority under § 424.570(d) to lift a temporary moratorium at any time in specified situations, including if the President declares an area a disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. On August 25, 2017, the President of the United States signed the Presidential Disaster Declaration for several counties in the State of Texas. As a result of the President's declaration, CMS carefully reviewed the potential impact of continued moratoria in Texas, and decided to lift the temporary enrollment moratorium on Medicare Part B non-emergency ground ambulance suppliers in Texas in order to aid in the disaster response to Hurricane Harvey. This lifting of the moratorium also applied to Medicaid and CHIP in Texas. A notification that CMS lifted the moratorium was published at *https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/MedicareProviderSupEnroll/ProviderEnrollmentMoratorium.html* and became effective on September 1, 2017. In accordance with § 424.570(d), CMS is also publishing this document in the **Federal Register** to announce this action. Non-emergency ground ambulance suppliers that were previously unable to enroll in Medicare, Medicaid or CHIP in Texas

[1] As noted in the preamble to the final rule with comment period implementing the moratorium authority (February 2, 2011, CMS–6028–FC (76 FR 5870), home health agency subunits and branch locations are subject to the moratoria to the same extent as any other newly enrolling home health agency.

[2] CMS also concurrently announced a demonstration under the authority provided in section 402(a)(l)(J) of the Social Security Amendments of 1967 (42 U.S.C. 1395b–l(a)(l)(J)) that allows for access to care-based exceptions to the moratoria in certain limited circumstances after a heightened review of that provider has been conducted. This demonstration also applies to Medicaid and CHIP providers in each state. This announcement may be found in the **Federal Register** document issued on August 3, 2016 (81 FR 51116).

because of the moratorium will be able to apply for enrollment and will be designated to the ''high'' screening level in accordance with §§ 424.518(c)(3)(iii) and 455.450(e)(2) if such supplier applies at any time within 6 months from the date the moratorium was lifted.

III. Clarification of Right to Judicial Review

Section 1866(j)(7)(B) of the Act provides that there shall be no judicial review under section 1869, section 1878, or otherwise, of a temporary moratorium imposed on the enrollment of new providers of services and suppliers if the Secretary determines that the moratorium is necessary to prevent or combat fraud, waste, or abuse. Accordingly, our regulations at 42 CFR 498.5(l)(4) state that for appeals of denials based on a temporary moratorium, the scope of review will be limited to whether the temporary moratorium applies to the provider or supplier appealing the denial. The agency's basis for imposing a temporary moratorium is not subject to review. Our regulations do not limit the right to seek judicial review of a final agency decision that the temporary moratorium applies to a particular provider or supplier. In the preamble to the February 2, 2011 (76 FR 5918) final rule with comment period establishing this regulation, we explained that ''a provider or supplier may administratively appeal an adverse determination based on the imposition of a temporary moratorium up to and including the Department Appeal Board (DAB) level of review.'' We are clarifying that providers and suppliers that have received unfavorable decisions in accordance with the limited scope of review described in § 498.5(l)(4) may seek judicial review of those decisions after they exhaust their administrative appeals. However, we reiterate that section 1866(j)(7)(B) of the Act precludes judicial review of the agency's basis for imposing a temporary moratorium.

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Regulatory Impact Statement

CMS has examined the impact of this document as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major regulatory actions with economically significant effects ($100 million or more in any 1 year). This document announces CMS's decision to lift the moratorium on new enrollment of non-emergency ground ambulance suppliers in Medicare Part B, Medicaid, and CHIP in Texas. Though costs may result from allowing non-emergency ambulance enrollment in Texas, the monetary amount cannot be quantified. After the imposition of the initial moratoria on July 31, 2013, specifically to the non-emergency ambulance suppliers, a total of 24 ambulance companies in all geographic areas affected by the moratoria had their applications denied. Since the moratorium was lifted on September 1, 2017, we have had two ambulance enrollments in Texas, and we have seen no evidence that there will be a large surge in applications in the immediate future. Therefore, this document does not reach the economic threshold, and thus is not considered a major action.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $7.5 million to $38.5 million in any 1 year. Individuals and states are not included in the definition of a small entity. CMS is not preparing an analysis for the RFA because it has determined, and the Secretary certifies, that this document will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if an action may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, CMS defines a small rural hospital as a hospital that is located outside of a metropolitan statistical area (MSA) for Medicare payment purposes and has fewer than 100 beds. CMS is not preparing an analysis for section 1102(b) of the Act because it has determined, and the Secretary certifies, that this document will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any regulatory action whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2017 that threshold is approximately $148 million. This document will have no consequential effect on state, local, or tribal governments or on the private sector.

Executive Order 13771, titled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017 (82 FR 9339, February 3, 2017). It has been determined that this notice is a transfer notice that does not impose more than de minimis costs and thus is not a regulatory action for the purposes of E.O. 13771.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed regulatory action (and subsequent final action) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Because this document does not impose substantial costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this document was reviewed by the Office of Management and Budget.

Dated: October 27, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017–24007 Filed 11–2–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10291]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by January 2, 2018.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10291 State Collection and Reporting of Dental Provider and Benefit Package Information on the Insure Kids Now! Web site and Hotline

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* State Collection and Reporting of Dental Provider and Benefit Package Information on the Insure Kids Now! Web site and Hotline; *Use:* On the Insure Kids Now (IKN) Web site, the Secretary is required to post a current and accurate list of dentists and providers that provide dental services to children enrolled in the state plan (or waiver) under Medicaid or the state child health plan (or waiver) under CHIP. States collect the information pertaining to their Medicaid and CHIP dental benefits. *Form Number:* CMS–10291 (OMB control number: 0938–1065); *Frequency:* Yearly and quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 255; *Total Annual Hours:* 11,781. (For policy questions regarding this collection contact Andrew Snyder at 410–786–1274.)

Dated: October 31, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–24013 Filed 11–2–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Culture of Continuous Learning Project: A Breakthrough Series Collaborative for Improving Child Care and Head Start Quality.

OMB No.: New Collection.

Description: The Office of Planning, Research and Evaluation (OPRE) in the Administration for Children and Families (ACF) is proposing an information collection activity for the Culture of Continuous Learning Project. The goal of the project is to assess the feasibility of implementing continuous quality improvement methods in early care and education programs to support the use and sustainability of evidence-based practices. A Breakthrough Series Collaborative (BSC), a specific model designed to support learning and improvement among practitioners at all levels of an organization, will be implemented in Head Start and child care settings. The BSC methodology has not been tested rigorously in early care and education programs, but has been studied in health care and other fields. The findings will be of broad interest to child care early education programs as well as training and technical assistance providers and researchers, all of whom are interested in improving the quality of services young children receive.

Head Start and child care programs that voluntarily participate in the BSC will be asked to complete a number of implementation tools as part of the BSC activities. Data collection for the feasibility study will involve focus

groups, online surveys, direct observation, and document review.

Respondents: Up to 18 early childhood centers will be invited to express interest in participating in the BSC. Up to 8 centers will be selected to participate in the BSC and feasibility study. Core BSC Teams consisting of up to 6 individuals (*e.g.,* directors, lead teachers, assistant teachers, teacher aides, parents, curriculum specialists, etc.) each from four Early Head Start or Head Start programs and four child care programs in a selected geographic location (for a total of 48 individuals); and up to 24 additional teachers or program staff at the same centers who are not part of the Core BSC Team.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
BSC Selection Questionnaire	18	9	1	1	9
Pre-Work Assignment: Team Building Activities	48	24	1	1	24
Pre-Work Assignment: Data Collection Planning Worksheet	16	8	1	2	16
Plan, Do, Study, Act Planning Form & Tracker	48	24	48	.25	288
Discussion Forum Prompts	48	24	48	.25	288
Learning Session Day 1 Evaluation	48	24	4	.17	16
Learning Session Overall Evaluation	48	24	4	.25	24
Action Planning Form	48	24	4	.25	24
Teaching Pyramid Observation Tool (TPOT)/Teaching Pyramid Infant-Toddler Observation Scale (TPITOS)	28	14	2	.33	9
Early Childhood Work Environment Survey (ECWES)	72	36	2	.25	18
Pre/Post Survey	72	36	2	.68	49
Self-report of BSC Activities	72	36	1	.17	6
Core BSC Team Focus Group Topic Guide	48	24	1	1.25	30

Estimated Total Annual Burden Hours: 801.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2017–23970 Filed 11–2–17; 8:45 am]

BILLING CODE 4184–23–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1147]

Controlled Correspondence Related to Generic Drug Development; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Controlled Correspondence Related to Generic Drug Development.'' This guidance provides information regarding the process by which generic drug manufacturers and related industry can submit controlled correspondence to FDA requesting information related to generic drug development and the Agency's process for providing communications related to such correspondence. This guidance also describes the process by which generic drug manufacturers and related industry can submit requests to clarify ambiguities in FDA' controlled correspondence response and the Agency's process for responding to those requests. This draft guidance revises the guidance for industry ''Controlled Correspondence Related to Generic Drug Development'' issued in September 2015.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by January 2, 2018.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a

written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2014–D–1147 for ''Controlled Correspondence Related to Generic Drug Development; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Lisa Bercu, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1611, Silver Spring, MD 20993–0002, 240–402–6902.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Controlled Correspondence Related to Generic Drug Development.'' This guidance provides information regarding the process by which generic drug manufacturers and related industry can submit to FDA controlled correspondence requesting information related to generic drug development and the Agency's process for providing communications related to such correspondence. This guidance also describes the process by which generic drug manufacturers and related industry can submit requests to clarify ambiguities in FDA's controlled correspondence response and the Agency's process for responding to those requests. In accordance with the Generic Drug User Fee Amendments (GDUFA) Reauthorization Performance Goals and Program Enhancements Fiscal Years 2018–2022 (GDUFA II Goals Letter or GDUFA II Commitment Letter), FDA agreed to certain review goals and procedures for the review of controlled correspondence received both before, and on or after October 1, 2017.

The GDUFA II Commitment Letter defines standard controlled correspondence and complex controlled correspondence, and the draft guidance provides additional details and recommendations concerning what inquiries FDA considers controlled correspondence for the purposes of meeting the Agency's GDUFA II commitment. In addition, this guidance provides details and recommendations concerning what information requestors should include in a controlled correspondence to facilitate FDA's consideration of and response to a controlled correspondence and what information FDA will provide in its communications to requestors that have submitted controlled correspondence. The GDUFA II Commitment Letter also states that FDA will review and respond to requests to clarify ambiguities in the controlled correspondence response, and the guidance provides information on how requestors may submit these requests and the Agency's process for responding to them.

This guidance revises the guidance for industry ''Controlled Correspondence Related to Generic Drug Development'' issued in September 2015 available at: *https://www.fda.gov/downloads/drugs/guidances/ucm411478.pdf.* When finalized, this guidance will replace the September 2015 final guidance. Changes from the 2015 version include: Recommendations on requests concerning postapproval submission requirements and complex controlled correspondence, and information on how requestors can submit requests to clarify ambiguities in FDA's controlled correspondence response and the Agency's process for responding to those requests.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on controlled correspondence related to generic drug development. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance contains information collection provisions that 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 title and description of the information collection are given under this section, with an estimate of the reporting burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

We invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Controlled Correspondence Related to Generic Drug Development—OMB Control Number 0910–0797—Revision.

Description: FDA has agreed to specific program enhancements and performance goals specified in the GDUFA II Commitment Letter. One of the performance goals applies to controlled correspondence related to generic drug development. The GDUFA II Commitment Letter includes details on FDA's commitment to respond to questions submitted as controlled correspondence within certain time frames. To facilitate FDA's prompt consideration of the controlled correspondence and to assist in meeting the prescribed time frames, FDA recommends including the following information in the inquiry: (1) Name, title, address, phone number, and entity of the person submitting the inquiry; (2) a letter of authorization, if applicable; (3) the FDA-assigned control number and submission date of any previous, related controlled correspondence that was accepted for substantial review and response, if any, as well as a copy of that previous controlled correspondence and FDA's response, if any; (4) the relevant reference listed drug(s), as applicable, including the application number, proprietary (brand) name, manufacturer, active ingredient, dosage form, and strength(s); (5) a statement that the controlled correspondence is related to a potential abbreviated new drug application (ANDA) submission to the Office of Generic Drugs, and the ANDA number, if applicable; (6) a concise statement of the inquiry; (7) a recommendation of the appropriate FDA review discipline; and (8) relevant prior research and supporting materials.

The GDUFA II Commitment Letter also includes details on FDA's commitment to respond to requests to clarify ambiguities in FDA's controlled correspondence response within certain time frames. To facilitate FDA's prompt consideration of the request, and to assist in meeting the prescribed time frames, FDA recommends including the following information in the inquiry: (1) Name, title, address, phone number, and entity of the person submitting the inquiry; (2) a letter of authorization, if applicable; (3) the FDA-assigned control number, submission date of the controlled correspondence on which the requestor is seeking clarification, a copy of that previous controlled correspondence, and FDA's response to the controlled correspondence; and (4) the clarifying questions and the corresponding section(s) of FDA's controlled correspondence response on which the requestor is seeking clarification.

The following information is based on inquiries considered controlled correspondence and submitted to FDA for fiscal years 2014, 2015, and 2016. FDA estimates approximately 390 generic drug manufacturers and related industry (*e.g.,* contract research organizations conducting bioanalytical or bioequivalence clinical trials) or their representatives would each submit an average of 3.8 inquiries annually for a total of 1,496 inquiries [1,496 ÷ 390 = 3.8]. Information submitted with each inquiry varies widely in content, depending on the complexity of the request. Inquiries that are defined as controlled correspondence may range from a simple inquiry on generic drug labeling to a more complex inquiry for a formulation assessment for a specific proposed generic drug product. As a result, these inquiries can vary between 1 to 10 burden hours, respectively.

Because the content of inquiries considered controlled correspondence is widely varied, we are providing an average burden hour for each inquiry. We estimate that it will take an average of 5 hours per inquiry for industry to gather necessary information, prepare the request, and submit the request to FDA. As a result, we estimate that it will take an average of 7,480 total hours annually for industry to prepare and submit inquiries considered controlled correspondence.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Submission of controlled correspondence	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Generic drug manufacturers, related industry, and representatives	390	3.8	1,496	5	7,480

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

III. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: October 30, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–23947 Filed 11–2–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0510]

Agency Information Collection Activities; Proposed Collection; Comment Request; Substances Prohibited From Use in Animal Food or Feed

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information

collection provisions of existing FDA regulations concerning substances prohibited for use in animal food or feed.

DATES: Submit either electronic or written comments on the collection of information by January 2, 2018.

ADDRESSES: You may submit comments as follows: Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before January 2, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of January 2, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2011–N–0510 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Substances Prohibited From Use in Animal Food or Feed.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Substances Prohibited From Use in Animal Food or Feed—21 CFR 589.2001

OMB Control Number 0910–0627—Extension

This information collection supports Agency regulations regarding substances prohibited from use in animal food or feed. Bovine spongiform encephalopathy (BSE) is a progressive and fatal neurological disorder of cattle that results from an unconventional transmissible agent. BSE belongs to the family of diseases known as transmissible spongiform encephalopathies (TSEs). All TSEs affect the central nervous system of infected animals. Our regulation at § 589.2001 (21 CFR 589.2001) entitled,

''Cattle materials prohibited in animal food or feed to prevent the transmission of bovine spongiform encephalopathy'' is designed to further strengthen existing safeguards against the establishment and amplification of BSE in the United States through animal feed. The regulation prohibits the use of certain cattle origin materials in the food or feed of all animals. These materials are referred to as ''cattle materials prohibited in animal feed'' or CMPAF. Under § 589.2001, no animal feed or feed ingredient can contain CMPAF. As a result, we impose requirements on renderers of specifically defined cattle materials, including reporting and recordkeeping requirements. For purposes of the regulation, we define a renderer as any firm or individual that processes slaughter byproducts, animals unfit for human consumption, including carcasses of dead cattle, or meat scraps. Reporting and recordkeeping requirements are necessary because once materials are separated from an animal it may not be possible, without records, to know whether the cattle material meets the requirements of our regulation.

Recordkeeping: Renderers that receive, manufacture, process, blend, or distribute CMPAF, or products that contain or may contain CMPAF, must take measures to ensure that the materials are not introduced into animal feed, including maintaining adequate written procedures specifying how such processes are to be carried out (§ 589.2001(c)(2)(ii)). Renderers that receive, manufacture, process, blend, or distribute CMPAF, are required to establish and maintain records sufficient to track the CMPAF to ensure that they are not introduced into animal feed (§ 589.2001(c)(2)(vi)).

Renderers that receive, manufacture, process, blend, or distribute *any* cattle materials must establish and maintain records sufficient to demonstrate that material rendered for use in animal feed was not manufactured from, processed with, or does not otherwise contain, CMPAF (§ 589.2001(c)(3)(i)).

Renderers that receive, manufacture, process, blend, or distribute *any* cattle materials must, if these materials were obtained from an establishment that segregates CMPAF from other materials, establish and maintain records to demonstrate that the supplier has adequate procedures in place to effectively exclude CMPAF from any materials supplied (§ 589.2001(c)(3)(i)). Records will meet this requirement if they include either: (1) Certification or other documentation from the supplier that materials supplied do not include CMPAF (§ 589.2001(c)(3)(i)(A)) or (2) documentation of another method acceptable to FDA, such as third-party certification (§ 589.2001(c)(3)(i)(B)).

Reporting: Under our regulations, we may designate a country from which cattle materials are not considered CMPAF. Section 589.2001(f) provides that a country seeking to be so designated must send a written request to the Director of the Center for Veterinary Medicine. The information the country is required to submit includes information about that country's BSE case history, risk factors, measures to prevent the introduction and transmission of BSE, and any other information relevant to determining whether the cattle materials from the requesting country do or do not meet the definitions set forth in § 589.2001(b)(1). We use the information to determine whether to grant a request for designation and to impose conditions if a request is granted. Section 589.2001(f) further states that countries designated under that section will be subject to our future review to determine whether their designations remain appropriate. As part of this process, we may ask designated countries from time to time to confirm that their BSE situation and the information submitted by them in support of their original application remains unchanged. We may revoke a country's designation if we determine that it is no longer appropriate. Therefore, designated countries may respond to our periodic requests by submitting information to confirm their designations remain appropriate. We use the information to ensure their designations remain appropriate.

Description of Respondents: Respondents to this information collection include rendering facilities, feed manufacturers, livestock feeders, and foreign governments seeking designation under § 589.2001(f).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
589.2001(c)(2)(ii), maintain written procedures	50	1	50	20	1,000
589.2001(c)(2)(vi) and (c)(3)(i), maintain records	175	1	175	20	3,500
589.2001(c)(3)(i)(A) and (B), certification or documentation from the supplier	175	1	175	26	4,550
Total					9,050

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Except where otherwise noted, this estimate is based on our estimate of the number of facilities affected by the final rule entitled, ''Substances Prohibited From Use in Animal Food or Feed'', published in the **Federal Register** of April 25, 2008 (73 FR 22720 at 22753). The estimated recordkeeping burden is derived from Agency resources and discussions with affected industry. Our regulations require the maintenance of certain written procedures if cattle not inspected and passed for human consumption are to be rendered for use in animal feed. The recordkeeping burden associated with the requirement to maintain written procedures (§ 589.2001(c)(2)(ii)) will apply to only those renderers that choose to render for use in animal feed cattle not inspected and passed for human consumption. The recordkeeping requirement in § 589.2001(c)(2)(vi) will apply to the limited number of renderers that will handle CMPAF. We estimate that the recordkeeping burden associated with § 589.2001(c)(3)(i) would apply to the balance of the rendering firms not handling CMPAF. Table 1 also reflects the estimated 26 hours each renderer will need to satisfy the requirement in § 589.2001(c)(3)(i)(A) and (B) under which renderers must maintain records from their supplier, certifying that materials provided were free of CMPAF.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
589.2001(f); request for designation	1	1	1	80	80
589.2001(f); response to request for review by FDA	1	1	1	26	26

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimate of the reporting burden for designation under § 589.2001(f) is based on estimates in the final rule entitled, ''Substances Prohibited From Use in Animal Food or Feed,'' published in the **Federal Register** of April 25, 2008, our experience, and the average number of requests for designation received in the past 3 years. The reporting burden for § 589.2001(f) is minimal because requests for designation are seldom submitted. Since 2009, we have received two requests for designation. In the last 3 years, we have not received any new requests for designation; therefore, we estimate that one or fewer requests for designation will be submitted annually. Although we have not received any new requests for designation in the last 3 years, we believe these information collection provisions should be extended to provide for the potential future need of a foreign government to request designation under § 589.2001(f). Table 2, row 1 presents the expected burden of requests for designation. Countries designated under § 589.2001(f) are subject to review by FDA to ensure that their designation remains appropriate. We assume a country's response to a request for review will take about one third the time and effort of a request for designation. Table 2, row 2 presents the expected burden of a request for review. The burden for this information collection has not changed since the last OMB approval.

Dated: October 24, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–23948 Filed 11–2–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–P–2044]

Determination That REVEX (Nalmefene Hydrochloride Injection), 0.1 Milligram Base/Milliliter and 1.0 Milligram Base/Milliliter, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that REVEX (nalmefene hydrochloride injection), 0.1 milligram (mg) base/milliliter (mL) and 1.0 mg base/mL, was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for REVEX (nalmefene hydrochloride injection), 0.1 mg base/mL and 1.0 mg base/mL, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Kelley Nduom, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6221, Silver Spring, MD 20993–0002, 301–796–8597.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, a drug is removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

REVEX (nalmefene hydrochloride injection), 0.1 mg base/mL and 1.0 mg base/mL, is the subject of NDA 20–459, currently held by West-Ward Pharmaceuticals International Limited, and initially approved on April 17, 1995. REVEX is indicated for the complete or partial reversal of opioid drug effects, including respiratory depression, induced by either natural or synthetic opioids. REVEX is also indicated in the management of known or suspected opioid overdose.

In a letter dated June 5, 2009, Baxter Healthcare Corporation, the NDA holder at the time, notified FDA that the manufacturing and distribution of REVEX (nalmefene hydrochloride injection), 0.1 mg base/mL and 1.0 mg base/mL, had been discontinued on May 21, 2008, for business reasons. REVEX (nalmefene hydrochloride injection), 0.1 mg base/mL and 1.0 mg base/mL, is currently listed in the ''Discontinued Drug Product List'' section of the Orange Book.

Nirsum Pharmaceuticals, LLC, submitted a citizen petition dated March 31, 2017 (Docket No. FDA–2017–

P–2044), under 21 CFR 10.30, requesting that the Agency determine whether REVEX (nalmefene hydrochloride injection), 0.1 mg base/mL and 1.0 mg base/mL, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition (and comments submitted to the docket) and reviewing Agency records, and based on the information we have at this time, FDA has determined under § 314.161 that REVEX (nalmefene hydrochloride injection), 0.1 mg base/mL and 1.0 mg base/mL, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that REVEX (nalmefene hydrochloride injection), 0.1 mg base/mL and 1.0 mg base/mL, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of REVEX (nalmefene hydrochloride injection), 0.1 mg base/mL and 1.0 mg base/mL, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list REVEX (nalmefene hydrochloride injection), 0.1 mg base/mL and 1.0 mg base/mL, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to this drug product may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: October 19, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–23952 Filed 11–2–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0109; Control Number: 1625–0030]

Collection of Information Under Review by Office of Management and Budget; OMB

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: 1625–0030, Oil and Hazardous Materials Transfer Procedures. 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 December 4, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0109] 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. 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–2017–0109], and must be received by December 4, 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: 1625–0030.

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 35980, August 2, 2017) required by 44 U.S.C. 3506(c)(2).

We received three comments from two commenters to the 60-day Notice. The first comment was about the language used in our Notice. The commenter stated that the 33 CFR 155.720 transfer procedure requirements apply to a vessel with a capacity of 250 barrels or more of oil or hazardous materials, rather than our Notice language of a vessel with a cargo capacity of 250 barrels or more of oil or hazardous materials (emphasis added). We agree and have revised the language in our 30-day Notice to correct the error. While the language we used in the 60-day Notice was inaccurate, our burden calculation did include vessels with a capacity of 250 barrels or more of oil or hazardous materials.

The second and third comments were about the lightering requirements in 33 CFR 156.210(b). While these comments relate to ICR 1625–0042 ''Requirements for Lightering of Oil and Hazardous Material Cargoes'' and not the subject of this ICR Notice, we have responded to the comments below. The second comment stated that the Coast Guard should update the Headquarters point of contact (POC) in the regulations for submitting hazardous material lightering operation requests. We agree that the POC is unclear; submissions should be made to Commandant (CG–ENG) vice Commandant (CG–5). We will revise this item in an upcoming technical amendment rulemaking. The third comment requested that the Coast Guard update the regulation that they consider outdated. We will consider updating this requirement in a future rulemaking. The comments result in no changes to the Collection.

Information Collection Request

Title: Oil and Hazardous Materials Transfer Procedures.

OMB Control Number: 1625–0030.

Summary: Vessels with a capacity of 250 barrels or more of oil or hazardous materials must develop and maintain transfer procedures. Transfer procedures provide basic safety information for operating transfer systems with the goal of pollution prevention.

Need: Title 33 U.S.C. 1231 authorizes the Coast Guard to prescribe regulations related to the prevention of pollution. Title 33 CFR 155 prescribes pollution prevention regulations including those related to transfer procedures.

Forms: None.

Respondents: Operators of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 160 hours to 149 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. 35, as amended.

Dated: October 31, 2017.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2017–23971 Filed 11–2–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0955]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0031

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0031, Plan Approval and Records for Electrical Engineering Regulations—Title 46 CFR Subchapter J. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before January 2, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0955] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

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. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request [USCG–2017–0955], and must be received by January 2, 2018.

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).

Information Collection Request

Title: Plan Approval and Records for Electrical Engineering Regulations—Title 46 CFR Subchapter J.

OMB Control Number: 1625–0031.

Summary: The information is needed to ensure compliance with our rules on electrical engineering for the design and construction of U.S.-flag commercial vessels.

Need: Title 46 U.S.C. 3306 and 3703 authorize the Coast Guard to establish rules to promote the safety of life and property in commercial vessels. The electrical engineering rules appear at 46 CFR Chapter I, subchapter J (parts 110 through 113).

Forms: None.

Respondents: Owners, operators, shipyards, designers, and manufacturers of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 6,843 hours to 6,524 hours a year due to an estimated decrease in the annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 31, 2017.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2017–23966 Filed 11–2–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

U.S. Customs and Border Protection 2017 East Coast Trade Symposium

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS).

ACTION: Notice of trade symposium.

SUMMARY: This document announces that U.S. Customs and Border Protection (CBP) will convene the 2017 East Coast Trade Symposium (ECTS) in Atlanta, GA, on Tuesday, December 5, 2017, and Wednesday, December 6, 2017. The 2017 ECTS will feature panel discussions involving agency personnel, members of the trade community, and other government agencies on the agency's role in international trade initiatives and programs. Members of the international trade and transportation communities and other interested parties are encouraged to attend.

DATES: Tuesday, December 5, 2017 (opening remarks and general sessions, 8:00 a.m.–5:00 p.m. EST), and Wednesday, December 6, 2017 (break-out sessions, 8:00 a.m.–5:00 p.m. EST).

Registration for Symposium: Registration will be open from 12:00 p.m. EDT on October 26, 2017, to 4:00 p.m. EST on November 17, 2017.

ADDRESSES:

Location of Symposium: The CBP 2017 ECTS will be held at the Marriott Marquis at 265 Peachtree Center Ave., Atlanta, GA 30303.

Registration Address: All registrations must be made online at the CBP Web site (*http://www.cbp.gov/trade/stakeholder-engagement/trade-symposium*) and will be confirmed with payment by credit card only.

FOR FURTHER INFORMATION CONTACT: The Office of Trade Relations at (202) 344–1440, or at *tradeevents@dhs.gov.* To obtain the latest information on the Trade Symposium and to register online, visit the CBP Web site at *http://www.cbp.gov/trade/stakeholder-engagement/trade-symposium.*

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Daisy Castro, Office of Trade Relations, U.S. Customs & Border Protection at (202) 344–1440 or the Office of Trade Relations at *tradeevents@dhs.gov* as soon as possible.

SUPPLEMENTARY INFORMATION: This document announces that CBP will convene the 2017 East Coast Trade Symposium on Tuesday, December 5, 2017, and Wednesday, December 6, 2017, in Atlanta, GA. The format of the 2017 ECTS will be general sessions on the first day and breakout sessions on the second day. The 2017 ECTS will feature panel discussions involving agency personnel, members of the trade community, and other government agencies on the agency's role in international trade initiatives and programs. The symposium will include discussions regarding Modernization of Imports and Exports, Intelligent Enforcement, Western Hemisphere Customs issues, and Border Interagency Executive Council.

The agenda for the 2017 ECTS can be found on the CBP Web site (*http://www.cbp.gov/trade/stakeholder-engagement/trade-symposium*). Registration will be open from 12:00 p.m. EDT on October 26, 2017, to 4:00 p.m. EST on November 17, 2017. The registration fee is $139.00 per person. Interested parties are requested to register immediately, as space is limited. All registrations must be made online at the CBP Web site (*http://www.cbp.gov/trade/stakeholder-engagement/trade-symposium*) and will be confirmed with payment by credit card only. Members of the public who are pre-registered to attend and later need to cancel, please do so by utilizing the following link: *tradeevents@dhs.gov.* Please include your confirmation number with your cancellation request.

Hotel accommodations have been made at the Marriott Marquis at 265 Peachtree Center Ave., Atlanta, GA 30303. Hotel room block reservation information can be found on the CBP Web site (*http://www.cbp.gov/trade/stakeholder-engagement/trade-symposium*).

Dated: October 30, 2017.

Bradley F. Hayes,

Executive Director, Office of Trade Relations.

[FR Doc. 2017–24000 Filed 11–2–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0027; OMB No. 1660–0013]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Exemption of State-Owned Properties Under Self-Insurance Plan

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), 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. FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

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

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Suzan Krowel, Insurance Examiner, Federal Insurance and Mitigation Administration, DHS/FEMA, at (202) 701–3701.

SUPPLEMENTARY INFORMATION: State-Owned properties covered under an adequate State policy of self-insurance satisfactory to FEMA are not required to purchase flood insurance in accordance with Section 102(c)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(c)(1)). NFIP regulations, 44 CFR part 75, establish the standards which a State's insurance plan must meet to be found exempt from the requirement to purchase flood insurance coverage for State-owned structures and their contents. To be eligible for the exemption, State properties must be located in areas identified by the Administrator as A, AO, AH, A1–30, AE, AR, AR/A1–30, AR/AE, AR/AO, AR/AH, AR/A, A99, M, V, VO, V1–30, VE, and E zones, in which the sale of insurance has been made available.

This proposed information collection previously published in the **Federal Register** on June 27, 2017 at 82 FR 29090 with a 60 day public comment period. FEMA received one comment. The commenter advocated for the extension of the State self-insurance exemption to all entities, including small business. FEMA appreciates this comment but is unable to extend the exemption because it is statutorily prescribed. This information collection expired on September 30, 2017. FEMA is requesting a reinstatement, without change, of a previously approved information collection for which approval has expired. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Exemption of State-Owned Properties Under Self-Insurance.

Type of information collection: Reinstatement, without change, of a previously approved collection for which approval has expired.

OMB Number: 1660–0013.

Form Titles and Numbers: None.

Abstract: Application for exemption must be made by the Governor or other duly authorized official of the State accompanied by sufficient supporting documentation which certifies that the plan of self-insurance upon which the application for exemption is based meets or exceeds the standards in NFIP regulations at 44 CFR 75.11.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 20.

Estimated Number of Responses: 20.

Estimated Total Annual Burden Hours: 5.

Estimated Total Annual Respondent Cost: The estimated annual cost to respondents for the hour burden is $8,547. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $3,920.10.

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 30, 2017.

William Holzerland,

Information Management Division Director, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–24005 Filed 11–2–17; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2012–0012]

National Flood Insurance Program Nationwide Programmatic Environmental Impact Statement

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of availability of a final nationwide programmatic environmental impact statement.

SUMMARY: The Federal Emergency Management Agency (FEMA) announces the availability of a final Nationwide Programmatic Environmental Impact Statement (NPEIS) evaluating the environmental impacts of proposed modifications to the National Flood Insurance Program (NFIP). Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality's (CEQs) regulations for implementing the procedural provisions of NEPA, and FEMA's Directive 108–1 titled ''Environmental Planning and Historic Preservation Responsibilities and Program Requirements,'' FEMA has considered comments received on the NFIP Draft NPEIS, which was issued in April 2017, and identifies FEMA's preferred alternative in the NFIP Final NPEIS.

DATES: FEMA will publish a Record of Decision no sooner than 30 days after the date of publication of the U.S. Environmental Protection Agency's Notice of Availability in the **Federal Register**.

ADDRESSES: Electronic versions of the NFIP Final NPEIS are available at the Federal eRulemaking Portal, *http://www.regulations.gov* by searching for Docket ID FEMA–2012–0012.

FOR FURTHER INFORMATION CONTACT: For more information on the NFIP Final NPEIS, contact Bret Gates, FEMA, Federal Insurance and Mitigation Administration, Floodplain Management Division, 400 C Street SW., Washington, DC 20472, or via email at *Bret.Gates@fema.dhs.gov,* or by phone at 202–646–2780.

SUPPLEMENTARY INFORMATION: Flooding has been, and continues to be, a serious risk in the United States. To address the need, in 1968, Congress established the NFIP as a Federal program to provide access to federally backed flood insurance protection. The NFIP is a voluntary Federal program through which property owners in participating communities can purchase Federal flood insurance as a protection against flood losses. In exchange, communities must enact local floodplain management regulations to reduce flood risk and flood-related damages. However, the power to regulate floodplain development, including requiring and approving permits, establishing permitting requirements, inspecting property, and citing violations, requires land use authority. The regulation of land use falls under the State's police powers, which the Constitution reserves to the States, and the States delegate this power down to their respective political subdivisions. FEMA has no direct involvement in the administration of local floodplain management ordinances or in the permitting process for development in the floodplain.

In addition to providing flood insurance and reducing flood damages through floodplain management, the NFIP identifies and maps the nation's floodplains. Maps depicting flood hazard information are used to promote broad-based awareness of flood hazards, provide data for rating flood insurance policies, and determine the appropriate minimum floodplain management criteria for flood hazard areas.

The proposed modifications to the NFIP are needed to (a) implement the legislative requirements of the Biggert-Waters Flood Insurance Reform Act of 2012 (BW–12) and the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA); and (b) to demonstrate compliance with the Endangered Species Act (ESA). As stated in the Draft NPEIS the need to implement the legislative requirements of BW–12 and HFIAA arises from the recent concerns over the fiscal soundness of the NFIP.

This Final NPEIS considers four alternatives and describes the potential environmental effects of each alternative. The four alternatives include:

—Alternative 1 (No Action)

○ The No Action Alternative refers to the current implementation of the NFIP. The No Action Alternative is prescribed by Council on Environmental Quality regulations (40 CFR 1502.14(d)) and serves as a benchmark against which impacts of the alternatives can be evaluated.

—Alternative 2 (Legislatively Required Changes, Floodplain Management Criteria Guidance, and Letter of Map Change [LOMC] Clarification) (Preferred Alternative)

○ Phase out of subsidies on certain pre-FIRM properties (non-primary residences, business properties, severe repetitive loss properties, substantially damaged or improved properties, and properties for which the cumulative claims payments exceed the fair market value of the property) at a rate of 25 percent premium increases per year.

○ Phase out of subsidies on all other pre-FIRM properties through annual premium rate increases of an average rate of at least 5 percent, but no more than 15 percent, per risk classification, with no individual policy exceeding an 18 percent premium rate increase.

○ Implement a monthly installment plan payment option for non-escrowed flood insurance policies.

○ Clarify that pursuant to 44 CFR 60.3(a)(2), a community must obtain and maintain documentation of compliance with the appropriate Federal or State laws, including the ESA, as a condition of issuing floodplain development permits.

○ Clarify that the issuing of certain LOMC requests (*i.e.,* map revisions) is contingent on the community, or the project proponent on the community's behalf, submitting documentation of compliance with the ESA.

—Alternative 3 (Legislatively Required Changes, Proposed ESA Regulatory Changes, and LOMC Clarification)

○ Phase out of subsidies on certain pre-FIRM properties (non-primary residences, business properties, severe repetitive loss properties, substantially damaged or improved properties, and properties for which the cumulative claims payments exceed the fair market value of the property) at a rate of 25 percent premium increases per year.

○ Phase out of subsidies on all other pre-FIRM properties through annual premium rate increases of an average rate of at least 5 percent, but no more than 15 percent, per risk classification, with no individual policy exceeding an 18 percent premium rate increase.

○ Implement a monthly installment plan payment option for non-escrowed flood insurance policies.

○ Establish a new ESA-related performance standard in the minimum floodplain management criteria at 44 CFR 60.3 that would require communities to obtain and maintain documentation that any adverse impacts caused by proposed development, including fill, to ESA-listed species and designated critical habitat will be mitigated to the maximum extent possible.

○ Clarify that the exception to the no-rise performance standard in the floodway applies only to projects that serve a public purpose or result in the restoration of the natural and beneficial functions of floodplains.

○ Increase the probation surcharge applicable to NFIP communities placed on probation from $50 to $100.

○ Clarify that the issuance of certain LOMC requests (*i.e.,* map revisions) is contingent on the community, or the project proponent on the community's behalf, submitting documentation of compliance with the ESA.

—Alternative 4 (Legislatively Required Changes, ESA Guidance, and LOMC Clarification)

○ Phase out of subsidies on certain pre-FIRM properties (non-primary residences, business properties, severe repetitive loss properties, substantially damaged or improved properties, and properties for which the cumulative claims payments exceed the fair market value of the property) at a rate of 25 percent premium increases per year.

○ Phase out of subsidies on all other pre-FIRM properties through annual premium rate increases of an average rate of at least 5 percent, but no more than 15 percent, per risk classification, with no individual policy exceeding an 18 percent premium rate increase.

○ Implement a monthly installment plan payment option for non-escrowed flood insurance policies.

○ Utilize the existing performance standard in 44 CFR 60.3(a)(2) to implement a new policy/procedure requiring communities to ensure that, for any floodplain development for which a floodplain development permit is sought, the impacts to ESA-listed species and designated critical habitat are identified and assessed and, if there are any potential adverse impacts to such species and habitat as a result of such development, that the community obtain and maintain documentation that the proposed floodplain development will be undertaken in compliance with the ESA.

○ Clarify that the issuance of certain LOMC requests (*i.e.,* map revisions) is contingent on the community, or the project proponent on the community's

behalf, submitting documentation of compliance with the ESA.

Environmental topics addressed in the Final NPEIS include air quality, noise, land use and planning, geology and soils, water resources, biological resources, cultural resources, aesthetics/visual resources, infrastructure, socioeconomic resources, hazardous waste and materials, and climate change. Best management practices and mitigation measures that could alleviate environmental effects have been considered and are included where relevant within the Final NPEIS. The proposed alternatives do not have natural or depletable resource requirements because they are changes in policy or regulation that do not involve any physical activities for which resources would be required. For these alternatives, no significant or unavoidable adverse impacts are anticipated.

The Final NPEIS considers comments on the Draft NPEIS, including those submitted during the public comment period that officially began on April 7, 2017 and ended on June 6, 2017, following a 60-day comment period. Appendix M provides the Draft NFIP comments with FEMA responses, and notes revisions in the Final NPEIS.

The NFIP Final NPEIS is available for viewing on the Federal eRulemaking Portal at *http://www.regulations.gov* under Docket ID FEMA–2012–0012.

Authority: 42 U.S.C. 4331 *et seq.;* 40 CFR part 1500; FEMA Instruction 108–1–1.

Dated: October 20, 2017.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–23902 Filed 11–2–17; 8:45 am]

BILLING CODE 9111–A6–P

DEPARTMENT OF HOMELAND SECURITY

The Department of Homeland Security, Office of Cybersecurity and Communications, US-CERT.gov Collection

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Cybersecurity and Communications (CS&C), National Cybersecurity and Communications Integration Center (NCCIC), United States Computer Emergency Readiness Team (US–CERT) will submit the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. DHS previously published this information collection request (ICR) in the **Federal Register** on Tuesday, July 18, 2017 at 82 FR 32858 for a 60-day public comment period. Zero (0) comment was received by DHS. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until December 4, 2017. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.* All submissions must include the words ''Department of Homeland Security'' and the OMB Control Number 1670—NEW (*US-CERT.gov*).

Comments submitted in response to this notice may be made available to the public through relevant Web sites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. 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: For specific questions related to collection activities, please contact Bonnie Limmer at 1–888–282–0870 or at *info@us-cert.gov.*

SUPPLEMENTARY INFORMATION: US–CERT is responsible for performing, coordinating, and supporting response to information security incidents, which may originate outside the Federal community and affect users within it, or originate within the Federal community and affect users outside of it. Often, therefore, the effective handling of security incidents relies on information sharing among individual users, industry, state and local governments, and the Federal Government, which may be facilitated by and through US–CERT.

US–CERT fulfills the role of the Federal information security incident center for the United States Federal Government as defined in the Federal Information Security Modernization Act of 2014. Each Federal agency is required to notify and consult with US–CERT regarding information security incidents involving the information and information systems (managed by a Federal agency, contractor, or other source) that support the operations and assets of the agency. Additional entities report incident information to US–CERT voluntarily.

Per the Federal Information Security Modernization Act of 2014, as codified in subchapter II of chapter 35 of title 44 of the United States Code, US–CERT must inform operators of agency information systems about current and potential information security threats and vulnerabilities. Per the Homeland Security Act, as amended, the NCCIC, of which US–CERT and ICS–CERT are a part, is required to be the Federal civilian interface for sharing cybersecurity risks, incidents, analysis, and warnings for federal and non-Federal entities.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title: Clearance for the Collection of Routine Feedback through *US-CERT.gov.*

OMB Number: 1670—NEW.

Frequency: Ongoing.

Affected Public: Voluntary respondents.

Number of Respondents: 126,325 respondents (estimate).

Estimated Time per Respondent: 3 minutes.

Total Burden Hours: 6,140 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost (operating/maintaining): $0.

David Epperson,

Chief Information Officer.

[FR Doc. 2017–24006 Filed 11–2–17; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Docket No. ONRR–2012–0003; DS63613200 DR2000000.PX8000 189D0102R2]

U.S. Extractive Industries Transparency Initiative Multi-Stakeholder Group (USEITI MSG) Advisory Committee

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: USEITI Advisory Committee meeting cancellation.

SUMMARY: The November 2017 United States Extractive Industries Transparency Initiative Advisory Committee meeting has been cancelled.

DATES: The meeting was scheduled for November 15–16, 2017, in Washington DC.

FOR FURTHER INFORMATION CONTACT: Judith Wilson, Program Manager; 1849 C Street NW., MS 4211; Washington, DC 20240. You may also contact the USEITI Secretariat via email at *useiti@ios.doi.gov,* by phone at 202–208–0272, or by fax at 202–513–0682.

SUPPLEMENTARY INFORMATION: The U.S. Department of the Interior established the USEITI Advisory Committee on July 26, 2012, to serve as the USEITI multi-stakeholder group. The United States has officially withdrawn from the initiative but will continue to participate as a supporting country. More information about the Committee, including its charter, is available at *www.doi.gov/eiti/faca*.

Gregory J. Gould,

Director—Office of Natural Resources Revenue.

[FR Doc. 2017–23900 Filed 11–2–17; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[178D0102DM/DS10700000/DMSN00000.000000/DX.10701.CEN00000, OMB Control Number 1085–0001]

Agency Information Collection Activities; Source Directory of American Indian and Alaska Native Owned and Operated Arts and Crafts Businesses

AGENCY: Indian Arts and Crafts Board, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, The Indian Arts and Crafts Board (IACB) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before January 2, 2018.

ADDRESSES: Send your comments on the information collection request (ICR) by mail to the Meridith Z. Stanton, Indian Arts and Crafts Board, U.S. Department of the Interior, MS 2528–MIB, 1849 C Street NW., Washington, DC 20240. If you wish to submit comments by facsimile, the number is (202) 208–5196, or by email to (*iacb@ios.doi.gov*). Please include ''1085–0001'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Meridith Z. Stanton, Director, Indian Arts and Crafts Board, 1849 C Street NW., MS 2528–MIB, Washington, DC 20240. You may also request additional information by telephone (202) 208–3773 (not a toll free call), or by email to (*iacb@ios.doi.gov*) or by facsimile to (202) 208–5196.

SUPPLEMENTARY INFORMATION: We, the Indian Arts and Crafts Board, in accordance with the Paperwork Reduction Act of 1995, provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Indian Arts and Crafts Board; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Indian Arts and Crafts Board enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Indian Arts and Crafts Board minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

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.

Title of Collection: Source Directory of American Indian and Alaska Native Owned and Operated Arts and Crafts Businesses.

OMB Control Number: 1085–0001.

Form Numbers: FWS Forms 3–2354 through 3–2362.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households.

Total Estimated Number of Annual Responses: 100.

Total Estimated Number of Annual Burden Hours: 25.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: As needed.

Total Estimated Annual Nonhour Burden Cost: None.

Abstract

The Source Directory of American Indian and Alaska Native owned and operated arts and crafts enterprises is a program of the Indian Arts and Crafts Board that promotes American Indian and Alaska Native arts and crafts. The Source Directory is a listing of American Indian and Alaska Native owned and operated arts and crafts businesses that may be accessed by the public on the Indian Arts and Crafts Board's Web site *http://www.doi.gov/iacb.*

The service of being listed in this directory is provided free-of-charge to

members of federally recognized tribes. Businesses listed in the Source Directory include American Indian and Alaska Native artists and craftspeople, cooperatives, tribal arts and crafts enterprises, businesses privately-owned-and-operated by American Indian and Alaska Native artists, designers, and craftspeople, and businesses privately owned-and-operated by American Indian and Alaska Native merchants who retail and/or wholesale authentic Indian and Alaska Native arts and crafts. Business listings in the Source Directory are arranged alphabetically by State.

The Director of the Board uses this information to determine whether an individual or business applying to be listed in the Source Directory meets the requirements for listing. The approved application will be printed in the Source Directory. The Source Directory is updated as needed to include new businesses and to update existing information. There is one type of application form, with a box to check what type of listing they are applying for: (1) New businesses—group; (2) new businesses—individual; (3) businesses already listed—group; and (4) businesses already listed—individual.

The authorities for this action are the Indian Arts and Crafts Act (25 U.S.C. 305) and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Meridith Z. Stanton,

Director, Indian Arts and Crafts Board.

[FR Doc. 2017–24018 Filed 11–2–17; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–85448, F–93344–NE; 17X.LLAK9400000.L14100000.HY0000.P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: The Bureau of Land Management (BLM) hereby provides constructive notice that it will issue an appealable decision to Doyon, Limited, approving conveyance of the mineral estate of oil and gas reserved to the United States in certificates of allotment issued for the lands described below. Conveyance of the reserved mineral estate is authorized by the Alaska Native Claims Settlement Act of 1971, as amended (ANCSA).

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the time limits set out in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7504.

FOR FURTHER INFORMATION CONTACT: Christy Favorite, BLM Alaska State Office, at 907–271–5595, or by email at *cfavorit@blm.gov.* The BLM Alaska State Office may also be contacted via Telecommunications Device for the Deaf (TDD) through the Federal Relay Service at 1–800–877–8339. The relay service is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

SUPPLEMENTARY INFORMATION: As required by 43 CFR 2650.7(d), notice is hereby given that the BLM will issue an appealable decision to Doyon, Limited. The decision approves conveyance of the mineral estate of oil and gas reserved to the United States in certificates of allotment issued for the lands described below. Conveyance of the reserved mineral estate is authorized by ANCSA, as amended (43 U.S.C. 1601, *et seq.*). The lands are located in the vicinity of Nenana, Alaska, and are described as:

U.S. Survey No. 4071A, Alaska.
Containing 70.04 acres.
U.S. Survey No. 4233B, Alaska.
Containing 39.98 acres.
U.S. Survey No. 4445A, Alaska.
Containing 79.99 acres.
U.S. Survey No. 4453A, Alaska.
Containing 15 acres.
U.S. Survey No. 4467C, Alaska.
Containing 39.98 acres.
U.S. Survey No. 4470C, Alaska.
Containing 40.00 acres.
U.S. Survey No. 4473A, Alaska.
Containing 40.00 acres.
U.S. Survey No. 9972, Alaska.
Containing 5 acres.
U.S. Survey No. 9974, Alaska.
Containing 39.99 acres.
Aggregating 370 acres.

Notice of the decision will also be published once a week for four consecutive weeks in the *Fairbanks Daily News-Miner* newspaper.

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until December 4, 2017 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by facsimile will not be accepted as timely filed.

Christy Favorite,

Chief, Adjudication Section.

[FR Doc. 2017–23999 Filed 11–2–17; 8:45 am]

BILLING CODE 4310–JA–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–480 and 731–TA–1188 (Review)]

High Pressure Steel Cylinders From China

Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the countervailing and antidumping duty orders on high pressure steel cylinders 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 these reviews on May 1, 2017 (82 FR 20314) and determined on August 4, 2017 that it would conduct expedited reviews (82 FR 42836, September 12, 2017).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on October 31, 2017. The views of the Commission are contained in USITC Publication 4738 (October 2017), entitled *High Pressure Steel Cylinders from China: Investigation Nos.* 701–TA–480 and 731–TA–1188 (Review).

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

By order of the Commission.

Issued: October 30, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–23929 Filed 11–2–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1051]

Certain LTE Wireless Communication Devices and Components Thereof; Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation Based Upon Settlement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 13) of the presiding administrative law judge (''ALJ'') granting a joint motion to terminate the investigation based upon settlement. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337–TA–1051 on May 1, 2017, based on a complaint filed by Complainants LG Electronics, Inc. of Seoul, Republic of Korea; LG Electronics Alabama, Inc. of Huntsville, Alabama; and LG Electronics MobileComm U.S.A., Inc. of Englewood Cliffs, New Jersey (collectively, ''Complainants''). *See* 82 FR 20377–78 (May 1, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation, of certain LTE wireless communication devices and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,916,714; U.S. Patent No. 8,107,456; U.S. Patent No. 9,191,173; U.S. Patent No. 9,225,572; and U.S. Patent No. 8,891,560. *See id.* The notice of investigation identified BLU Products, Inc. of Doral, Florida and CT Miami, LLC of Doral, Florida (collectively, ''Respondents'') as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is also a party to this investigation. *See id.*

On October 4, 2017, Complainants and Respondents (collectively, ''the Private Parties'') filed a joint motion to terminate the investigation based upon settlement (''Joint Motion''). On October 10, 2017, the Commission Investigative Attorney filed a response in support of the Joint Motion.

On October 12, 2017, the ALJ issued the subject ID (Order No. 13) granting the Joint Motion. The ID finds that the Private Parties complied with Commission Rule 210.21(b), 19 CFR 210.21(b). *See* ID at 2. In particular, the ID notes that the Private Parties ''provided confidential and public versions of the [Settlement and License] Agreement'' and ''state[d] [that] '[t]here are no other agreements, written or oral, express or implied between [Complainants] and [Respondents] concerning the subject matter of this investigation.' '' *See id.* (citing Joint Motion at 2). The ID also considers the public interest under Commission Rule 210.50(b)(2), 19 CFR 210.50(b)(2) and finds ''no evidence indicating that terminating this investigation based on the [Settlement and License] Agreement would be contrary to the public interest.'' *See id.*

No party has filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The investigation is terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 30, 2017

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–23916 Filed 11–2–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1015]

Certain Hand Dryers and Housing for Hand Dryers; Commission's Determination To Affirm the Domestic Industry Finding Under Modified Reasoning; Issuance of a General Exclusion Order; Issuance of Three Cease and Desist Orders; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to affirm under modified reasoning the ALJ's finding with respect to the existence of a domestic industry. The Commission has also determined to issue a general exclusion order directed against infringing hand dryers and housings for hand dryers, and has issued three cease and desist orders against defaulted respondents US Air Hand Dryer, Penson & Co., and TC Bunny Co., Ltd. The investigation is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 1, 2016, based on a complaint filed by Complainant Excel Dryer, Inc. of East Longmeadow, Massachusetts

(''Excel''), alleging a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based upon the importation into the United States, or in the sale of certain hand dryers and housings for hand dryers by reason of trade dress infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States. *See* 81 FR 50549–50 (Aug. 1, 2016). The notice of investigation identified twelve respondents: ACL Group (Intl.) Ltd. of Skelbrooke, United Kingdom (''ACL''); Alpine Industries Inc. of Irvington, New Jersey (''Alpine''); FactoryDirectSale of Ontario, California; Fujian Oryth Industrial Co., Ltd. (a/k/a Oryth) of Fujian, China (''Oryth''); Jinhua Kingwe Electrical Co. Ltd., (a/k/a Kingwe) of Jinhua City, China (''Kingwe''); Penson & Co. of Shanghai, China (''Penson''); Taizhou Dihour Electrical Appliances Co., Ltd., a/k/a Dihour of Wenling City, China (''Dihour''); TC Bunny Co., Ltd. of Shanghai, China (''TC Bunny''); Toolsempire of Ontario, California; US Air Hand Dryer of Sacramento, California (''US Air''); Sovereign Industrial (Jiaxing) Co. Ltd. d/b/a Vinovo of Jiaxing, China (''Vinovo''); and Zhejiang Aike Appliance Co., Ltd. of Zhejiang, China (''Aike''). *See id.* The Office of Unfair Import Investigations (''OUII'') is also a party to this investigation. *See id.*

The Commission terminated six respondents from the investigation based on consent order stipulations and the entry of consent orders. These terminated respondents are: Alpine, Order No. 11 (Sept. 8, 2016), *not reviewed,* Notice (Oct. 11, 2016); Kingwe, Order No. 12 (Sept. 8, 2016), *not reviewed,* Notice (Oct. 11, 2016); ACL, Order No. 15 (Sept. 28, 2016), *not reviewed,* Notice (Oct. 27, 2016); Aike, Order No. 16 (Oct. 4, 2016), *not reviewed,* Notice (Nov. 3, 2016); Toolsempire, Order No. 18 (Oct. 11, 2016), *not reviewed,* Notice (Nov. 14, 2016); and FactoryDirectSale (Order No. 19 (Oct. 11, 2016), *not reviewed,* Notice (Nov. 14, 2016).

The Commission found the six remaining respondents in default based on their failure to respond to the complaint and notice of investigation. These respondents (''the Defaulted Respondents'') are: Penson, Dihour, US Air, Oryth, TC Bunny, and Vinovo. Order No. 21 (Oct. 31, 2016), *not reviewed,* Notice (Nov. 28, 2016); Order No. 24 (Feb. 2, 2017), *not reviewed,* Notice (Feb. 22, 2017).

On March 24, 2017, Excel filed a motion for summary determination on domestic industry and violation of section 337 by the Defaulting Respondents. Excel also requested a general exclusion order, cease and desist orders, and a bond rate of 100 percent of entered value during the period of Presidential review. On April 5, 2017, the OUII filed a response in support of Excel's motion and requested remedy. On June 2, 2017, the ALJ issued the subject ID/RD (Order No. 27), granting the motion and recommending that the Commission issue a general exclusion order, issue cease and desist orders, and set a bond at 100 percent of entered value during the period of Presidential review. No petitions for review of the subject ID were filed.

On July 14, 2017, the Commission determined ''to review the ID's analysis and finding with respect to the existence of a domestic industry.'' Notice (July 14, 2017). The Commission also sought written submissions on two issues from the parties, and written submissions on remedy, the public interest, and bonding from the parties and the public. The Commission received a main submission from OUII on July 27, 2017, a main submission from Excel on July 28, 2017, and a reply submission from OUII on August 2, 2017. No other submissions were received.

Having examined the record of this investigation, the Commission has determined to affirm under modified reasoning the ALJ's finding with respect to the existence of a domestic industry. Here, although this investigation concerns an alleged violation of section 337(a)(1)(A)(i) based on trade dress infringement, the ALJ analyzed the existence of a domestic industry under section 337(a)(3), which applies to section 337(a)(1)(B)–(E). The Commission finds that the evidence credited by the ALJ is sufficient to satisfy the requirement of ''an industry in the United States'' under section 337(a)(1)(A)(i).

The Commission has determined that the appropriate form of relief in this investigation is: (a) A general exclusion order; and (b) cease and desist orders prohibiting US Air, Penson, and TC Bunny from importing, selling, offering for sale, marketing, advertising, distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors of imported hand dryers and housings for hand dryers that infringe the Excel Trade Dress. The Commission has further determined that the public interest factors enumerated in section 337(d)(2) (19 U.S.C. 1337(d)(2)) and in section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude the issuance of the general exclusion order and cease and desist orders, respectively. Finally, the Commission has determined that the bond for importation during the period of Presidential review shall be in the amount of 100 percent of the entered value of the imported subject articles of the respondents. The investigation is terminated.

Chairman Schmidtlein supports issuing all of the cease and desist orders requested by Excel, including against Vinovo. She has filed a dissenting opinion explaining her views.

The Commission's orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 30, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–23938 Filed 11–2–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1080]

Certain Wafer-Level Packaging Semiconductor Devices and Products Containing Same (Including Cellular Phones, Tablets, Laptops, and Notebooks) and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 28, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Tessera Advanced Technologies, Inc. of San Jose, California. A supplement to the complaint was filed on October 13, 2017. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wafer-level packaging semiconductor devices and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof by reason of infringement of one or more claims of U.S. Patent No. 6,954,001 (''the '001 patent'') and U.S. Patent No. 6,784,557

(''the '557 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, The Office of Secretary, Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 30, 2017, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wafer-level packaging semiconductor devices and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof by reason of infringement of one or more of claims 1–8 of the '557 patent and claims 1–18 of the '001 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Tessera Advanced Technologies, Inc., 3025 Orchard Parkway, San Jose, CA 95134.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics Co., Ltd., 129 Samsung-ro, Maetan-3dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea 443–742.

Samsung Electronics America, Inc., 85 Challenger Road, Ridgefield Park, NJ 07660.

Samsung Semiconductor, Inc., 3655 N. 1st Street, San Jose, CA 95134.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 31, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–24004 Filed 11–2–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–470F]

Final Adjusted Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2017

AGENCY: Drug Enforcement Administration (DEA), Department of Justice (DOJ).

ACTION: Final order.

SUMMARY: This final order establishes the final adjusted 2017 aggregate production quotas for controlled substances in schedules I and II of the Controlled Substances Act and the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

DATES: This order is applicable November 3, 2017.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Legal Authority

Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for each basic class of controlled substances listed in schedules I and II and for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The Attorney General has delegated this function to the Administrator of the Drug Enforcement Administration (DEA) pursuant to 28 CFR 0.100.

Background

The DEA published the 2017 established aggregate production quotas for controlled substances in schedules I and II and for the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine in the **Federal Register** on October 5, 2016. 81 FR 69079. This notice stated that the

Administrator would adjust, as needed, the established aggregate production quotas in 2017 in accordance with 21 CFR 1303.13 and 21 CFR 1315.13. The 2017 proposed adjusted aggregate production quotas for controlled substances in schedules I and II and assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine were subsequently published in the **Federal Register** on August 4, 2017, (82 FR 36449) in consideration of the outlined criteria. All interested persons were invited to comment on or object to the proposed adjusted aggregate production quotas and assessment of annual needs on or before September 5, 2017.

Comments Received

Three DEA-registered entities submitted timely comments regarding a total of eleven schedule I and II controlled substances. Comments received proposed that the aggregate production quotas for amphetamine (for conversion), dihydrocodeine, diphenoxylate (for sale), heroin, levorphanol, lisdexamfetmine, methadone intermediate, noroxymorphone (for conversion), oripavine, oxycodone (for sale), and oxymorphone (for conversion) were insufficient to provide for the estimated medical, scientific, research, and industrial needs of the United States, for export requirements, and for the establishment and maintenance of reserve stocks. The DEA received 43 comments from non-DEA registered entities in response to the DEA's August 4, 2017, press release for the proposed 2018 aggregate production quotas. The majority of these commenters expressed concerns about the 20 percent decrease to the production quotas of controlled substances. The DEA also received two comments from non-DEA registered entities suggesting that the rescheduling of marihuana would drastically reduce opioid use, misuse, and addiction. These 45 comments addressed issues that were outside the scope of this final order, and therefore are not relevant to the analysis involved in finalizing the 2017 aggregate production quotas.

The DEA received no comments from DEA-registered or non-DEA registered entities for previously established values of the 2017 assessment of annual needs for ephedrine, pseudoephedrine, and phenylpropanolamine.

Analysis for Final Adjusted 2017 Aggregate Production Quotas and Assessment of Annual Needs

In determining the final adjusted 2017 aggregate production quotas and assessment of annual needs, the DEA has taken into consideration the above comments that are specifically relevant to this Final Order for calendar year 2017 along with the factors set forth in 21 CFR 1303.13 and 21 CFR 1315.13 in accordance with 21 U.S.C. 826(a), and other relevant factors including the 2016 year-end inventories, initial 2017 manufacturing and import quotas, 2017 export requirements, actual and projected 2017 sales, research and product development requirements, and additional applications received. Based on all of the above, the Administrator is adjusting the 2017 aggregate production quotas and assessment of annual needs for 4-Anilino-N-Phenethyl-4-Piperidine (ANPP), dihydrocodeine, ephedrine (for sale), fentanyl, hydrocodone (for sale), meperidine, methadone intermediate, morphine (for sale), opium (tincture), Oripavine, oxycodone (for sale), Oxymorphone (for conversion), Oxymorphone (for sale), phenylpropanolamine (for conversion), phenylpropanolamine (for sale), pseudoephedrine (for sale), tapentadol, and thiafentanil. This final order reflects those adjustments.

Regarding diphenoxylate (for sale), heroin, levorphanol, and noroxymorphone (for conversion) the Administrator hereby determines that the proposed adjusted 2017 aggregate production quotas and assessment of annual needs for these substances and list I chemicals as published on August 4, 2017, (82 FR 36449) are sufficient to meet the current 2017 estimated medical, scientific, research, and industrial needs of the United States and to provide for adequate reserve stock. This final order establishes these aggregate production quotas at the same amounts as proposed.

Pursuant to the above, the Administrator hereby finalizes the 2017 aggregate production quotas for the following schedule I and II controlled substances and the 2017 assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, expressed in grams of anhydrous acid or base, as follows:

Basic class	Final revised 2017 quotas (g)
Schedule I	
1-(1-Phenylcyclohexyl)pyrrolidine	10
1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM2201)	30
1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)	30
1-[1-(2-Thienyl)cyclohexyl]piperidine	15
1-Benzylpiperazine	25
1-Methyl-4-phenyl-4-propionoxypiperidine	2
2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)	30
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)	30
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)	30
2-(2,5-Dimethoxy-4-n-propylphenyl)ethanamine (2C-P)	30
2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)	30
2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)	25
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)	30
2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82)	25
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)	30
2-(4-Iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I–NBOMe; 2C-I–NBOMe; 25I; Cimbi-5)	30
2,5-Dimethoxy-4-ethylamphetamine (DOET)	25
2,5-Dimethoxy-4-n-propylthiophenethylamine	25
2,5-Dimethoxyamphetamine	25
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)	30
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	30
3,4,5-Trimethoxyamphetamine	25
3,4-Methylenedioxyamphetamine (MDA)	55

Basic class	Final revised 2017 quotas (g)
3,4-Methylenedioxymethamphetamine (MDMA)	50
3,4-Methylenedioxy-N-ethylamphetamine (MDEA)	40
3,4-Methylenedioxy-N-methylcathinone (methylone)	40
3,4-Methylenedioxypyrovalerone (MDPV)	35
3-FMC; 3-Fluoro-N-methylcathinone	25
3-Methylfentanyl	30
3-Methylthiofentanyl	30
4-Bromo-2,5-dimethoxyamphetamine (DOB)	25
4-Bromo-2,5-dimethoxyphenethylamine (2–CB)	25
4-Fluoroisobutyryl fentanyl	30
4-FMC; Flephedrone	25
4-MEC; 4-Methyl-N-ethylcathinone	25
4-Methoxyamphetamine	150
4-Methyl-2,5-dimethoxyamphetamine (DOM)	25
4-Methylaminorex	25
4-Methyl-N-methylcathinone (mephedrone)	45
4-Methyl-α-pyrrolidinopropiophenone (4-MePPP)	25
5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol	50
5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog)	40
5F-ADB; 5F-MDMB-PINACA (methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30
5F-AMB (methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate)	30
5F-APINACA; 5F-AKB48 (*N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide)	30
5-Fluoro-PB-22; 5F-PB-22	20
5-Fluoro-UR144, XLR11 ([1-(5-fluoro-pentyl)-1*H*indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	25
5-Methoxy-3,4-methylenedioxyamphetamine	25
5-Methoxy-N,N-diisopropyltryptamine	25
5-Methoxy-N,N-dimethyltryptamine	25
AB-CHMINACA	30
AB-FUBINACA	50
AB-PINACA	30
Acetyl Fentanyl	100
Acetyl-*alpha*-methylfentanyl	30
Acetyldihydrocodeine	30
Acetylmethadol	2
ADB-FUBINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide)	30
ADB-PINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide)	50
AH-7921	30
Allylprodine	2
Alphacetylmethadol	2
alpha-Ethyltryptamine	25
Alphameprodine	2
Alphamethadol	2
alpha-Methylfentanyl	30
alpha-Methylthiofentanyl	30
alpha-Methyltryptamine (AMT)	25
alpha-Pyrrolidinobutiophenone (α-PBP)	25
alpha-Pyrrolidinopentiophenone (α-PVP)	25
Aminorex	25
APINCA, AKB48 (*N*-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide)	25
Benzylmorphine	30
Betacetylmethadol	2
beta-Hydroxy-3-methylfentanyl	30
beta-Hydroxyfentanyl	30
beta-Hydroxythiofentanyl	30
Betameprodine	2
Betamethadol	4
Betaprodine	2
Bufotenine	3
Butylone	25
Butyryl Fentanyl	30
Cathinone	24
Codeine Methylbromide	30
Codeine-N-oxide	330
Desomorphine	25
Diethyltryptamine	25
Difenoxin	8,750
Dihydromorphine	1,566,000
Dimethyltryptamine	35
Dipipanone	5
Etorphine	30
Fenethylline	30
Furanyl Fentanyl	30

Basic class	Final revised 2017 quotas (g)
gamma-Hydroxybutyric acid	56,200,000
Heroin	45
Hydromorphinol	2
Hydroxypethidine	2
Ibogaine	30
JWH-018 and AM678 (1-Pentyl-3-(1-naphthoyl)indole)	35
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	45
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	45
JWH-081 (1-Pentyl-3-[1-(4-methoxynaphthoyl)]indole)	30
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)	30
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	35
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole)	30
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole)	30
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole)	30
Lysergic acid diethylamide (LSD)	40
MAB-CHMINACA; ADB-CHMINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide)	30
MDMB-CHMICA; MMB-CHMINACA(methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate)	30
MDMB-FUBINACA (methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30
Marihuana	472,000
Mecloqualone	30
Mescaline	25
Methaqualone	60
Methcathinone	25
Methyldesorphine	5
Methyldihydromorphine	2
Morphine methylbromide	5
Morphine methylsulfonate	5
Morphine-N-oxide	350
N,N-Dimethylamphetamine	25
Naphyrone	25
N-Ethyl-1-phenylcyclohexylamine	5
N-Ethylamphetamine	24
N-Hydroxy-3,4-methylenedioxyamphetamine	24
Noracymethadol	2
Norlevorphanol	55
Normethadone	2
Normorphine	40
para-Fluorofentanyl	25
Parahexyl	5
PB-22; QUPIC	20
Pentedrone	25
Pentylone	25
Phenomorphan	2
Pholcodine	5
Psilocybin	30
Psilocyn	50
SR-18 and RCS-8 (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole)	45
SR-19 and RCS-4 (1-Pentyl-3-[(4-methoxy)-benzoyl]indole)	30
Tetrahydrocannabinols	409,000
Thiofentanil	25
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	30
Tilidine	25
Trimeperidine	2
U-47700	30
UR-144 (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	25
Schedule II	
1-Phenylcyclohexylamine	4
1-Piperidinocyclohexanecarbonitrile	4
4-Anilino-N-phenethyl-4-piperidine (ANPP)	1,050,000
Alfentanil	4,200
Alphaprodine	2
Amobarbital	20,100
Amphetamine (for conversion)	12,000,000
Amphetamine (for sale)	42,400,000
Carfentanil	20
Cocaine	103,400
Codeine (for conversion)	40,000,000
Codeine (for sale)	45,000,000
Dextropropoxyphene	35

Basic class	Final revised 2017 quotas (g)
Dihydrocodeine	360,000
Dihydroetorphine	2
Diphenoxylate (for conversion)	15,000
Diphenoxylate (for sale)	1,110,000
Ecgonine	99,000
Ethylmorphine	30
Etorphine Hydrochloride	32
Fentanyl	1,350,000
Glutethimide	2
Hydrocodone (for conversion)	122,000
Hydrocodone (for sale)	51,900,000
Hydromorphone	5,140,800
Isomethadone	30
Levo-alphacetylmethadol (LAAM)	5
Levomethorphan	30
Levorphanol	12,900
Lisdexamfetamine	19,000,000
Meperidine	2,904,000
Meperidine Intermediate-A	5
Meperidine Intermediate-B	30
Meperidine Intermediate-C	5
Metazocine	15
Methadone (for sale)	23,700,000
Methadone Intermediate	28,700,000
Methamphetamine	1,539,100
[900,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 600,000 grams for methamphetamine mostly for conversion to a schedule III product; and 39,100 grams for methamphetamine (for sale)]	
Methylphenidate	73,000,000
Morphine (for conversion)	27,300,000
Morphine (for sale)	35,000,000
Nabilone	19,000
Noroxymorphone (for conversion)	17,700,000
Noroxymorphone (for sale)	400,000
Opium (powder)	90,000
Opium (tincture)	500,000
Oripavine	28,900,000
Oxycodone (for conversion)	2,610,000
Oxycodone (for sale)	101,500,000
Oxymorphone (for conversion)	23,000,000
Oxymorphone (for sale)	3,600,000
Pentobarbital	27,500,000
Phenazocine	5
Phencyclidine	35
Phenmetrazine	25
Phenylacetone	40
Racemethorphan	5
Racemorphan	5
Remifentanil	3,000
Secobarbital	172,002
Sufentanil	4,000
Tapentadol	18,600,000
Thiafentanil	30
Thebaine	100,000,000
List I Chemicals	
Ephedrine (for conversion)	50,000
Ephedrine (for sale)	4,810,000
Phenylpropanolamine (for conversion)	13,600,000
Phenylpropanolamine (for sale)	7,000,000
Pseudoephedrine (for conversion)	40
Pseudoephedrine (for sale)	186,000,000

Aggregate production quotas for all other schedule I and II controlled substances included in 21 CFR 1308.11 and 1308.12 remain at zero.

Dated: October 27, 2017.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2017–24009 Filed 11–2–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Rhodes Technologies

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before December 4, 2017. Such persons may also file a written request for a hearing on the application on or before December 4, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on March 17, 2017, Rhodes Technologies, 498 Washington Street, Coventry, Rhode Island 02816 applied to be registered as an importer the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Tetrahydrocannabinols.	7370	I
Methylphenidate	1724	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Morphine	9300	II
Oxymorphone ...	9652	II
Opium, raw	9600	II
Poppy Straw Concentrate.	9670	II

The company plans to import opium, raw (9600) and poppy straw concentrate (9670) in order to bulk manufacture controlled substances in Active Pharmaceutical Ingredient (API) form. The company distributes the manufactured APIs in bulk to its customers. The company plans to import the other listed controlled substances for internal reference standards use only. The comparisons of foreign reference standards to the company's domestically manufacture API will allow the company to export domestically manufacture API to foreign markets.

Dated: October 31, 2017.

Demetra Ashley,

Acting Assistant Administrator.

[FR Doc. 2017–24012 Filed 11–2–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On October 27, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Ohio in the lawsuit entitled *United States and the State of Ohio* v. *United Rolls Inc.,* Civil Action No. 5:17–cv–02278.

The United States and the State of Ohio filed a Complaint seeking civil penalties and injunctive relief from Defendant United Rolls Inc. for alleged violations of the Clean Air Act, 42 U.S.C. 7401–7671q, and corresponding provisions of Ohio's air pollution control laws at United Rolls' iron foundry facility in Canton, Ohio. The Complaint alleges violations of recordkeeping and reporting requirements, as well as failure to meet requirements for the control of particulate matter emissions from United Rolls' facility. The proposed Consent Decree would require United Rolls to perform emissions testing, upgrade an air pollution control monitoring system, and take other steps to control air pollutant emissions from its Canton facility. United Rolls also would pay a total of $310,000 in civil penalties (with $186,000 payable to the United States and $124,000 payable to the State).

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Ohio* v. *United Rolls Inc.,* D.J. Ref. No. 90–5–2–1–10704. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $16.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–23915 Filed 11–2–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Alaska

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

This notice announces a change in benefit period eligibility under the EB Program for Alaska.

The following change has occurred since the publication of the last notice regarding the State's EB status:

• Based on data released by the Bureau of Labor Statistics on October 20, 2017, Alaska's 3-month average seasonally adjusted total unemployment rate was 7.1 percent which exceeds 110 percent of the corresponding rate in the second preceding year. This causes Alaska to be triggered ''on'' to an EB period beginning November 5, 2017. The State will remain in an EB period for a minimum of 13 weeks.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an EB period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13 (c) (1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact their State Workforce Agency.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance Room S–4524, Attn: Anatoli Sznoluch, 200 Constitution Avenue NW., Washington, DC 20210, telephone number (202) 693–3176 (this is not a toll-free number) or by email: *Sznoluch.Anatoli@dol.gov.*

Nancy M. Rooney,

Deputy Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2017–24002 Filed 11–2–17; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request, National Guard Youth ChalleNGe Job ChalleNGe Evaluation, New Collection

AGENCY: Office of the Assistant Secretary for Policy, Chief Evaluation Office, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents is properly assessed.

Currently, DOL is soliciting comments concerning the collection of follow-up survey data about the National Guard Youth ChalleNGe and Job ChalleNGe Program. A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before January 2, 2018.

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

Email: ChiefEvaluationOffice@dol.gov; Mail or Courier: Jessica Lohmann, Chief Evaluation Office, OASP, U.S. Department of Labor, Room S–2312, 200 Constitution Avenue NW., Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Jessica Lohmann by email at *ChiefEvaluationOffice@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. *Background:* The National Guard Youth ChalleNGe program has demonstrated positive, sustained impacts on the educational attainment and labor market outcomes of youth who are not in school or the labor force. To build on this success, in early 2015 the Employment and Training Administration (ETA) issued $12 million in grants for three Youth ChalleNGe programs to (1) expand the program's target population to include youth who have been involved with the courts, and (2) add a five-month residential occupational training component, known as Job ChalleNGe.

The National Guard Youth ChalleNGe Job ChalleNGe Evaluation includes an outcome and an implementation study. The evaluation requires collection of three primary types of data: (1) Background and contact information, (2) program implementation details, and (3) follow-up youth outcomes. The Chief Evaluation Office (CEO) has already received OMB approval to collect the first two types of data (control number 1291–0008). The planned outcomes data collection included in this ICR will answer three main research questions: (1) How did youth experience the post-residential phase of the program?, (2) What were the employment, education, and criminal justice outcomes of Job ChalleNGe participants?, and (3) What expectations do youth have for the future?

This **Federal Register** Notice provides the opportunity to comment on two proposed data collection instruments for follow-up youth outcomes study:

* *Text survey.* Job ChalleNGe participants who are enrolled in the program between approximately July 2017 and July 2018 and give consent to participate in the evaluation (and whose parents/guardians have done so, when necessary) and permission to contact them via text message will be asked to complete a brief survey administered by text messaging on a monthly basis for 8 months, during months 8 through 15 after the youth began Job ChalleNGe. The brief survey is designed to provide snapshots of the progression over time that the respondents make in their employment, earnings, and education. For each round of monthly text message data collection, each participant will be asked to answer three to five questions. It is expected to take the participants an

average of four minutes to complete each of the 8 rounds of the text survey.

* *Follow-up survey.* The sample for the follow-up survey is the same as for the text survey with one exception. The follow-up survey will be administered via web and permission to be contacted by text is not required to participate in the follow-up survey. The follow-up survey, to be conducted 16 months after the start of Job ChalleNGe for each cohort, covers five broad topics: (1) Participants' experiences during Job ChalleNGe, such as the services they received; (2) characteristics of a current job and their recent work search efforts, such as employment and earnings; (3) educational experiences, including attainment and future plans; (4) involvement in the court system, such as whether or not the participant was arrested and convicted of a crime; and (5) views about the value of different aspects of the Job ChalleNGe program. It is expected to take the participants an average of 15 minutes to complete the survey.

II. *Desired Focus of Comments:* Currently, DOL is soliciting comments concerning the above data collection for the National Guard Youth ChalleNGe Job ChalleNGe Evaluation. DOL is particularly interested in comments that do the following:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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-for example, permitting electronic submission of responses.

III. *Current Actions:* At this time, DOL is requesting clearance for the text message survey and the follow-up survey.

Type of Review: New information collection request.

OMC Control Number: 1290—0NEW.

Affected Public: Youth participating in the Youth ChalleNGe program and the Job ChalleNGe program.

ESTIMATED TOTAL BURDEN HOURS

Type of instrument	Total number respondents	Annual number of respondents	Number of responses per respondent	Average burden hour per response (hours)	Annual estimated burden hours	Total estimated burden hours
Texting Data Collection	[a] 351	117	8	0.07	66	197
Follow-up Survey	[b] 414	138	1	0.25	35	104
Total	[c] 765	255	.....	.....	101	301

[a] The text message survey will be collected from all Job ChalleNGe participants who consented to participate in the study, who provided a cell phone number to the study team, and who consented to be contacted via text messaging. The number of respondents is based on a 90% study consent rate × an 85% consent to text rate × an 85% response rate.

[b] The follow-up survey will be collected from all Job ChalleNGe participants who consented to participate in the study. The number of respondents is based on a 90% study participation consent rate × an 85% response rate.

[c] Most youth participating in the text data collection will also participate in the follow-up data collection. Therefore, the table provides an upper estimate of the number of separate respondents.

Form(s): Total respondents: 765 youth. Most youth participating in the text data collection will also participate in the follow-up data collection. Therefore, this estimate provides an upper estimate of the number of separate respondents.

Annual Frequency: Eight times for the text survey and one time for the follow-up survey.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: October 27, 2017.

Molly Irwin,

Chief Evaluation Officer, U.S. Department of Labor.

[FR Doc. 2017–24003 Filed 11–2–17; 8:45 am]

BILLING CODE 4510–HX–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Mechanical Power Presses Standard

ACTION: Notice of availability; request for comments.

SUMMARY: On October 31, 2017, the Department of Labor (DOL) will submit the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Mechanical Power Presses Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before December 4, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201710-1218-001* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of

the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Mechanical Power Presses Standard information collection requirements codified in regulations 29 CFR 1910.217(e)(1). The inspection and certification records required by the Standard help to ensure that mechanical power presses are in safe operating condition and that all safety devices work as intended. Failure of a safety device could cause serious injury or death to a worker. Occupational Safety and Health Act sections 2(b)(9), 6(b)(7), and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655(b)(7), 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0229.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 10, 2017 (82 FR 37467.

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0229. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Mechanical Power Presses Standard.

OMB Control Number: 1218–0229.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 115,050.

Total Estimated Number of Responses: 115,050.

Total Estimated Annual Time Burden: 37,967 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: October 30, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–23993 Filed 11–2–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Grain Handling Facilities Standard

ACTION: Notice of availability; request for comments.

SUMMARY: On October 31, 2017, the Department of Labor (DOL) will submit the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Grain Handling Facilities Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before December 4, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201709-1218-002* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Grain Handling Facilities Standard information collection requirements codified in regulations 29 CFR 1910.272, which requires an Occupational Safety and Health Act (OSH Act) covered employer engaged in the operation of a grain handling facility to develop a housekeeping plan, an emergency action plan, and procedures for the use of tags and locks. The Standard also addresses the circumstances under which an employer must issue a hot work permit or a permit authorizing entry into a grain storage structure. Certification records are also required after inspections of the mechanical and safety control equipment associated with dryers, grain stream processing equipment, etc. OSH Act sections

2(b)(9), 6(b)(7), and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655(b)(7), 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0206.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 18, 2017 (82 FR 39459).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0206. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Grain Handling Facilities Standard.

OMB Control Number: 1218–0206.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 14,782.

Total Estimated Number of Responses: 1,127,991.

Total Estimated Annual Time Burden: 57,428 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: October 30, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–23994 Filed 11–2–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Department of Labor Events Registration Platform

ACTION: Notice of availability; request for comments.

SUMMARY: On October 31, 2017, the Department of Labor (DOL) will submit the information collection request (ICR) titled, ''Department of Labor Events Registration Platform,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before December 4, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201710-1290-001* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the DOL Events Registration Platform information collection. More specifically, the DOL periodically requests the public to register to attend a DOL sponsored event. The DOL Events Management Platform is a shared service that allows a DOL agency to collect registration information in a way that can be tailored to a particular event. As the information needed to register for specific events may vary, this ICR provides a generic format to obtain any required PRA authorization from the OMB. The DOL notes that registration requirements for many events do not require PRA clearance, because the information requested is minimal (*e.g.,* information necessary to identify the attendee, address, etc.).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1290–0002.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection

requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 30, 2017 (82 FR 41291).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1290–0002. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OS.

Title of Collection: Department of Labor Events Registration Platform.

OMB Control Number: 1290–0002.

Affected Public: State, Local, and Tribal Governments; Individuals or Households; and Private Sector—businesses or other for-profits, farms, and not-for-profit institutions.

Total Estimated Number of Respondents: 2,200.

Total Estimated Number of Responses: 3,200.

Total Estimated Annual Time Burden: 250 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: October 30, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–23992 Filed 11–2–17; 8:45 am]

BILLING CODE 4510–04–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Education and Human Resources Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Education and Human Resources (#1119).

Date and Time:

November 30, 2017; 8:00 a.m. to 5:00 p.m.

December 1, 2017; 8:00 a.m. to 2:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Room W2210, Alexandria, VA 22314.

To attend the meeting, all visitors must contact the Directorate for Education and Human Resources at least 48 hours prior to the meeting to arrange for a visitor's badge. All visitors must access NSF via the Visitor Center entry adjacent to the south building entrance on Eisenhower Avenue on the day of the meeting to receive their visitor's badge.

Meeting materials and minutes will also be available on the EHR Advisory Committee Web site at *https://www.nsf.gov/ehr/advisory.jsp.*

Type of Meeting: Open.

Contact Person: Mr. Keaven M. Stevenson, National Science Foundation, 2415 Eisenhower Avenue, Room C11000, Alexandria, VA 22314; (703) 292–8600; *kstevens@nsf.gov.*

Summary of Minutes: May be obtained from Dr. Susan E. Brennan, National Science Foundation, 2415 Eisenhower Avenue, Room W11233, Alexandria, VA 22314; (703) 292–5096; *Sbrennan@nsf.gov.*

Purpose of Meeting: To provide advice with respect to the Foundation's science, technology, engineering, and mathematics (STEM) education and human resources programming.

Agenda

Thursday, November 30, 2017; 8:00 a.m. to 5:00 p.m.

- Remarks by Committee Chair and EHR Assistant Director
- Launching a STEM Education Initiative
- Open Education Resources Subcommittee Update
- Public-Private Partnerships
- Update on NSF INCLUDES and NSF's Broadening Participation Portfolio
- EHR's New Hispanic-Serving Institutions Program
- Discussion with NSF Director France Córdova and Chief Operating Officer Joan Ferrini-Mundy

Friday, December 1, 2017; 8:00 a.m. to 2:00 p.m.

- Day 1 Recap
- Telling the EHR Story
- EHR Research Roadmap Report
- Advisory Committee FY 2018 Priorities and Use of Subcommittees
- Update on EHR Programs
- Advisory Committee Recommendations

Dated: October 30, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–23921 Filed 11–2–17; 8:45 a.m.]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board (NSB), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended, (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of meetings for the transaction of NSB business as follows:

TIMES AND DATE: November 8, 2017 from 8:30 a.m. to 4:30 p.m., and November 9, 2017 from 8:00 a.m. to 2:00 p.m. EST.

PLACE: These meetings will be held at the NSF headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314. Please note the new address. Meetings are held in the boardroom on the 2nd floor. All visitors must contact the Board Office (call 703–292–7000 or send an email to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the meeting and provide your name and organizational affiliation. Visitors must report to the NSF visitor's desk in the building lobby to receive a visitor's badge. Due to recent security changes, visitors should allot extra time for the entrance process.

STATUS: Some of these meetings will be open to the public. Others will be closed to the public. See full description below.

MATTERS TO BE CONSIDERED:

Wednesday, November 8, 2017

Plenary Board Meeting

Open Session: 8:30–9:00 a.m.

- NSB Chair's Opening Remarks
- NSF Director's Remarks
- Update on DC Meetings and Louisiana Visit

Committee on Strategy (CS)

Open Session: 9:00–10:30 a.m.

- Committee Chair's Opening Remarks

- Approval of Prior Minutes
- FY 2018 Budget Request Update
- Windows on the Universe Big Idea Briefing
- Directorate of Engineering Portfolio Briefing

Committee on Awards and Facilities (A&F)

Open Session: 10:45–11:45 a.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- CY 2017 Schedule of Planned Action and Information Items
- CY 2018 Schedule of Planned Action and Information Items
- Oversight for Major Research Facilities
- Facility Portal and Facilities Plan Future Directions

Committee on Oversight (CO)

Open Session: 1:00–2:00 p.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- Review of OIG Semiannual Report and NSF Management Tables
- Inspector General's Update
  - Brief Description of Oversight.gov
  - Presentation of Annual Audit Plan
- Chief Financial Officer's Update
- Relocation Report

Committee on Strategy (CS)

Closed Session: 2:00–2:45 p.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- FY 2019 OMB Budget Submission Update

Committee on Awards and Facilities (A&F)

Closed Session: 3:00–4:30 p.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- Ocean Observatories Initiative (OOI) Operations and Management
- Seismological Facilities for the Advancement of Geoscience and EarthScope (SAGE) and Geodesy Advancing Geosciences and EarthScope (GAGE)
- Information Item: NSF's Center for Optical-Infrared Astronomy (NCOA)
- Action Item: Arecibo Observatory Record of Decision
- Astronomy Facilities Divestment Planning

MATTERS TO BE DISCUSSED

Thursday, November 9, 2017

Committee on National Science and Engineering Policy (SEP)

Open Session: 8:00–9:00 a.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- Discussion and Consideration of the draft *S&E Indicators 2018* Overview and Digest
- Discussion of Policy Companion Statement to *S&E Indicators 2018* Topics

Committee on External Engagement (EE)

Open Session: 9:00–10:00 a.m.

- Committee Chair's Opening Remarks
- Approval of Prior Minutes
- Update on Recent and Upcoming Activities
- *S&E Indicators 2018* Rollout Planning
- Strategic Engagement Goals for 2018 and Beyond

Plenary Board

Closed Session: 10:15–10:30 a.m.

- Board Chair's Opening Remarks
- Director's Remarks
- Approval of Prior Minutes
- Closed Committee Reports
- Vote: Arecibo Observatory Record of Decision

Plenary Board (Executive)

Closed Session: 10:30–11:30 a.m.

- Board Chair's Opening Remarks
- Approval of Prior Minutes
- Director's Remarks
- Award Involving an NSB Member
- Presentation of Nomination Slate for the Class of 2024
- Presentation of 2018 Honorary Award Nominations

Plenary Board

Open Session: 11:30 a.m.–12:00 p.m.

- Board Chair's Opening Remarks
- Discussion and Consideration of a Charge to the Task Force on the Skilled Technical Workforce

Plenary Board

Open Session Continues: 1:00–2:00 p.m.

- Board Chair's Opening Remarks
- Approval of Prior Minutes
- NSF Director's Remarks
- Open Committee Reports
- Votes:
  - Facility Plan
  - *S&E Indicators 2018* Overview
  - *S&E Indicators 2018* Digest
- NSF's Efforts Related to Risk Management
- Board Chair's Closing Remarks

Meeting Adjourns: 2:00 p.m.

MEETINGS THAT ARE OPEN TO THE PUBLIC:

November 8, 2017

8:30–9:00 a.m. Plenary NSB Introduction
9:00–10:30 a.m. Committee on Strategy (CS)
10:45–11:45 a.m. Awards & Facilities Committee (AF)
1:00–2:00 p.m. Committee on Oversight (CO)

November 9, 2017

8:00–9:00 a.m. Committee on National Science and Engineering Policy (SEP)
9:00–10:00 a.m. Committee on External Engagement (EE)
11:30 a.m.–12:00 p.m., 1:00–2:00 p.m. Plenary

MEETINGS THAT ARE CLOSED TO THE PUBLIC:

November 8, 2017

2:00–2:45 p.m. (CS)
3:00–4:30 p.m. (A&F)

November 9, 2017

10:15–10:30 a.m. Plenary
10:30–11:30 a.m. Plenary Executive

SUPPLEMENTARY INFORMATION: Public meetings and public portions of meetings held in the 2nd floor boardroom will be webcast. To view these meetings, go to: *http://www.tvworldwide.com/events/nsf/171108* and follow the instructions. The public may observe public meetings held in the boardroom. The address is 2415 Eisenhower Avenue, Alexandria, VA 22314. Contact the Board Office (call 703–292–7000 or send an email to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the meeting to obtain a badge for entry. Report to the NSF visitor's desk in the building lobby for a visitor's badge.

Please refer to the NSB Web site for additional information. You will find any updated meeting information and schedule updates (time, place, subject matter, or status of meeting) at *https://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.*

The NSB will continue its program to provide some flexibility around meeting times. After the first meeting of each day, actual meeting start and end times will be allowed to vary by no more than 15 minutes in either direction. As an example, if a 10:00 meeting finishes at 10:45, the meeting scheduled to begin at 11:00 may begin at 10:45 instead. Similarly, the 10:00 meeting may be allowed to run over by as much as 15 minutes if the Chair decides the extra time is warranted. The next meeting would start no later than 11:15. Arrive at the NSB boardroom or check the webcast 15 minutes before the scheduled start time of the meeting you wish to observe. Members of the public are invited to provide feedback on the flexible scheduling. Contact: *national sciencebrd@nsf.gov.*

Contact Persons for More Information: The NSB Office contact is Brad

Gutierrez, *bgutierr@nsf.gov,* 703–292–7000. The Public Affairs contact is Nadine Lymn, *nlymn@nsf.gov,* 703–292–2490.

Chris Blair,

Executive Assistant, National Science Board Office.

[FR Doc. 2017–24105 Filed 11–1–17; 4:15 pm]

BILLING CODE 7555–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Notice—December 6, 2017 Public Hearing

TIME AND DATE: 2:00 p.m., Wednesday, December 6, 2017.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

STATUS: Hearing OPEN to the Public at 2:00 p.m.

PURPOSE: Public Hearing in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

PROCEDURES: Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m. Wednesday, November 29, 2017. The notice must include the individual's name, title, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m. Wednesday, November 29, 2017. Such statement must be typewritten, double spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda, which will be available at the hearing, that identifies speakers, the subject on which each participant will speak, and the time allotted for each presentation.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

Written summaries of the projects to be presented at the December 14, 2017, Board meeting will be posted on OPIC's Web site.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Catherine F.I. Andrade at (202) 336–8768, via facsimile at (202) 408–0297, or via email at *Catherine.Andrade@opic.gov.*

Dated: November 1, 2017.

Catherine F. I. Andrade,

OPIC Corporate Secretary.

[FR Doc. 2017–24063 Filed 11–1–17; 11:15 am]

BILLING CODE 3210–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: OPM Form 1655, Application for Senior Administrative Law Judge, and OPM Form 1655–A, Geographic Preference Statement for Senior Administrative Law Judge Applicant

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Administrative Law Judge Program Office, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an information collection request (ICR) 3206–0248, OPM Form 1655, *Application for Senior Administrative Law Judge,* and OPM Form 1655–A, *Geographic Preference Statement for Senior Administrative Law Judge Applicant.* OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until January 2, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Administrative Law Judge Program Office, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Juanita H. Love, ALJ Program Manager or via electronic mail to *juanita.love@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Administrative Law Judge Program Office, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Juanita H. Love, ALJ Program Manager or via electronic mail to *juanita.love@opm.gov,* or call (202) 606–3822.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

OPM Form 1655, *Application for Senior Administrative Law Judge,* and OPM Form 1655–A, *Geographic Preference Statement for Senior Administrative Law Judge Applicant,* are used by retired Administrative Law Judges seeking reemployment on a temporary and intermittent basis to complete hearings of one or more specified case(s) in accordance with the Administrative Procedure Act of 1946. OPM proposes to revise the information collection for OPM Form 1655 to clarify, in the instructions, who may apply for the Senior ALJ Program and to list States and territories as geographic locations on OPM Form 1655–A.

Analysis

Agency: Administrative Law Judge Program Office, Office of Personnel Management.

Title: OPM Form 1655, *Application for Senior Administrative Law Judge,* and OPM Form 1655–A, *Geographic Preference Statement for Senior Administrative Law Judge Applicant.*

OMB Number: 3206–0248.

Frequency: Annually.

Affected Public: Federal Administrative Law Judge Retirees.

Number of Respondents: Approximately 150—OPM Form 1655/Approximately 200—OPM Form 1655–A.

Estimated Time per Respondent: Approximately 30–45 Minutes—OPM Form 1655/Approximately 15–25 Minutes—OPM Form 1655–A.

Total Burden Hours: Estimated 94 hours—OPM Form 1655/Estimated 67 hours—OPM Form 1655–A.

Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–23955 Filed 11–2–17; 8:45 am]

BILLING CODE 6325–43–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Application for Deferred Retirement (for Persons Separated on or after October 1, 1956), OPM 1496A

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an extension without change of a currently approved information collection request (ICR), Application for Deferred Retirement (for persons separated on or after October 1, 1956), OPM 1496A.

DATES: Comments are encouraged and will be accepted until January 2, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2347–E, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0121). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

OPM Form 1496A is used by eligible former Federal employees to apply for a deferred Civil Service annuity.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Deferred Retirement (for persons separated on or after October 1, 1956).

OMB Number: 3206–0121.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 2,800.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 2,800.

Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–23960 Filed 11–2–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Life Insurance Election, Standard Form (SF) 2817

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Federal Employee Insurance Operations (FEIO), Healthcare & Insurance, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection, Life Insurance Election, SF 2817.

DATES: Comments are encouraged and will be accepted until December 4, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0230) was previously published in the **Federal Register** on May 26, 2017, at 82 FR 24404, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Standard Form 2817 is used by federal employees and assignees (those who have acquired control of an employee/annuitant's coverage through an assignment or ''transfer'' of the ownership of the life insurance). Clearance of this form for use by active Federal employees is not required according to Paperwork Reduction Act. Therefore, only the use of this form by

assignees, *i.e.* members of the public, is subject to the Paperwork Reduction Act.

Analysis

Agency: Federal Employee Insurance Operations, Healthcare & Insurance, Office of Personnel Management.
Title: Life Insurance Election.
OMB Number: 3206–0230.
Frequency: On occasion.
Affected Public: Individual or Households.
Number of Respondents: 150.
Estimated Time per Respondent: 15 minutes.
Total Burden Hours: 38 hours.

U.S. Office of Personnel Management

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–23957 Filed 11–2–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Disabled Dependent Questionnaire, RI 30–10

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR), Disabled Dependent Questionnaire, RI 30–10.

DATES: Comments are encouraged and will be accepted until December 4, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0179) was previously published in the **Federal Register** on May 5, 2017, at 82 FR 21275, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 30–10 is used to collect sufficient information about the medical condition and earning capacity for the Office of Personnel Management to be able to determine whether a disabled adult child is eligible for health benefits coverage and/or survivor annuity payments under the Civil Service Retirement System or the Federal Employees Retirement System.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.
Title: Disabled Dependent Questionnaire.
OMB Number: 3206–0179.
Frequency: On occasion.
Affected Public: Individual or Households.
Number of Respondents: 2,500.
Estimated Time per Respondent: 1 hour.
Total Burden Hours: 2,500 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–23958 Filed 11–2–17; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Evidence To Prove Dependency of a Child, RI 25–37

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR), Evidence to Prove Dependency of a Child, RI 25–37.

DATES: Comments are encouraged and will be accepted until December 4, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. Chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0206) was previously published in the **Federal Register** on May 5, 2017, at 82 FR 21277, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 25–37 is designed to collect sufficient information for the Office of Personnel Management to determine whether the surviving child of a deceased federal employee is eligible to receive benefits as a dependent child.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Evidence to Prove Dependency of a Child.

OMB Number: 3206–0206.

Frequency: On occasion.

Affected Public: Individual or Households.

Number of Respondents: 250.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 250 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–23959 Filed 11–2–17; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2018–36]

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:* November 7, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–36; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* October 30, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Jennaca D. Upperman; *Comments Due:* November 7, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–23969 Filed 11–2–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Temporary Emergency Committee of the Board of Governors; Sunshine Act Meeting

DATES AND TIMES: Monday, November 13, 2017, at 10:00 a.m.; and Tuesday, November 14, at 8:00 a.m.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza SW., in the Benjamin Franklin Room.

STATUS: Monday, November 13, at 10:00 a.m.—Closed; Tuesday, November 14, at 8:00 a.m.—Open.

MATTERS TO BE CONSIDERED:

Monday, November 13, 2017, at 10:00 a.m. (Closed)

1. Financial Matters.
2. Strategic Issues.
3. Compensation and Personnel Matters.
4. Executive Session—Discussion of prior agenda items and Board governance.

Tuesday, November 14, at 8:00 a.m. (Open)

1. Remarks of the Postmaster General and CEO and Chairman of the Temporary Emergency Committee of the Board.
2. Approval of Minutes of Previous Meetings.
3. FY2017 10K and Financial Statements.
4. FY2018 IFP and Financing Resolution.
5. FY2019 Appropriations Request.
6. Quarterly Service Performance Report.
7. Approval of Annual Report and Comprehensive Statement.
8. Draft Agenda for the February 8 and 9, 2018 meetings.

CONTACT PERSON FOR MORE INFORMATION: Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza

SW., Washington, DC 20260–1000. Telephone: (202) 268–4800.

Julie S. Moore,

Secretary.

[FR Doc. 2017–24069 Filed 11–1–17; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81981; File No. SR–CBOE–2017–066]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Reflect in the Exchange's Governing Documents, Rulebook and Fees Schedules, a Non-Substantive Corporate Branding Change, Including Changes to the Company's Name, the Intermediate's Name, and the Exchange's Name

October 30, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 16, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposed rule change with respect to amendments of the Second Amended and Restated Certificate of Incorporation (the ''Company's Certificate'') and Third Amended and Restated Bylaws (the '' Company's Bylaws'') of its parent corporation, CBOE Holdings, Inc. (''CBOE Holdings'' or the ''Company'') to change the name of the Company to Cboe Global Markets, Inc. The Exchange also proposes to amend its Third Amended and Restated Certificate of Incorporation (the ''Exchange Certificate''), Eighth Amended and Restated Bylaws of Chicago Board Options, Exchange, Incorporated (the ''Exchange Bylaws''), rulebook and fees schedules (collectively ''operative documents'') in connection with the name change of its parent Company and the Exchange.

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

The purpose of this filing is to reflect in the Exchange's governing documents (and the governing documents of its parent company, CBOE Holdings) and the Exchange's rulebook and fees schedules, a non-substantive corporate branding change, including changes to the Company's name and the Exchange's name. Particularly, references to Company's and Exchange's names will be deleted and revised to state the new names, as described more fully below. No other substantive changes are being proposed in this filing. The Exchange represents that these changes are concerned solely with the administration of the Exchange and do not affect the meaning, administration, or enforcement of any rules of the Exchange or the rights, obligations, or privileges of Exchange members or their associated persons is [sic] any way. Accordingly, this filing is being submitted under Rule 19b–4(f)(3). In lieu of providing a copy of the marked name changes, the Exchange represents that it will make the necessary non-substantive revisions described below to the Exchange's corporate governance documents, rulebook, and fees schedules, and post updated versions of each on the Exchange's Web site pursuant to Rule 19b–4(m)(2).

The Company's Name Change

In connection with the corporate name change of its parent company, the Exchange is proposing to amend the Company's Certificate and Bylaws. Specifically, the Company is changing its name from ''CBOE Holdings, Inc.'' to ''Cboe Global Markets, Inc.''

(a) Company's Certificate

The Exchange proposes to (i) delete the following language from Paragraph (1) of the introductory paragraph: ''The name of the Corporation is CBOE Holdings, Inc.'' and (ii) amend Article First of the Company's Certificate to reflect the new name, ''Cboe Global Markets, Inc.''. The Exchange also proposes to add clarifying language and cite to the applicable provisions of the General Corporation Law of the State of Delaware in connection with the proposed name change. The Exchange notes that it is not amending the Company's name in the title or signature line as the name changes will not be effective until the Company, as currently named, files the proposed changes in Delaware. Thereafter, the Exchange will amend the Certificate to reflect the new name in the title and signature line. The Exchange also notes that although the Exchange's name is changing, as discussed more fully below, it is not amending the name of the Exchange referenced in Article Fifth(a)(iii) at this time. Particularly, the Exchange notes that unlike the exception applicable to proposed changes to the Company's name,[3] a vote of stockholders is required to adopt an amendment to the reference of the Exchange's name. As such, the Exchange will submit a rule filing to amend the Certificate to reflect the new Exchange name at such time it is ready to obtain stockholder approval.

(b) Company's Bylaws

With respect to the Company's Bylaws, references to ''CBOE Holdings, Inc.'' will be deleted and revised to state ''Cboe Global Markets, Inc.'' The Exchange also proposes to eliminate the reference to ''Chicago Board Options Exchange, Incorporated'' in Article 10, Section 10.2. Particularly, Section 10.2 provides that ''for so long as the Corporation shall control, directly or indirectly, any national securities exchange, including, but not limited to Chicago Board Options Exchange, Incorporated (a ''Regulated Securities Exchange Subsidiary''), before any amendment, alteration or repeal of any provision of the Bylaws shall be

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Section 242(b) of the General Corporation Law of the State of Delaware.

effective, such amendment, alteration or repeal shall be submitted to the board of directors of each Regulated Securities Exchange Subsidiary, and if such amendment, alteration or repeal must be filed with or filed with and approved by the Securities and Exchange Commission, then such amendment, alteration or repeal shall not become effective until filed with or filed with and approved by the Securities and Exchange Commission, as the case may be.'' As the Company currently controls a number of Regulated Securities Exchange Subsidiaries, it does not believe it is necessary to explicitly reference only Chicago Board Option Exchange, Incorporated and therefore proposes to delete the following language: ''including, but not limited to Chicago Board Options Exchange, Incorporated''.

The Exchange's Name Change

For purposes of consistency, certain of the Parent's subsidiaries have also undertaken to change their legal names. As a result, the Exchange also proposes to change its name from ''Chicago Board Options Exchange, Incorporated'' to ''Cboe Exchange, Inc.'' throughout its rules, fees schedules and corporate documents. The Exchange is also changing references to ''CBOE'' to ''Cboe Options'', with certain exceptions described below. Lastly, the Exchange is changing the name of ''Market Data Express, LLC'' to ''Cboe Data Services, LLC'' and consequently also changing references to ''MDX'' to ''CDS''. Therefore, the Exchange proposes to amend its: (i) Third Amended and Restated Certificate of Incorporation of Chicago Board Options Exchange, Incorporated (ii) Eighth Amended and Restated Bylaws of Chicago Board Options Exchange, Incorporated, (iii) Rulebook, (iv) Fees Schedule and (v) Market Data Express, LLC Fees Schedule (collectively, the ''Operative Documents'') to reflect the name changes.

(a) Exchange's Certificate

The Exchange proposes to (i) delete the following language from the introductory paragraph: ''The name of the Corporation is Chicago Board Options Exchange, Incorporated'' and (ii) amend Article First of the Exchange's Certificate to reflect the new name, ''Cboe Exchange, Inc.''. The Exchange also proposes to change references to its parent company, ''CBOE Holdings, Inc.'' to ''Cboe Global Markets, Inc.''. The Exchange notes that it is not amending the Exchange's name in the title or signature line as the name changes will not be effective until the Exchange, as currently named, files the proposed changes in Delaware. Thereafter, the Exchange will amend the Certificate to reflect the new name in the title and signature line.

(b) Exchange's Bylaws

For the Exchange's Bylaws, all references to ''Chicago Board Options Exchange, Incorporated'' will be deleted and revised to state ''Cboe Exchange, Inc.''. Additionally, a reference to its parent company, ''CBOE Holdings, Inc.'' will be deleted and revised to state ''Cboe Global Markets, Inc.''.

(c) Exchange's Rulebook

For the Rules of Chicago Board Options Exchange, Incorporated, all references to ''Chicago Board Options Exchange, Incorporated'', ''Chicago Board Options Exchange, Inc.'' and ''Chicago Board Options Exchange'' will be deleted and revised to state ''Cboe Exchange, Inc.''. Additionally, notwithstanding the below exceptions, all references to ''CBOE'', will be deleted and revised to state ''Cboe Options''. The Exchange notes that references to ''CBOE'' that precedes any product name (*e.g.,* ''CBOE Bio Tech'')[4] will be deleted and revised to state ''Cboe''. Similarly, any references to ''CBOE Command'', ''CBOE Application Server'', ''CBOE Market Interface'' and CBOE Livevol, LLC'' will be deleted and revised to state ''Cboe Command'', ''Cboe Application Server'', ''Cboe Market Interface'' and ''Cboe Livevol, LLC'', respectively. Lastly, the Exchange notes that any references to its parent company, ''CBOE Holdings, Inc.'' will be deleted and revised to state ''Cboe Global Markets, Inc.''.

(d) Exchange's Fees Schedule

For the Chicago Board Options Exchange, Incorporated Fees Schedule, any reference to ''Chicago Board Options Exchange, Incorporated'' will be deleted and revised to state ''Cboe Exchange, Inc.''. Additionally, all references to ''CBOE'' will be deleted and revised to state ''Cboe Options'', with the exception that any references to ''CBOE Command'' will be deleted and revised to state ''Cboe Command''.

(e) Market Data Express, LLC Fees Schedule

For the Market Data Express, LLC Fees Schedule, all references to ''Market Data Express, LLC'' will be deleted and revised to state ''Cboe Data Services, LLC'' and references to ''CBOE Streaming Markets'' will be deleted in its entirety. Additionally references to ''MDX'' will be deleted and revised to state ''CDS''. Finally, all references to ''CBOE'' will be deleted and revised to state ''Cboe Options''.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the proposed change is a non-substantive change and does not impact the governance, ownership or operations of the Exchange. The Exchange believes that by ensuring that its parent company's governance documents and the Exchanges operative documents accurately reflect the new legal names, the proposed rule change would reduce potential investor or market participant confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the Company's and Exchange's governance and operative documents to reflect the abovementioned name changes.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

[4] *See* Rule 24.1, Interpretation and Policies .01 (Definitions).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and paragraph (f) of Rule 19b–4 [8] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will 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–CBOE–2017–066 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2017–066. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. 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 SR–CBOE–2017–066 and should be submitted on or before November 24, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–23927 Filed 11–2–17; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81977; File No. SR–NYSEArca–2017–36]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt NYSE Arca Equities Rule 8.900 To Permit Listing and Trading of Managed Portfolio Shares and To List and Trade Shares of the Royce Pennsylvania ETF, Royce Premier ETF, and Royce Total Return ETF Under Proposed NYSE Arca Equities Rule 8.900

October 30, 2017.

On April 14, 2017, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to: (1) Adopt NYSE Arca Equities Rule 8.900 (Managed Portfolio Shares); and (2) list and trade shares of the Royce Pennsylvania ETF, Royce Premier ETF, and Royce Total Return ETF under proposed NYSE Arca Equities Rule 8.900. The proposed rule change was published for comment in the **Federal Register** on May 4, 2017.[3] On June 15, 2017, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] The Commission received four comments on the proposed rule change.[6] On July 31, 2017, the Commission instituted proceedings under Section 19(b)(2)(B) of the Exchange Act [7] to determine whether to approve or disapprove the proposed rule change.[8] Since then, the Commission has received five additional comments on the proposed rule change.[9]

Section 19(b)(2) of the Act [10] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission, however, may extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80553 (April 28, 2017), 82 FR 20932.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 80935, 82 FR 28152 (June 20, 2017). The Commission designated August 2, 2017, as the date by which it should approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] *See* Letter from Gary L. Gastineau, President, ETF Consultants.com, Inc., to Brent J. Fields, Secretary, Commission, dated May 24, 2017; Letter from Todd J. Broms, Chief Executive Officer, Broms & Company LLC, to Brent J. Fields, Secretary, Commission, dated May 25, 2017; Letter from James J. Angel, Associate Professor of Finance, Georgetown University, McDonough School of Business, to the Commission, dated May 25, 2017; and Terence W. Norman, Founder, Blue Tractor Group, LLC, to Brent J. Fields, Secretary, Commission, dated July 18, 2017. The comment letters are available on the Commission's Web site at: *https://www.sec.gov/comments/sr-nysearca-2017-36/nysearca2017-36.htm.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 81267, 82 FR 36510 (August 4, 2017).

[9] *See* Letter from Christopher P. Wilcox, J.P. Morgan Asset Management, to David W. Grim, Director, Division of Investment Management, Commission, dated July 7, 2017; Letter from Mark Criscitello, Chairman, Precidian Funds LLC, to Brent J. Fields, Secretary, Commission, dated October 11, 2017; Letter from Daniel J. McCabe, Chief Executive, Precidian Investments, to Brent J. Fields, Secretary, Commission, dated October 12, 2017; Letter from Andrew M. Gross, Jr., to Jay Clayton, Chairman, Commission, dated October 16, 2017; and Letter from Joseph A. Sullivan, Chairman and Chief Executive Officer, Legg Mason, Inc., to Brent J. Fields, Secretary, Commission, dated October 12, 2017. The comment letters are available on the Commission's Web site at: *https://www.sec.gov/comments/sr-nysearca-2017-36/nysearca201736.htm.*

[10] 15 U.S.C. 78s(b)(2).

Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on May 4, 2017.[11] October 31, 2017, is 180 days from that date, and December 30, 2017, is an additional 60 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised in the comment letters that have been submitted in connection therewith. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[12] designates December 30, 2017, as the date by which the Commission should either approve or disapprove the proposed rule change (File No SR–NYSEArca–2017–36).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–23923 Filed 11–2–17; 8:45 am]

BILLING CODE 8011–01–P

[11] *See supra* note 3.

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81976; File No. SR–MIAX–2017–43]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Options Rules 700, 1322, and 517

October 30, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 16, 2017, Miami International Securities Exchange, LLC (''MIAX Options'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to make minor corrective changes to Exchange Rule 700, Exercise of Option Contracts; Rule 1322, Options Communications; and Rule 517, Quote Types Defined.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings/* at MIAX Options' principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 700, Exercise of Option Contracts; Rule 1322, Options Communications; and Rule 517, Quote Types Defined, to make minor non-substantive corrective changes.

First, the Exchange proposes to amend Exchange Rule 700 to remove a duplicate item identifier. The Exchange recently amended Rule 700 by adding new paragraph (h).[3] However, the Exchange inadvertently numbered the paragraph as (h) when it should have been numbered as (l). The Exchange is not proposing any change to the wording of the Rule or to its application. The Exchange is only proposing to amend Rule 700(h) to be renumbered to Rule 700(l).

Second, the Exchange proposes to amend Exchange Rule 1322, Options Communications to make minor corrective changes to the numerical list item identifiers to properly conform to the hierarchical heading scheme used throughout the Exchange's rulebook. Paragraph (a) currently reads, ''Definitions. For purposes of this Rule and any interpretation thereof, 'options communications' consist of:.'' The language after the word ''Definition'' should be in a separate sub-paragraph, therefore, the Exchange proposes to amend this Rule to move the language after the word ''Definition'' to sub-paragraph (a)(1). Accordingly, sub-paragraphs (a)(1) through (a)(3) will be renumbered as (a)(1)(i) through (a)(1)(iii); sub-paragraph (a)(4) will be renumbered as (a)(2); sub-paragraphs (a)(4)(1) through (a)(4)(3) will be renumbered as (a)(2)(i) through (a)(2)(iii); sub-paragraph (a)(5) will be renumbered as (a)(3); sub-paragraphs (a)(5)(A) through (a)(5)(F) will be renumbered as (a)(3)(i) through (a)(3)(vi); sub-paragraphs (h)(i) through (h)(viii) will be renumbered as (h)(1) through (h)(8); and finally, the reference to Rule (a)(4) located in current Rule (a)(5) will be renumbered to reference Rule (a)(2).

Finally, the Exchange proposes to amend Exchange Rule 517(a)(2)(i) to correct a typographical error. Currently, the second to last sentence reads ''[i]f the Exchange determines to establish a limit, it will be no more ten Day eQuotes on the same side of an individual option.'' The word ''than'' is missing between the words ''more'' and ''ten.'' Therefore, the Exchange proposes to amend the sentence to read ''[i]f the Exchange determines to establish a limit, it will be no more than ten Day eQuotes on the same side of an individual option.''

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act[4] in general, and furthers the objectives of Section 6(b)(5) of the Act[5] in particular, in that they are 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 mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes the proposed changes promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed rule change corrects minor

[3] *See* Securities Exchange Act Release No. 81739 (September 27, 2017), 82 FR 46111 (October 3, 2017) (SR–MIAX–2017–39).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

typographical errors and corrects errors in the hierarchical heading scheme to provide uniformity in the Exchange's rulebook. The Exchange notes that the proposed changes to Exchange Rule 700, Exercise of Option Contracts; Rule 1322, Options Communications; and Rule 517, Quote Types Defined do not alter the application of each rule. As such, the proposed amendments would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national exchange system. In particular, the Exchange believes that the proposed changes will provide greater clarity to Members [6] and the public regarding the Exchange's Rules. It is in the public interest for rules to be accurate and concise so as to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX Options does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will have no impact on competition as it is not designed to address any competitive issues but rather is designed to add additional clarity to existing rules and to remedy minor non-substantive issues in the text of various rules identified in this proposal.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition as the Rules apply equally to all Exchange Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act [7] and Rule 19b–4(f)(6) [8] thereunder, the Exchange has designated this proposal as one that effects a change that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml)*; or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2017–43 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2017–43. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. 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 SR–MIAX–2017–43 and should be submitted on or before November 24, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–23922 Filed 11–2–17; 8:45 am]

BILLING CODE 8011–01–P

[6] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81980; File No. SR–Phlx–2017–34]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing of Amendment No. 1, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To add an Exception to Phlx Rule 1000(f)(iii) for Certain Floor Broker Transactions and add the Snapshot Functionality to the Options Floor Broker Management System

October 30, 2017.

I. Introduction

On July 18, 2017, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to add an exception to Phlx Rule 1000(f)(iii) to permit Floor Brokers to execute (1) multi-leg orders and (2) simple orders in options on Exchange Trade Funds (''ETFs'') that are included in the Options Penny Pilot,[3] in the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Phlx Rule 1034 (defining terms of the Options Penny Pilot).

trading crowd using ''Snapshot,'' a new functionality Phlx is proposing for its Floor Broker Management System (''FBMS''). The proposed rule change was published for comment in the **Federal Register** on August 1, 2017.[4] On September 11, 2017, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to October 30, 2017.[5] On October 17, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.[6] The Commission received no comment letters on the proposed rule change. This order provides notice of filing of Amendment No. 1 and approves the proposal, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposal [7]

A. Proposed Exception to Phlx Rule 1000(f)

Currently, Phlx Rule 1000(f) requires that all Exchange options transactions be executed in one of the following three ways: ''(i) [a]utomatically by the [Trading System] pursuant to [Phlx] Rule 1080 and other applicable options rules; (ii) by and among members in the Exchange's options trading crowd none of whom is a Floor Broker; or (iii) through the Options [FBMS] for trades involving at least one Floor Broker.'' [8] Although a Floor Broker may represent orders in the trading crowd, a Floor Broker is not permitted to execute an order in the trading crowd unless one of four exceptions applies.[9] These exceptions are listed in Phlx Rule 1000(f)(iii)(A)–(D) and permit a Floor Broker to execute orders in the trading crowd (rather than through FBMS) if: (A) There is a problem with the Exchange's systems; (B) the Floor Broker is executing the trade pursuant to Phlx Rule 1059 (''Accommodation Transactions'') or Phlx Rule 1079 (''FLEX Index, Equity and Currency Options''); (C) the transaction involves a multi-leg order with more than 15 legs; or (D) the transaction involves certain types of split-price orders that, due to FBMS system limitations, require manual calculation.[10]

The Exchange is proposing to add a new exception to Rule 1000(f)(iii).[11] Proposed Phlx Rule 1000(f)(iii)(E) would permit Floor Brokers to execute multi-leg orders [12] and simple orders in options on ETFs that are included in the Options Penny Pilot in the trading crowd using ''Snapshot,'' a new functionality that Phlx is proposing to add to FBMS.[13]

B. Proposed Snapshot Functionality for FBMS

Under the proposal, Phlx would permit a Floor Broker to use the Snapshot functionality at the time the Floor Broker ''provisionally executes'' a trade in the trading crowd that involves a multi-leg order or a simple order in an option on an ETF that is included in the Options Penny Pilot.[14] For purposes of the proposed Phlx Rule 1000(f)(iii)(E) exception, a ''provisional execution'' would occur in the trading crowd when either (i) the participants to a trade reach a verbal agreement in the trading crowd as to the terms of the trade, or (ii) a Floor Broker announces a cross in accordance with Phlx Rule 1064(a).[15]

According to the Exchange, Snapshot will record the time when a Floor Broker triggers the functionality and the prevailing market conditions for an options class or series,[16] which includes all information required to determine compliance with priority and trade-through requirements, including the Away Best Bid and Offer, the Exchange Best Bid and Offer, customer orders at the top of the Exchange book, and the best bid and offer of all-or-none orders.[17] According to the Exchange, the market conditions captured by Snapshot will be derived from the same real-time market information that exists in the Trading System.[18] At any given time, Phlx would only permit a Floor Broker to have one Snapshot outstanding across all options classes and series.[19]

After a Floor Broker triggers Snapshot and captures the prevailing market conditions, the Floor Broker will have no more than 30 seconds to enter the final terms of the trade into FBMS and then submit the provisional execution (along with the prevailing price and market conditions captured by Snapshot for the options class or series) to the Trading System.[20] If the Floor Broker fails to submit this information to the Trading System by way of FBMS within 30 seconds, the Snapshot will automatically expire and become unavailable.[21]

After the Trading System receives the provisional execution, Phlx proposes that the Trading System will compare the price and terms of the provisional execution, as entered into FBMS by the Floor Broker, against the prevailing

[4] *See* Securities Exchange Act Release No. 81230 (July 27, 2016), 82 FR 35858 (''Notice'').

[5] *See* Securities Exchange Act Release No. 81567, 82 FR 43432 (September 15, 2017).

[6] *See* Amendment No. 1, dated October 17, 2017 (''Amendment No. 1''). Amendment No. 1 updated the original filing to: (1) Reflect the implementation of the new Snapshot functionality prior to the end of the fourth quarter of 2017; (2) modify the proposal to allow Floor Brokers 30 seconds within which to submit a provisionally executed trade and Snapshot to the Trading System, rather than the 15 seconds that was originally proposed; (3) clarify that if a Snapshot expires, or if the Floor Broker cancels the Snapshot or expects that the Trading System will reject the Snapshot, the Floor Broker must re-announce the order to the trading crowd, provisionally re-execute the order, and take a new Snapshot; (4) further explain how limit orders on the limit order book will interact with the Snapshot functionality; and (5) make conforming changes to Phlx Rule 1064 and Options Floor Procedure Advices and Order and Decorum Regulations C–2 (''Options Floor Procedure Advice C–2'' or ''Advice''). To promote transparency of its proposed amendment, when Phlx filed Amendment No. 1 with the Commission, it also submitted Amendment No. 1 as a comment letter to the file, which the Commission posted on its Web site and placed in the public comment file for SR–Phlx–2017–34 (available at *https://www.sec.gov/comments/sr-phlx-2017-34/phlx201734-2642790-161304.pdf*). The Exchange also posted a copy of its Amendment No. 1 on its Web site at *http://nasdaqphlx.cchwallstreet.com/NASDAQPHLXTools/PlatformViewer.asp?selectednode=chp%5F1%5F1%5F1&manual=%2FNASDAQOMXPHLX%2Ffilings%2Fphlx%2Dfilings%2F*) when it filed Amendment No.1 with the Commission.

[7] A more detailed description of the proposal appears in the Notice and in Amendment No. 1.

[8] *See* Phlx Rule 1000(f).

[9] *See* Phlx Rule 1000(f)(iii).

[10] *See* Phlx Rule 1000(f)(iii)(A)–(D).

[11] *See* Notice, *supra* note 4, at 35860 n.7.

[12] As defined in Phlx Rule 1066(f).

[13] *See* proposed Phlx Rule 1000(f)(iii)(E).

[14] *See* proposed Phlx Rule 1063(e)(v)(A)(1). According to the Exchange, due to system limitations in FBMS, Floor Brokers are not able to use Snapshot to execute Multi-leg Orders with more than 15 legs. *See* Amendment No. 1, *supra* note 6, at 6 and 8.

[15] Phlx Rule 1064(a) allows a Floor Broker who holds orders to buy and to sell the same options series the opportunity to cross such orders, provided that he or she satisfies certain requirements.

[16] A Floor Broker ''triggers'' the snapshot by pressing a button in the FBMS and in doing so captures the market conditions that exist at the time when the Floor Broker provisionally executes an order in the trading crowd. *See* Notice, *supra* note 4, at 35860–61.

[17] *See* proposed Phlx Rule 1063(e)(v). *See also* Notice, *supra* note 4, at 35860 n.8.

[18] *See* Amendment No. 1, *supra* note 6, at 6–7.

[19] *See* proposed Phlx Rule 1063(e)(v)(A)(3).

[20] *See* Amendment No. 1, *supra* note 6, at 8. The Exchange represents that in most instances, 30 seconds will provide ample time for Floor Brokers to enter their trades into FBMS. *See id.* at 5.

[21] *See* proposed Phlx Rule 1063(e)(v)(B). *See also* Amendment No. 1, *supra* note 6, at 13. The Exchange represents that every time a Floor Broker triggers Snapshot, a record of the Snapshot will be created and retained for audit trail purposes regardless of whether the Floor Broker submits the provisional execution and Snapshot to the Trading System. This record is in addition to the record the Exchange presently creates upon initiation of an order in FBMS. Moreover, according to the Exchange, when a Floor Broker submits a trade subject to a Snapshot to the Trading System and the trade is thereafter reported to the consolidated tape, an additional execution record will be created and retained for audit trail purposes that will contain all of the same details as the other trade records. *See* Notice, *supra* note 4, at 35860 n.9.

market conditions captured by Snapshot for the options class or series to determine whether the provisional execution is consistent with applicable priority and trade-through rules.[22] If the price and terms of the provisional execution entered into FBMS by the Floor Broker is consistent with the applicable priority and trade-through rules based on the market conditions reflected in the Snapshot, the Trading System would report the trade to the Consolidated Tape; [23] if not, the Trading System will reject the provisional execution.[24] The Exchange represents that its Trading System's automated process for verifying trades for priority and trade-through compliance remains unchanged.[25]

Phlx proposes that, if an order is present on the Exchange's limit order book that has priority at the time a Floor Broker triggers a Snapshot, the Trading System would not prevent the Floor Broker from capturing the Snapshot; however, the Trading System would reject the provisional execution because the order on the limit order book would have priority.[26] In these circumstances, Phlx proposes that the Floor Broker must clear the order with priority on the limit order book, re-announce and again provisionally execute the Floor Broker's order, and take a new Snapshot before submitting the new provisional execution and Snapshot to the Trading System for validation.[27]

Phlx proposes to allow a Floor Broker to take a new Snapshot when the original Snapshot becomes invalid in the occasional event a provisional execution pursuant to Phlx Rule 1000(f)(iii)(E) does not result in a validated execution in the Trading System; however, the Floor Broker must re-expose the order to the trading crowd before triggering a new Snapshot. Specifically, proposed Phlx Rule 1063(e)(v)(D) would allow a Floor Broker to obtain a new Snapshot if: (1) The original Snapshot expires before the Floor Broker submits the provisional execution to the Trading System; (2) the Trading System rejects a provisional execution that was subject to a Snapshot; or (3) the Floor Broker cancels the Snapshot by taking a new Snapshot or allows the original Snapshot to expire because the Floor Broker anticipates that the Trading System will reject a provisional execution.[28] In each of these three instances, the Floor Broker must re-announce and provisionally re-execute the order in the trading crowd, and take a new Snapshot *before* submitting the new provisional execution to the Trading System.[29]

Phlx is proposing Phlx Rule 1063(e)(v)(A)(2), and amending Options Floor Procedure Advice C–2 to specify, that ''[a] Floor Broker is prohibited from triggering the Snapshot feature for the purpose of obtaining favorable priority or trade-through conditions or avoiding unfavorable priority or trade-through conditions.'' [30] According to the Exchange, conduct that would violate this Advice includes repeated instances in which Floor Brokers cancel, or permit valid Snapshots to expire, without submitting trades subject to Snapshots to the Trading System for verification and reporting to the consolidated tape. According to the Exchange, violations would also include repeated instances in which a Floor Broker takes more time than is reasonably necessary under the circumstances to submit provisional executions to the Trading System that are subject to valid Snapshots.[31] The Exchange notes that it expects Floor Brokers to submit a provisional execution that is subject to a Snapshot as quickly as possible, notwithstanding the existence of the 30-second time frame within which to do so, and notes that, in most instances, it should not require a full 30 seconds for a Floor Broker to submit a simple trade or a cross to the Trading System.[32] The Exchange represents that its Surveillance Staff will monitor Floor Brokers' use of the Snapshot functionality and the Exchange will take appropriate action if it determines Floor Brokers are abusing the functionality.[33]

The Exchange proposes to make the Snapshot functionality available to its Floor Brokers during the fourth quarter of 2017. The Exchange represents that it will notify members via an Options Trader Alert, which will be posted on the Exchange's Web site, at least seven calendar days prior to the date on which the Snapshot functionality will be available for use.[34]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[35] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[36] which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission notes that the Exchange's rules require Floor Brokers to execute transactions through FBMS and prohibit Floor Brokers from executing orders in the trading crowd unless an exception applies.[37] According to the Exchange, however, transactions involving multi-leg orders and simple orders in options on ETFs in the Options Penny Pilot that a Floor Broker submits through FBMS are at a heightened risk of failing to execute when market conditions change between the time when Floor Brokers and participants in the crowd agree upon the terms of the trade and the time when the Trading System receives the trade for verification and execution. In these circumstances, the Trading System would reject the Floor Broker's trade because it is inconsistent with the Exchange's priority or trade-through rules.[38] To mitigate this risk, the new exception under Phlx Rule 1000(f)(iii)(E) is designed to permit Floor Brokers to use the Snapshot

[22] *See* proposed Phlx Rule 1063(e)(v)(C).

[23] *See* proposed Phlx Rule 1063(e)(v)(C)(1).

[24] *See* proposed Phlx Rule 1063(e)(v)(C)(2). *See* Notice, *supra* note 4, at 35863.

[25] *See* Notice, *supra* note 4, at 35863.

[26] *See* proposed Phlx Rule 1063(e)(v)(C)(3). *See also* Amendment No. 1, *supra* note 6, at 8.

[27] *See id.*

[28] *See* Amendment No. 1, *supra* note 6, at 10–12 and 13. The Trading System would reject a provisionally executed order if, for example, there was an order on the limit order book with priority at the time the order was provisionally executed in the trading crowed or the provisionally executed order did not comply with applicable trade-through rules. *See* Notice, *supra* note 4, at 35860–61 (providing examples of orders executed using the Snapshot functionality) and Amendment No. 1, *supra* note 6, at 10–12 (providing examples of when a Floor Broker would be permitted to take a new Snapshot).

[29] In this instance, triggering a new Snapshot would cause a new 30-second Snapshot timer to begin, and the Floor Broker must submit the new provisionally executed trade and Snapshot to the Trading System before the end of that 30-second timer. *See* Amendment No. 1, *supra* note 6, at 10–12.

[30] *See* proposed Phlx Rule 1063(e)(v)(A)(2) and Options Floor Procedure Advice C–2.

[31] *See* Amendment No. 1, *supra* note 6, at 9 and 12.

[32] *See id.* at 9.

[33] *See* Notice, *supra* note 4, at 35860. *See* Amendment No. 1, *supra* note 6, at 9 and 12.

[34] *See* Amendment No. 1, *supra* note 6, at 12.

[35] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[36] 15 U.S.C. 78f(b)(5).

[37] *See* Phlx Rule 1000(f).

[38] *See* Notice, *supra* note 4, at 35859.

functionality to execute two types of orders in the trading crowd that they may not otherwise be able to execute successfully under certain market conditions given the requirements of Phlx Rule 1000(f).

The Commission notes that the Exchange is proposing several measures to help ensure that Snapshot operates, and is used by Floor Brokers, in a manner that is consistent with the Exchange Act and Phlx rules.

First, Snapshot is designed to capture the market conditions for the options class or series at the time of the provisional execution, which will be the time of execution that the Trading System will use when verifying the price and terms of the provisional execution, as entered into FBMS by the Floor Broker, for compliance with applicable priority rules of the Exchange and the trade-through rules of the Options Order Protection and Locked/Crossed Market Plan.[39]

Second, the Exchange has designed Snapshot so that the price and market conditions captured for the options class or series will expire within 30 seconds after the Floor Broker triggers it, and so that a Floor Broker will only be allowed to have one Snapshot outstanding across all options classes and series at any given time.[40] As stated above, the Exchange anticipates that Floor Brokers will enter their provisional executions as quickly as possible, notwithstanding the availability of Snapshot and the 30-second Snapshot timer, and in most instances, 30 seconds will provide ample time for Floor Brokers to enter provisional executions into FBMS.[41]

Third, to the extent that a Snapshot expires, the Trading System rejects a provisional execution, or the Floor Broker cancels or permits a Snapshot to expire, the Floor Broker must re-announce and provisionally execute the order again in the trading crowd before taking a new Snapshot.

Fourth, the Exchange represents that all relevant trade data resulting from executions pursuant to proposed Phlx Rule 1000(f)(iii)(E) will be recorded in both Snapshot and on a separate execution record, which will be created once the trade is reported to the consolidated tape.[42]

Finally, the Commission notes that the Exchange's rule will prohibit Floor Brokers from triggering Snapshot for the purpose of obtaining favorable, or avoiding unfavorable, priority or trade-through conditions. In addition, the Exchange represents that its surveillance staff will monitor Floor Brokers for excessive use or abuse for the Snapshot functionality (*e.g.,* repeated expirations or cancellations of the Snapshot) and it will take appropriate action if it determines such instances are occurring.[43]

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act and the rules and regulations thereunder applicable to national securities exchanges.

IV. Solicitation of Comments on Amendment No. 1 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 to the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use 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 No. SR–Phlx–2017–34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–Phlx–2017–34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. 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 No. SR–Phlx–2017–34 and should be submitted on or before November 24, 2017.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of the amended proposal in the **Federal Register**. As described above, in Amendment No. 1, Phlx (1) updated its proposal to state that the new Snapshot functionality will be made available prior to the end of the fourth quarter of 2017; (2) modified the proposal to allow Floor Brokers 30 seconds within which to submit a provisionally executed trade and Snapshot to the Trading System, rather than the 15 seconds that was originally proposed; (3) further explained how limit orders on the limit order book will interact with the Snapshot functionality; (4) clarified the circumstances when a new Snapshot may be taken and the conditions for doing so; and (5) made conforming changes to Phlx Rule 1064 and Options Floor Procedure Advice C–2.[44] The Commission believes that Amendment No. 1 provided additional specificity regarding the new proposed exception in Phlx Rule 1000(f)(iii) and the operation of the Snapshot functionality. Specifically, Amendment

[39] *See* Notice, *supra* note 4, at 35862–63. The Options Order Protection and Locked/Crossed Market Plan is available at *http://www.optionsclearing.com/components/docs/clearing/services/options_order_protection_plan.pdf.* The Commission notes that the Exchange represents that the market conditions provided by Snapshot are derived from the same real-time market conditions that exist in the Trading System and that Snapshot will contain all information necessary for the Trading System to determine that a provisional execution is consistent with applicable priority and trade-through rules. *See* Amendment No. 1, *supra* note 6, at 6–7.

[40] *See* Notice, *supra* note 4, at 35861. The Exchange notes that the limitation to only allow Floor Brokers to have one Snapshot outstanding at any given time across options classes and series should contribute to preventing Floor Brokers from engaging in excessive use of and abuse of Snapshot. *See* Notice, *supra* note 4, at 35861.

[41] *See* Amendment No. 1, *supra* note 6, at 5 and 7.

[42] *See* Notice, *supra* note 4, at 35860 n.9. *See also supra* note 21.

[43] *See* Amendment No. 1, *supra* note 6, at 9 and 12.

[44] *See* Amendment No. 1, *supra* note 6, at 3–7.

No. 1 eliminated the concept of ''refreshing'' a Snapshot and instead clarified the specific circumstances in which a Floor Broker will be permitted to take a new Snapshot and the conditions that must be satisfied to do so (*e.g.,* re-announcing the order to the trading crowd and provisionally re-executing the order). The Exchange states that the changes in Amendment No. 1 simplify the proposal and will make it easier for the Exchange to administer and surveil the use of the Snapshot functionality.[45] In addition, the Commission notes that the changes may create additional opportunities for orders to interact in the trading crowd in those occasional instances when a provisional execution pursuant to Phlx Rule 1000(f)(iii)(E) does not result in a validated execution in the Trading System. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[46] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[47] that the proposed rule change (SR–Phlx–2017–34), as modified by Amendment No. 1, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[48]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–23926 Filed 11–2–17; 8:45 am]

BILLING CODE 8011–01–P

[45] *See id.* at 5–6.

[46] 15 U.S.C. 78s(b)(2)

[47] 15 U.S.C. 78s(b)(2).

[48] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81979; File No. SR–C2–2017–028]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Reflect in the Exchange's Governing Documents, Rulebook and Fees Schedules, a Non-Substantive Corporate Branding Change, Including Changes to the Company's Name, the Intermediate's Name, and the Exchange's Name

October 30, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 19, 2017, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposed rule change with respect to amendments of the Second Amended and Restated Certificate of Incorporation (the ''Company's Certificate'') and Third Amended and Restated Bylaws (the ''Company's Bylaws'') of its parent corporation, CBOE Holdings, Inc. (''CBOE Holdings'' or the ''Company'') to change the name of the Company to Cboe Global Markets, Inc. The Exchange also proposes to amend its Fourth Amended and Restated Certificate of Incorporation (the ''Exchange Certificate''), Eighth Amended and Restated Bylaws of C2 Options Exchange, Incorporated (the ''Exchange Bylaws''), rulebook and fees schedules (collectively ''operative documents'') in connection with the name change of its parent Company and the Exchange.

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

The purpose of this filing is to reflect in the Exchange's governing documents (and the governing documents of its parent company, CBOE Holdings) and the Exchange's rulebook and fees schedules, a non-substantive corporate branding change, including changes to the Company's name and the Exchange's name.[3] Particularly, references to Company's and Exchange's names will be deleted and revised to state the new names, as described more fully below. No other substantive changes are being proposed in this filing. The Exchange represents that these changes are concerned solely with the administration of the Exchange and do not affect the meaning, administration, or enforcement of any rules of the Exchange or the rights, obligations, or privileges of Exchange members or their associated persons is [sic] any way. Accordingly, this filing is being submitted under Rule 19b–4(f)(3). In lieu of providing a copy of the marked name changes, the Exchange represents that it will make the necessary non-substantive revisions described below to the Exchange's corporate governance documents, rulebook, and fees schedules, and post updated versions of each on the Exchange's Web site pursuant to Rule 19b–4(m)(2).

The Company's Name Change

In connection with the corporate name change of its parent company, the Exchange is proposing to amend the Company's Certificate and Bylaws. Specifically, the Company is changing its name from ''CBOE Holdings, Inc.'' to ''Cboe Global Markets, Inc.''

(a) Company's Certificate

The Exchange proposes to (i) delete the following language from Paragraph (1) of the introductory paragraph: ''The name of the Corporation is CBOE Holdings, Inc.'' and (ii) amend Article First of the Company's Certificate to reflect the new name, ''Cboe Global Markets, Inc.''. The Exchange also proposes to add clarifying language and cite to the applicable provisions of the General Corporation Law of the State of

[3] The Exchange initially filed the proposed rule changes on October 16, 2017 (SR–C2–2017–027). On October 19, 2017 the Exchange withdrew SR–C2–2017–027 and then subsequently submitted this filing (SR–C2–2017–028).

Delaware in connection with the proposed name change. The Exchange notes that it is not amending the Company's name in the title or signature line as the name changes will not be effective until the Company, as currently named, files the proposed changes in Delaware. Thereafter, the Exchange will amend the Certificate to reflect the new name in the title and signature line. The Exchange also notes that although the name of ''Chicago Board Options Exchange, Incorporated'' is changing to ''Cboe Exchange Inc.'', it is not amending the name of Chicago Board Options Exchange, Incorporated (''CBOE'') referenced in Article Fifth(a)(iii) at this time. Particularly, the Exchange notes that unlike the exception applicable to proposed changes to the Company's name,[4] a vote of stockholders is required to adopt an amendment to the reference of CBOE's name. As such, the Exchange will submit a rule filing to amend the Certificate to reflect the new CBOE name at such time it is ready to obtain stockholder approval.

(b) Company's Bylaws

With respect to the Company's Bylaws, references to ''CBOE Holdings, Inc.'' will be deleted and revised to state ''Cboe Global Markets, Inc.'' The Exchange also proposes to eliminate the reference to ''Chicago Board Options Exchange, Incorporated'' in Article 10, Section 10.2. Particularly, Section 10.2 provides that ''for so long as the Corporation shall control, directly or indirectly, any national securities exchange, including, but not limited to Chicago Board Options Exchange, Incorporated (a ''Regulated Securities Exchange Subsidiary''), before any amendment, alteration or repeal of any provision of the Bylaws shall be effective, such amendment, alteration or repeal shall be submitted to the board of directors of each Regulated Securities Exchange Subsidiary, and if such amendment, alteration or repeal must be filed with or filed with and approved by the Securities and Exchange Commission, then such amendment, alteration or repeal shall not become effective until filed with or filed with and approved by the Securities and Exchange Commission, as the case may be.'' As the Company currently controls a number of Regulated Securities Exchange Subsidiaries, it does not believe it is necessary to explicitly reference only Chicago Board Option Exchange, Incorporated and therefore proposes to delete the following language: ''Including, but not limited to Chicago Board Options Exchange, Incorporated''.

The Exchange's Name Change

For purposes of consistency, certain of the Parent's subsidiaries have also undertaken to change their legal names. As a result, the Exchange also proposes to change its name from ''C2 Options Exchange, Incorporated'' to ''Cboe C2 Exchange, Inc.'' throughout its rules, fees schedules and corporate documents. Additionally the Exchange notes that the Chicago Board Options Exchange, Incorporated is filing a similar rule filing to change its name to ''Cboe Exchange, Inc.'' and change references to ''CBOE'' to ''Cboe Options'', with the exception that references to ''CBOE Command'', ''CBOE Application Server'' and ''CBOE Market Interface'' will be deleted and revised to state ''Cboe Command'', ''Cboe Application Server'', and ''Cboe Market Interface'', respectively. The Exchange therefore also proposes to replace any of these references throughout the C2 operative documents accordingly. Lastly, the Exchange is changing the name of ''Market Data Express, LLC'' to ''Cboe Data Services, LLC'' and consequently also changing references to ''MDX'' to ''CDS''. Therefore, the Exchange proposes to amend its: (i) Fourth Amended and Restated Certificate of Incorporation of C2 Options Exchange, Incorporated (ii) Eighth Amended and Restated Bylaws of C2 Options Exchange, Incorporated, (iii) Rulebook, (iv) Fees Schedule and (v) Market Data Express, LLC Fees Schedule (collectively, the ''Operative Documents'') to reflect the name changes.

(a) Exchange's Certificate

The Exchange proposes to (i) delete the following language from the introductory paragraph: ''The name of the Corporation is C2 Options Exchange, Incorporated'' and (ii) amend Article First of the Exchange's Certificate to reflect the new name, ''Cboe C2 Exchange, Inc.''. The Exchange also proposes to change references to its parent company, ''CBOE Holdings, Inc.'' to ''Cboe Global Markets, Inc.''. The Exchange notes that it is not amending the Exchange's name in the title, introductory paragraph or signature line as the name changes will not be effective until the Exchange, as currently named, files the proposed changes in Delaware. Thereafter, the Exchange will amend the Certificate to reflect the new name in the title, introductory paragraph and signature line.

(b) Exchange's Bylaws

For the Exchange's Bylaws, all references to ''C2 Options Exchange, Incorporated'' will be deleted and revised to state ''Cboe C2 Exchange, Inc.''.

(c) Exchange's Rulebook

For the Rules of C2 Options Exchange, Incorporated, all references to ''C2 Options Exchange, Incorporated'' will be deleted and revised to state ''Cboe C2 Exchange, Inc.'' Additionally, all references to ''Chicago Board Options Exchange, Incorporated'' will be deleted and revised to state ''Cboe Exchange, Inc.'' and all references to ''CBOE'' will be deleted and revised to state ''Cboe Options'', with the exception that any references to ''CBOE Command'', ''CBOE Application Server'' and ''CBOE Market Interface'' will change to ''Cboe Command, ''Cboe Application Server'', and ''Cboe Market Interface'', respectively.

(d) Exchange's Fees Schedule

For the C2 Options Exchange, Incorporated Fees Schedule, any reference to ''C2 Options Exchange, Incorporated'' will be deleted and revised to state ''Cboe C2 Exchange, Inc.''. Additionally, all references to ''CBOE'' will be deleted and revised to state ''Cboe Options''.

(e) Market Data Express, LLC Fees Schedule

For the Market Data Express, LLC Fees Schedule, all references to ''Market Data Express, LLC'' will be deleted and revised to state ''Cboe Data Services, LLC'' and references to ''CBOE Streaming Markets'' will be deleted in its entirety. Additionally references to ''MDX'' will be deleted and revised to state ''CDS''.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to,

[4] *See* Section 242(b) of the General Corporation Law of the State of Delaware.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the proposed change is a non-substantive change and does not impact the governance, ownership or operations of the Exchange. The Exchange believes that by ensuring that its parent company's governance documents and the Exchanges operative documents accurately reflect the new legal names, the proposed rule change would reduce potential investor or market participant confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the Company's and Exchange's governance and operative documents to reflect the abovementioned name change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and paragraph (f) of Rule 19b–4 [8] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will 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–C2–2017–028 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2017–028. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. 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 SR–C2–2017–028 and should be submitted on or before November 24, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–23925 Filed 11–2–17; 8:45 am]

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[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81982; File No. SR–IEX–2017–36]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Clarify the Eligibility of Market Orders and Limit Orders With a Time-In-Force of DAY for a Volatility Auction Occurring Outside of Regular Market Hours

October 30, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on October 19, 2017, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The 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

(a)[sic] Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4 thereunder,[5] Investors Exchange LLC (''IEX'' or ''Exchange'') is filing with the Commission a proposed rule change to clarify the eligibility of market orders and limit orders with a time-in-force of DAY [6] for a Volatility Auction [7] occurring outside of Regular Market Hours.[8] The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act [9] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[10]

The text of the proposed rule change is available at the Exchange's Web site at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CRF 240.19b–4.

[6] *See* Rule 11.190(c)(3).

[7] *See* Rule 11.350(f).

[8] *See* Rule 1.160(gg).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4.

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 these statement [sic] may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to clarify the eligibility of market orders and limit orders with a time-in-force of DAY for a Volatility Auction occurring outside of Regular Market Hours. On August 4, 2017, the Commission approved a proposed rule change filed by the Exchange to adopt rules governing auctions in IEX-listed securities, including a Volatility Auction process to resume trading after a Limit Up-Limit Down trading pause in an IEX-listed security.[11] The Exchange intends on launching a listings program for corporate issuers in the fourth quarter of 2017.

Pursuant to Rule 11.350(f), the Exchange will conduct a Volatility Auction to resume trading following a Limit Up-Limit Down trading pause in an IEX-listed security pursuant to IEX Rule 11.280(e). Furthermore, pursuant to Rule 11.350(f)(3), when an IEX-listed security is paused pursuant to IEX Rule 11.280(e) at or after the Closing Auction Lock-in Time,[12] or the Order Acceptance Period [13] of a Volatility Auction for a security paused before the Closing Auction Lock-in Time pursuant to IEX Rule 11.280(e) would otherwise be extended by the Exchange to a time after the Closing Auction Lock-in Time, no Closing Auction for the security will occur. Instead, the Exchange will conduct a Volatility Auction at the end of Regular Market Hours to determine the IEX Official Closing Price for the security.

When the Exchange is closing with a Volatility Auction pursuant to Rule 11.350(f)(3), Users may begin entering Auction Eligible Orders at the beginning of the Order Acceptance Period for participation in the Volatility Auction. Furthermore, Market-On-Close (''MOC'') [14] and Limit-On-Close (''LOC'') [15] orders queued for the Closing Auction will be incorporated into the Auction Book [16] for the Volatility Auction. Moreover, non-displayed interest with a time-in-force of DAY and pegged orders are immediately canceled, in order to allow Users to re-enter such interest as Auction Eligible Orders.[17] In contrast to the Closing Auction, there are no ''lock-in'' or ''lock-out'' restrictions on order entry, modification, or cancellation leading up to the Volatility Auction.

At the end of Regular Market Hours, the Exchange will attempt to conduct the Volatility Closing auction using all Auction Eligible Orders. However, if there is a market order imbalance (*i.e.,* one or more market order shares will not be executed in the auction), or the auction match price is outside of the Volatility Auction Collar [18] (either resulting in an ''Impermissible Price'' [19]), the Order Acceptance Period is automatically extended for five minutes, and the Volatility Auction Collar is expanded in the direction of the Impermissible Price.[20] Similarly, if the Indicative Clearing Price differs by the greater of five percent (5%) or fifty cents ($0.50) from any of the previous fifteen (15) Indicative Clearing Price disseminations, the Order Acceptance period will be extended for an additional five-minute period.[21] Pursuant to Supplemental Material .03 of Rule 11.350(a), if a Volatility Auction originally scheduled to occur during Regular Market Hours receives an automatic extension which causes the auction to occur outside of Regular Market Hours, limit orders with a time-in-force of DAY, and market orders which were submitted during the Order Acceptance Period within Regular Market Hours are included in the Volatility Auction, and are only canceled by the System after the auction match, or if the auction is extended to the end of Post-Market Hours.[22]

Proposed Clarifications

During development and testing of the functionality for Volatility Auctions, the Exchange identified a minor ambiguity in Supplemental Material .03 of Rule 11.350(a) regarding the eligibility of market orders and limit orders with a time-in-force of DAY when closing with a Volatility Auction outside of Regular Market Hours. Specifically, Supplemental Material .03 does not distinguish between routable and non-routable orders. Thus, the Exchange proposes to clarify that only non-routable limit orders with a time-in-force of DAY, and non-routable market orders which were submitted during the Order Acceptance Period within Regular Market Hours, are included in the Volatility Auction. The Exchange's routing logic is one of numerous distributed components that together make up the Exchange's System, but is separate and distinct from the order book logic that is responsible for conducting the Volatility Auction match; however, the Exchange did not explicitly make this important distinction between such processes in the current Supplemental Material .03. Furthermore, the interactions between the routing logic and the order book are optimized for continuous trading, and the archetypal Opening, Closing, IPO, Halt, and Volatility Auctions, but supporting the extended expiration of routable orders with a time-in-force of DAY when the Exchange is closing with a Volatility Auction that is extended beyond Regular Market Hours requires complex technology changes that raise risks to the System. Accordingly, in the interest of investor protection and the public interest, the Exchange is proposing to instead clarify that such routable orders will not be included in the Volatility Auction, and will instead be canceled at the end of Regular Market Hours in accordance with their standard expiry instructions.[23]

The Exchange notes that Users intending to trade in a Volatility Auction which is extended that receive cancelations at the end of Regular Market Hours on routable orders with a time-in-force of DAY when the Exchange is closing with a Volatility Auction that is extended beyond

[11] *See* Securities Exchange Act Release No. 81316 (August 4, 2017), 82 FR 37474 (August 10, 2017).

[12] *See* Rule 11.350(a)(22).

[13] *See* Rule 11.350(a)(29)(C).

[14] *See* Rule 11.350(a)(24).

[15] *See* Rule 11.350(a)(20).

[16] *See* Rule 11.350(a)(1).

[17] *See* Rule 11.350(a)(2).

[18] *See* Rule 11.350(a)(31).

[19] *See* Rule 11.350(a)(17).

[20] *See* Rule 11.350(f)(3)(B)(ii)(d). *See also* Rule 11.350(f)(2)(D) regarding the process for incremental extensions of the Order Acceptance Period.

[21] *See* Rule 11.350(f)(3)(B)(ii)(e).

[22] *See* Rule 1.160(aa).

[23] Notably, based on an analysis conducted by the Exchange of trading activity year to date, there have been only ten (10) cases where a trading pause was in effect during the final ten (10) minutes of the trading day, eight (8) of which occurred on fully electronic markets causing such primary listing market to close the security using an auction equivalent to the IEX Volatility Auction, but in none of the eight cases was there an extension of such auction that pushed the auction match beyond Regular Market Hours. Thus, the Exchange believes this scenario to be an extremely rare edge case.

Regular Market Hours will have a five-minute opportunity to re-enter such orders as Auction Eligible Orders during the extended Order Acceptance Period. Thus, the Exchange believes that there will be no material adverse impact to Users that choose to interact with IEX Auctions using routable orders when the Exchange is closing with a Volatility Auction that is extended beyond Regular Market Hours.

In addition to the proposed clarification discussed above, the Exchange proposes to further clarify that only non-routable market orders entered during the Order Acceptance Period within Regular Market Hours are included in the Volatility Auction when the Exchange is closing with a Volatility Auction that is extended beyond Regular Market Hours. On September 26, 2017, the Commission noticed an immediately effective Exchange rule filing to, in part, clarify that in the event an IEX-listed security is subject to a trading pause, the Router Constraint Reference Price [24] is invalid.[25] Furthermore, the Exchange clarified that pursuant to Rule 11.190(f)(2)(B), in the absence of a valid Router Constraint Reference Price, the Exchange will reject any routable orders for the security. Accordingly, consistent with Rule 11.190(f)(2)(B), the Exchange proposes to clarify that when the Exchange is closing with a Volatility Auction, only non-routable market orders entered during the Order Acceptance Period within Regular Market Hours will be included in the Volatility Auction, because routable market orders will be rejected.

Lastly, as announced in IEX Trading Alert #2017–015, the Exchange intends to become a primary listing exchange and support its first IEX-listed security in November of 2017.[26] In addition, as part of the listings initiative, the Exchange is providing a series of industry wide weekend tests for the Exchange and its Members to exercise the various technology changes required to support IEX Auctions and listings functionality.[27] Accordingly, in order to provide clarity to Members and other market participants regarding the handling of orders eligible for participation in the Volatility Auction when the Exchange is closing with a Volatility Auction, and such auction is extended past the end of Regular Market Hours, the Exchange is proposing to make the clarifying changes to Supplemental Material .03 of Rule 11.350(a), as described above.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b) [28] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act [29] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule clarification does not alter the substantive functionality governing the process for closing with a Volatility Auction that is extended beyond Regular Market Hours, but instead clarifies the Exchanges [sic] handling of orders during such process, and makes the Exchanges [sic] rules more clear and complete. The Exchange further believes that the proposed clarifying rule change is consistent with the protection of investors and the public interest because the proposed clarifications are designed to avoid any potential confusion regarding the Exchange's handling of orders when closing with a Volatility Auction that is extended beyond Regular Market Hours as IEX continues industry-wide testing to exercise the technology changes being made by the Exchange and its Members to support IEX as a listings market. Additionally, the Exchange believes it is consistent with the Act to clarify the rule provisions governing the process for closing with a Volatility Auction that is extended beyond Regular Market Hours so that IEX's rules are accurate and descriptive of the System's functionality as approved by the Commission, and to avoid any potential confusion among Members and market participants regarding such functionality.

Lastly, as discussed above, the Exchange believes that providing Users the proposed clarification regarding the Exchange's order handling is consistent with the protection of investors and the public interest, because supporting the extended expiration of routable orders with a time-in-force of DAY when the Exchange is closing with a Volatility Auction that is extended beyond Regular Market Hours requires complex technology changes that raise potential risks to the System. Accordingly, the Exchange is proposing to clarify the handling of such orders, rather than increase the technical complexities within the System that raise risks to Exchange operations, Members, and their investor clients.

The Exchange also believes that the proposed rule change would not result in unfair discrimination, since all Members can enter routable or non-routable orders. Moreover, as discussed in the Burden on Competition section, Users intending to trade in the Closing Auction or the Volatility Auction that receive cancelations will have a five-minute opportunity to re-enter such orders as Auction Eligible Orders during the extended Order Acceptance Period.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed correction does not impact inter-market competition in any respect since it is designed to clarify the Exchange's handling of orders when closing with a Volatility Auction that is extended beyond Regular Market Hours, without substantively changing the approved Rules governing such process.

In addition, the Exchange does not believe that the proposed changes will have any impact on intra-market competition. Specifically, the Exchange believes that although routable limit orders with a time-in-force of DAY will be canceled at the end of Regular Market Hours when the Exchange is closing with a Volatility Auction that is extended beyond Regular Market Hours, whereas non-routable limit orders with a time-in-force of DAY will be eligible to participate in the Auction, Users intending to trade in the Closing Auction or the Volatility Auction that receive cancelations will have a five-minute opportunity to re-enter such

[24] Rule 11.190(f)(2) sets forth the operation of the IEX Router Constraint, which prevents an order from routing at prices more aggressive than the Router Constraint price range. The Order Collar and Router Constraint price ranges are calculated by applying the numerical guidelines for clearly erroneous executions to the Order Collar Reference Price and Router Constraint Reference Price, respectively.

[25] *See* Securities and Exchange Act Release No. 81662 (September 20, 2017), 82 FR 44861 (September 26, 2017) (SR–IEX–2017–31).

[26] *See* IEX Trading Alert #2017–015 (Listings Specifications, Testing Opportunities, and Timelines), May 31, 2017. *See also* IEX Trading Alert #2017–040 (Rescheduled 4th Listing Functionality Industry Test), September 29, 2017.

[27] *See, e.g.,* IEX Trading Alert #2017–028 (First Listings Functionality Industry Test on Saturday, August 26), August 17, 2017; IEX Trading Alert #2017–037 (Second Listings Functionality Industry Test on Saturday, September 9), September 7, 2017; IEX Trading Alert #2017–039 (Third Listings Functionality Industry Test on Saturday, September 23), September 18, 2017; IEX Trading Alert #2017–040 (Rescheduled 4th Listing Functionality Industry Test), September 29, 2017.

[28] 15 U.S.C. 78f.

[29] 15 U.S.C. 78f(b)(5).

orders as Auction Eligible Orders during the extended Order Acceptance Period.

Similarly, the Exchange believes that although routable market orders entered during the Order Acceptance Period within Regular Market Hours will be rejected and therefore will not be eligible to participate in the auction when the Exchange is closing with a Volatility Auction, whereas non-routable market orders entered during the Order Acceptance Period within Regular Market Hours will be eligible to participate in the auction, Users intending to trade in the Volatility Auction that are rejected upon entry will have an opportunity to re-enter such orders as Auction Eligible Orders during the entire Order Acceptance Period. Thus, the Exchange believes that there will be no material adverse impact on competition between Members, or to any individual Member that chooses to interact with IEX Auctions using routable orders when the Exchange is closing with a Volatility Auction that is extended beyond Regular Market Hours. Furthermore, the Exchange notes that Users are free to enter both routable and non-routable orders on the Exchange, and therefore can optimize their interaction with the Exchange to avoid any unwanted cancelation.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [30] and Rule 19b–4(f)(6) thereunder.[31]

A proposed rule change filed under Rule 19b–4(f)(6) [32] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[33] the Commission may 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 waiver of the operative delay is consistent with the protection of investors and the public interest because the Exchange's proposal does not raise any new or novel issues. In addition, the Commission notes that, as described above, Users whose routable orders are cancelled pursuant to the proposed rule will have an opportunity to participate in the auction when IEX closes with a Volatility Auction that occurs outside Regular Market Hours by re-entering their orders as Auction Eligible Orders during the extended Order Acceptance Period. Accordingly, the Commission hereby waives the 30-day operative delay requirement and designates the proposed rule change as operative upon filing.[34]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2017–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–IEX–2017–36. This file number should be included in the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549–1090. Copies of the filing will also be available for inspection and copying at the IEX's principal office and on its Internet Web site at *www.iextrading.com.* 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 SR–IEX–2017–36 and should be submitted on or before November 24, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Eduardo A. Aleman,

Assistant Secretary.

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[30] 15 U.S.C. 78s(b)(3)(A).

[31] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[32] 17 CFR 240.19b–4(f)(6).

[33] 17 CFR 240.19b–4(f)(6)(iii).

[34] 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).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32888; File No. 812–14738]

Horizon Technology Finance Corporation, *et al.*

October 30, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act permitting certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit a business development company (''BDC'') and certain closed-end investment companies to co-invest in portfolio companies with each other and with affiliated investment funds.

APPLICANTS: Horizon Technology Finance Corporation (the ''Company''), Horizon Credit II LLC (''Credit II''), Horizon Life Science Debt Strategies Fund L.P. (the ''Private Fund''), and Horizon Technology Finance Management LLC (the ''Company Adviser'').

FILING DATES: The application was filed on January 23, 2017, and amended on June 28, 2017 and September 13, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 24, 2017 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F St. NE., Washington, DC 20549–1090. Applicants: 312 Farmington Avenue, Farmington, CT 06032.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 551–6812, or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Company was organized as a corporation under the General Corporation Law of the State of Delaware on March 16, 2010 for the purpose of acquiring, continuing and expanding the business of Compass Horizon Funding Company LLC, its Wholly Owned Subsidiary (as defined below). The Company elected to be treated as a BDC [1] through a notification of election to be subject to Sections 55 through 65 of the Act on Form N–54A. The Company's investment objectives and strategies are to maximize the total return of the Company's investment portfolio by generating current income from the debt investments the Company makes and capital appreciation from the warrants the Company receives when making such debt investments. The Company has a six-member board of directors (the ''Board''), of which four members are not ''interested persons'' of the Company within the meaning of section 2(a)(19) of the Act (the ''Non-Interested Directors''). No Non-Interested Director will have any direct or indirect financial interest in any Co-Investment Transaction or any interest in any portfolio company, other than indirectly through share ownership in a Regulated Fund (as defined below).

2. Credit II is a special purpose Delaware limited liability company and a Wholly-Owned Investment Subsidiary of the Company.

3. The Private Fund was formed as a Delaware limited partnership on July 20, 2016 and would be an investment company but for the exclusion from the definition of investment company provided by section 3(c)(7) of the Act. The Private Fund is managed by the Company Adviser. The Private Fund's investment objective is to maximize total returns for its limited partners by generating current income from debt investments and capital appreciation from equity participations associated with those investments. The Private Fund's investment objective and investment policies are substantially similar to the Objectives and Strategies of the Company.[2]

4. The Company Adviser, a Delaware limited liability company and an investment adviser registered with the Commission under the Investment Advisers Act of 1940 (''Advisers Act''), serves as investment adviser to both the Company and the Private Fund. Under the investment advisory agreements of the Company and the Private Fund, the Company Adviser manages the portfolio of each entity in accordance with the investment objective and policies of each, makes investment decisions for each entity, places purchase and sale orders for portfolio transactions for each entity, and otherwise manages the day-to-day operations of each entity, subject, in the case of the Company, to the oversight of its Board.

5. Applicants seek an order (''Order'') to permit one or more Regulated Funds [3] and/or one or more Affiliated Funds [4] to participate in the same investment opportunities through a proposed co-investment program (the ''Co-Investment Program'') where such participation would otherwise be prohibited under section 57(a)(4) and rule 17d–1 by (a) co-investing with each other in securities issued by issuers in private placement transactions in which an Adviser negotiates terms in addition

[1] Section 2(a)(48) of the Act defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in Section 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

[2] ''Objectives and Strategies'' means a Regulated Fund's (defined below) investment objectives and strategies, as described in the Regulated Fund's registration statement on Form N–2, other filings the Regulated Fund has made with the Commission under the Securities Act of 1933 (the ''Securities Act''), or under the Securities Exchange Act of 1934, and the Regulated Fund's reports to shareholders.

[3] ''Regulated Fund'' means the Company and any Future Regulated Fund. ''Future Regulated Fund'' means any closed-end management investment company (a) that is registered under the Act or has elected to be regulated as a BDC, (b) whose investment adviser is an Adviser, and (c) that intends to participate in the Co-Investment Program. The term ''Adviser'' means (a) the Company Adviser and (b) any future investment adviser that controls, is controlled by or is under common control with the Company Adviser or its successor and is registered as an investment adviser under the Advisers Act. The term ''successor,'' as applied to each Adviser, means an entity that results from a reorganization into another jurisdiction or chang in the type of business organization.

[4] ''Affiliated Fund'' means the Private Fund and any Future Affiliated Fund. ''Future Affiliated Fund'' means any entity (a) whose investment adviser is an Adviser, (b) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act, and (c) that intends to participate in the Co-Investment Program.

to price;[5] and (b) making additional investments in securities of such issuers, including through the exercise of warrants, conversion privileges, and other rights to purchase securities of the issuers (''Follow-On Investments''). ''Co-Investment Transaction'' means any transaction in which a Regulated Fund (or its Wholly-Owned Investment Subsidiary) participated together with one or more other Regulated Funds and/or one or more Affiliated Funds in reliance on the requested Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Subsidiary) could not participate together with one or more Affiliated Funds and/or one or more other Regulated Funds without obtaining and relying on the Order.[6]

6. Applicants state that a Regulated Fund may, from time to time, form one or more Wholly-Owned Investment Subsidiaries.[7] Such a subsidiary would be prohibited from investing in a Co-Investment Transaction with any Affiliated Fund or Regulated Fund because it would be a company controlled by its parent Regulated Fund for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Subsidiary be permitted to participate in Co-Investment Transactions in lieu of its parent Regulated Fund and that the Wholly-Owned Investment Subsidiary's participation in any such transaction be treated, for purposes of the requested Order, as though the parent Regulated Fund were participating directly. Applicants represent that this treatment is justified because a Wholly-Owned Investment Subsidiary would have no purpose other than serving as a holding vehicle for the Regulated Fund's investments and, therefore, no conflicts of interest could arise between the Regulated Fund and the Wholly-Owned Investment Subsidiary. The Regulated Fund's Board would make all relevant determinations under the conditions with regard to a Wholly-Owned Investment Subsidiary's participation in a Co-Investment Transaction, and the Regulated Fund's Board would be informed of, and take into consideration, any proposed use of a Wholly-Owned Investment Subsidiary in the Regulated Fund's place. If the Regulated Fund proposes to participate in the same Co-Investment Transaction with any of its Wholly-Owned Investment Subsidiaries, the Board will also be informed of, and take into consideration, the relative participation of the Regulated Fund and the Wholly-Owned Investment Subsidiary.

7. When considering Potential Co-Investment Transactions for any Regulated Fund, the applicable Adviser will consider only the Objectives and Strategies, investment policies, investment positions, capital available for investment (''Available Capital''), and other pertinent factors applicable to that Regulated Fund. The Board of each Regulated Fund, including the Non-Interested Directors has (or will have prior to relying on the requested Order) determined that it is in the best interests of the Regulated Fund to participate in the Co-Investment Transaction.

8. Other than pro rata dispositions and Follow-On Investments as provided in conditions 7 and 8, and after making the determinations required in conditions 1 and 2(a), the Adviser will present each Potential Co-Investment Transaction and the proposed allocation to the directors of the Board eligible to vote under section 57(o) of the Act (''Eligible Directors''), and the ''required majority,'' as defined in section 57(o) of the Act (''Required Majority'')[8] will approve each Co-Investment Transaction prior to any investment by the participating Regulated Fund.

9. With respect to the pro rata dispositions and Follow-On Investments provided in conditions 7 and 8, a Regulated Fund may participate in a pro rata disposition or Follow-On Investment without obtaining prior approval of the Required Majority if, among other things: (i) The proposed participation of each Regulated Fund and Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition or Follow-On Investment, as the case may be; and (ii) the Board of the Regulated Fund has approved that Regulated Fund's participation in pro rata dispositions and Follow-On Investments as being in the best interests of the Regulated Fund. If the Board does not so approve, any such disposition or Follow-On Investment will be submitted to the Regulated Fund's Eligible Directors. The Board of any Regulated Fund may at any time rescind, suspend or qualify its approval of pro rata dispositions and Follow-On Investments with the result that all dispositions and/or Follow-On Investments must be submitted to the Eligible Directors.

10. Applicants also represent that if the Advisers, the principals of the Advisers (''Principals''), or any person controlling, controlled by, or under common control with an Adviser or the Principals, and the Affiliated Funds (collectively, the ''Holders'') own in the aggregate more than 25% of the outstanding voting shares of a Regulated Fund (the ''Shares''), then the Holders will vote such Shares as required under condition 14. Applicants believe this condition will ensure that the Non-Interested Directors will act independently in evaluating the Co-Investment Program, because the ability of the Advisers or the Principals to influence the Non-Interested Directors by a suggestion, explicit or implied, that the Non-Interested Directors can be removed will be limited significantly. Applicants represent that the Non-Interested Directors will evaluate and approve any such independent third party, taking into account its qualifications, reputation for independence, cost to the shareholders, and other factors that they deem relevant.

Applicants' Legal Analysis

1. Section 57(a)(4) of the Act prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC or a company controlled by a BDC in contravention of rules as prescribed by the Commission. Under section 57(b)(2) of the Act, any person who is directly or indirectly controlling, controlled by, or under common control with a BDC is subject to section 57(a)(4). Applicants submit that each of the Regulated Funds and Affiliated Funds could be deemed to be a person related to each Regulated Fund in a manner described by section 57(b) by virtue of being under common control. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end

[5] The term ''private placement transactions'' means transactions in which the offer and sale of securities by the issuer are exempt from registration under the Securities Act of 1933 (''1933 Act'').

[6] All existing entities that currently intend to rely upon the requested Order have been named as applicants. Any other existing or future entity that subsequently relies on the Order will comply with the terms and conditions of the application.

[7] The term ''Wholly-Owned Investment Subsidiary'' means an entity (i) that is wholly-owned by a Regulated Fund (with the Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (ii) whose sole business purpose is to hold one or more investments and incur debt (which is or would be consolidated with other indebtedness of such Regulated Fund for financial reporting or compliance purposed under the Act) on behalf of the Regulated Fund; (iii) with respect to which the Regulated Fund's Board has the sole authority to make all determinations with respect to the entity's participation under the conditions of the application; and (iv) that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act.

[8] In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to section 57(o).

investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d–1 also applies to joint transactions with Regulated Funds that are BDCs. Section 17(d) of the Act and rule 17d–1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Section 17(d) of the Act and rule 17d–1 under the Act prohibit affiliated persons of a registered investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

3. Applicants state that in the absence of the requested relief, the Regulated Funds would be, in some circumstances, limited in their ability to participate in attractive and appropriate investment opportunities. Applicants believe that the proposed terms and conditions will ensure that the Co-Investment Transactions are consistent with the protection of each Regulated Fund's shareholders and with the purposes intended by the policies and provisions of the Act. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions will be consistent with the provisions, policies, and purposes of the Act and on a basis that is not different from or less advantageous than that of other participants.

Applicants' Condition

Applicants agree that the Order will be subject to the following conditions:

1. Each time an Adviser considers a Potential Co-Investment Transaction for an Affiliated Fund or another Regulated Fund that falls within a Regulated Fund's then-current Objectives and Strategies, the Regulated Fund's Adviser will make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. (a) If the Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the applicable Adviser to be invested by the applicable Regulated Fund in the Potential Co-Investment Transaction, together with the amount proposed to be invested by the other participating Regulated Funds and Affiliated Funds, collectively, in the same transaction, exceeds the amount of the investment opportunity, the investment opportunity will be allocated among them pro rata based on each participant's Available Capital, up to the amount proposed to be invested by each. The applicable Adviser will provide the Eligible Directors of each participating Regulated Fund with information concerning each participating party's Available Capital to assist the Eligible Directors with their review of the Regulated Fund's investments for compliance with these allocation procedures.

(c) After making the determinations required in conditions 1 and 2(a), the applicable Adviser will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and Affiliated Fund) to the Eligible Directors of each participating Regulated Fund for their consideration. A Regulated Fund will co-invest with one or more other Regulated Funds and/or one or more Affiliated Funds only if, prior to the Regulated Fund's participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its stockholders and do not involve overreaching in respect of the Regulated Fund or its stockholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(A) The interests of the Regulated Fund's stockholders; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Funds or Affiliated Funds would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from or less advantageous than that of any other Regulated Funds or Affiliated Funds; provided that if any other Regulated Funds or Affiliated Funds, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit the Required Majority from reaching the conclusions required by this condition (2)(c)(iii), if:

(A) The Eligible Directors will have the right to ratify the selection of such director or board observer, if any;

(B) the applicable Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(C) any fees or other compensation that any Affiliated Fund or any Regulated Fund or any affiliated person of any Affiliated Fund or any Regulated Fund receives in connection with the right of the Affiliated Fund or Regulated Fund to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Affiliated Funds (who each may, in turn, share its portion with its affiliated persons) and the participating Regulated Fund in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Regulated Fund will not benefit the Advisers, any Affiliated Funds or other Regulated Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by condition 13, (B) to the extent permitted by section 17(e) or 57(k) of the Act, as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in condition 2(c)(iii)(C).

3. Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The applicable Adviser will present to the Board of each Regulated Fund, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or Affiliated Funds during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies that were not made available to the Regulated Fund, and an explanation of why the investment opportunities were not offered to the Regulated Fund. All information presented to the Board pursuant to this condition will be kept

for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made in accordance with condition 8 [9], a Regulated Fund will not invest in reliance on the Order in any issuer in which another Regulated Fund, an Affiliated Fund or any affiliated person of another Regulated Fund or Affiliated Fund is an existing investor.

6. A Regulated Fund will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for each participating Regulated Fund and Affiliated Fund. The grant to an Affiliated Fund or another Regulated Fund, but not the Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. (a) If any Affiliated Fund or any Regulated Fund elects to sell, exchange or otherwise dispose of an interest in a security that was acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by each Regulated Fund in the disposition.

(b) Each Regulated Fund will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the participating Affiliated Funds and Regulated Funds.

(c) A Regulated Fund may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Board of the Regulated Fund is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(d) Each Affiliated Fund and each Regulated Fund will bear its own expenses in connection with any such disposition.

8. (a) If any Affiliated Fund or Regulated Fund desires to make a Follow-On Investment in a portfolio company whose securities were acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the co-investment transaction of the proposed Follow-On Investment at the earliest practical time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed Follow-On Investment, by each Regulated Fund.

(b) A Regulated Fund may participate in such Follow-On Investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer immediately preceding the Follow-On Investment; and (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application). In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(c) If, with respect to any Follow-On Investment:

(i) The amount of the opportunity is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the applicable Adviser to be invested by the applicable Regulated Fund in the Follow-On Investment, together with the amount proposed to be invested by other participating Regulated Funds and Affiliated Funds, collectively, in the same transaction, exceeds the amount of the investment opportunity, then the investment opportunity will be allocated among them pro rata based on each participant's Available Capital, up to the amount proposed to be invested by each.

(d) The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and subject to the other conditions set forth in the application.

9. The Non-Interested Directors of each Regulated Fund will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by any other Regulated Funds or Affiliated Funds that the Regulated Fund considered but declined to participate in, so that the Non-Interested Directors may determine whether all investments made during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the conditions of the Order. In addition, the Non-Interested Directors will consider at least annually the continued appropriateness for the Regulated Fund of participating in new and existing Co-Investment Transactions.

10. Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these conditions were approved by the Required Majority under section 57(f) of the Act.

11. No Non-Interested Director of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise an ''affiliated person'' (as defined in the Act) of an Affiliated Fund.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the 1933 Act) will, to the extent not payable by the Advisers under their respective investment advisory agreements with Affiliated Funds and the Regulated Funds, be shared by the Regulated Funds and the Affiliated Funds in proportion to the relative amounts of the securities held or to be acquired or disposed of, as the case may be.

[9] This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which the Regulated Fund already holds investments.

13. Any transaction fee [10] (including break-up or commitment fees but excluding broker's fees contemplated section 17(e) or 57(k) of the Act, as applicable) received in connection with a Co-Investment Transaction will be distributed to the participating Regulated Funds and Affiliated Funds on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the Co-Investment Transaction, the fee will be deposited into an account maintained by such Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided pro rata among the participating Regulated Funds and Affiliated Funds based on the amounts they invest in such Co-Investment Transaction. None of the Affiliated Funds, the Advisers, the other Regulated Funds, or any affiliated person of the Regulated Funds or Affiliated Funds will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Regulated Funds and the Affiliated Funds, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C); and (b) in the case of an Adviser, investment advisory fees paid in accordance with the investment advisory agreements between such Adviser and the Regulated Fund or Affiliated Fund).

14. If the Holders own in the aggregate more than 25% of the Shares of a Regulated Fund, then the Holders will vote such Shares as directed by an independent third party when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable State laws affecting the Board's composition, size or manner of election.

15. Each Regulated Fund's chief compliance officer, as defined in rule 38a–1(a)(4), will prepare an annual report for the Board of such Regulated Fund that evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and conditions of the application and procedures established to achieve such compliance.

[10] The Applicants are not requesting, and the staff is not providing, any relief for transaction fees received in connection with any Co-Investment Transaction.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–23920 Filed 11–2–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81978; File No. SR–BX–2017–049]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove References to Nasdaq Options Services

October 30, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 26, 2017, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to remove references to Nasdaq Options Services.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to remove references to ''Nasdaq Options Services'' and replace those references with ''Nasdaq Execution Services'' where the entity is not otherwise noted. The Exchange previously filed a proposed rule change which replaced Nasdaq Options Services with Nasdaq Execution Services.[3] Some references to Nasdaq Options Services were not removed from the Exchange's Rulebook. At this time, the Exchange proposes to remove those references in the Rulebook and replace with references to ''Nasdaq Execution Services,'' where applicable.

No other changes are being proposed in this filing. The Exchange represents that these changes are concerned solely with the administration of the Exchange and do not affect the meaning, administration, or enforcement of any rules of the Exchange or the rights, obligations, or privileges of Exchange members or their associated persons in any way. Accordingly, this filing is being submitted under Rule 19b–4(f)(3).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5) of the Act,[5] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest by avoiding confusion with the routing entity. The Exchange proposes to remove references to ''Nasdaq Options Services'' and replace those references with ''Nasdaq Execution Services'' where the entity is not otherwise noted. The Exchange previously filed a proposed rule change which replaced Nasdaq Options Services with Nasdaq Execution Services.[6] This proposed change is non-substantive.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

[3] *See* Securities Exchange Act Release No. 714 (January 28, 2014), 79 FR 6256 (February 3, 2014) (SR–BX–2014–004).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *See* Securities Exchange Act Release No. 714 (January 28, 2014), 79 FR 6256 (February 3, 2014) (SR–BX–2014–004).

any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The removal of references to ''Nasdaq Options Services'' and replacement with ''Nasdaq Execution Services,'' where applicable, will avoid confusion.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(3) thereunder,[8] the Exchange has designated this proposal as one that is concerned solely with the administration of the self-regulatory organization, and therefore has become effective.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2017–049 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2017–049. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. 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 SR–BX–2017–049 and should be submitted on or before November 24, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–23924 Filed 11–2–17; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(3).

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15293 and #15294; U.S. VIRGIN ISLANDS Disaster Number VI–00009]

Presidential Declaration Amendment of a Major Disaster for the U.S. Virgin Islands

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the U.S. Virgin Islands (FEMA–4335–DR), dated 09/07/2017.

Incident: Hurricane Irma.

Incident Period: 09/05/2017 through 09/07/2017.

DATES: Issued on 09/07/2017.

Physical Loan Application Deadline Date: 12/18/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/07/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the U.S. Virgin Islands, dated 09/07/2017, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 12/18/2017.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–23930 Filed 11–2–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15320 and #15321; U.S. VIRGIN ISLANDS Disaster Number VI–00011]

Presidential Declaration Amendment of a Major Disaster for the U.S. Virgin Islands

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the U.S. Virgin Islands (FEMA–4340–DR), dated 09/20/2017.

Incident: Hurricane Maria.

Incident Period: 09/16/2017 and continuing.

DATES: Issued on 09/20/2017.

Physical Loan Application Deadline Date: 12/18/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/20/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the U.S. Virgin Islands, dated 09/20/2017, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 12/18/2017.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–23919 Filed 11–2–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15338 and #15339; GEORGIA Disaster Number GA–00101]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Georgia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Georgia (FEMA–4338–DR), dated 09/28/2017.

Incident: Hurricane Irma.

Incident Period: 09/07/2017 through 09/20/2017.

DATES: Issued on 09/28/2017.

Physical Loan Application Deadline Date: 11/27/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/28/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Georgia, dated 09/28/2017, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: DeKalb, Haralson

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–23934 Filed 11–2–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10179]

Defense Trade Advisory Group

ACTION: Notice of open meeting.

The Defense Trade Advisory Group (DTAG) will meet in open session from 1:00 p.m. until 5:00 p.m. on Thursday, December 7, 2017 at 1777 F Street NW., Washington DC, 20006. Entry and registration will begin at 12:30 p.m. The membership of this advisory committee consists of private sector defense trade representatives, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The purpose of the meeting will be to discuss current defense trade issues and topics for further study. The following agenda topics will be discussed and final reports presented: (1) One-Form electronic filing, review and discuss recommendations for making electronic filing more cost-effective and efficient for industry; (2) Identify key areas of concern with the proposed definition for defense services; (3) Review and provide feedback to assist in accurately and effectively defining ''manufacturing'' and distinguishing it from other related activities like assembly, integration, installment and various services; and (4) Examine and discuss the current rules regarding the release of technical data to foreign dual-nationals and identify alternative options that sufficiently facilitate risk assessment and risk mitigation.

Members of the public may attend this open session and will be permitted to participate in the discussion in accordance with the Chair's instructions. Members of the public may, if they wish, submit a brief statement to the committee in writing.

As seating is limited to 125 persons, each member of the public or DTAG member that wishes to attend this plenary session should provide: his/her name and contact information such as email address and/or phone number and any request for reasonable accommodation to the DTAG Alternate Designated Federal Officer (DFO), Anthony Dearth, via email at *DTAG@state.gov* by COB Monday, November 27, 2017. If notified after this date, the Department might be unable to accommodate requests due to requirements at the meeting location. One of the following forms of valid photo identification will be required for admission to the meeting: U.S. driver's license, passport, U.S. Government ID or other valid photo ID.

FOR FURTHER INFORMATION CONTACT: Ms. Glennis Gross-Peyton, PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112; telephone (202) 663–2862; FAX (202) 261–8199; or email *DTAG@state.gov.*

Brian H. Nilsson,

Designated Federal Officer, Defense Trade Advisory Group, Department of State.

[FR Doc. 2017–23931 Filed 11–2–17; 8:45 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36154]

Goose Lake Railway, LLC—Change in Operator Exemption—LRY, LLC d.b.a. Lake Railway

Goose Lake Railway, LLC (GOOS),[1] a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to assume operations over approximately 64.11 miles of rail line consisting of a part of the Modoc Subdivision from milepost 445.6 near MacArthur, Cal., to milepost 508.0 near Perez, Cal., and a portion of the Lakeview Branch extending from a connection with the Modoc Subdivision at milepost 456.89 to milepost 458.60, in Alturas, Cal. (the Line).

GOOS states that the Line is owned by the Union Pacific Railroad Company (UP), and LRY, LLC d.b.a. Lake Railway (LRY) currently operates it pursuant to a lease agreement.[2] GOOS states that, under the new operating agreement, GOOS will replace LRY as the operator of the Line upon consummation and LRY will have no further common carrier obligation with respect to the Line. GOOS also states that LRY has

[1] In a previous proceeding, GOOS used the acronym GLRY to refer to itself. In keeping with the railroad's reporting mark issued by the Association of American Railroads, it now uses its reporting mark designation of GOOS. *See Goose Lake Ry.—Change in Operator Exemption—LRY, LLC d.b.a. Lake Railway,* FD 36143 (STB served Aug. 25, 2017).

[2] See *LRY, LLC—Lease & Operation Exemption—Union Pac. R.R.,* FD 35389 (STB served July 30, 2010); and *LRY, LLC—Lease & Operation Exemption—Union Pac. R.R.,* FD 35250 (STB served Dec. 18, 2009).

agreed to terminate its operation over the Line upon consummation of the transaction between GOOS and UP and does not object to the proposed change in operators.

GOOS states that the proposed change in operators does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier. GOOS certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and would not exceed $5 million.

Under 49 CFR 1150.42(b), a change in operators requires that notice be given to shippers. GOOS states that there are no active shippers on the Line and that all current freight traffic on the Line originates or terminates on connecting Lines. GOOS therefore submits that the shipper notice requirement is not applicable to this transaction.

The earliest this transaction can be consummated is November 19, 2017, the effective date of the exemption.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than November 9, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36154, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

According to GOOS, this action is excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b)(l).

Board decisions and notices are available on our Web site at *WWW.STB.GOV.*

Decided: October 27, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2017–23951 Filed 11–2–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Reinstated Approval of Information Collection: Flight Simulation Device Initial and Continuing Qualification and Use

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. This request for clearance reflects requirements necessary to ensure safety-of-flight by ensuring that complete and adequate training, testing, checking, and experience is obtained and maintained by those who operate under certain parts of FAA's regulations and use flight simulation in lieu of aircraft for these functions.

DATES: Written comments should be submitted by January 2, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0680.

Title: Flight Simulation Device Initial and Continuing Qualification and Use.

Form Numbers: (Pending) Forms T001A, T002, T004, T011, T011–FD2, T012, T023, T024, T025.

Type of Review: This is a reinstatement of an information collection.

Background: This information collection requires sponsors of flight simulation training devices (FSTD) to systematically plan for and implement the requirements of part 60 and the associated Qualification Performance Standard (QPS). Sponsors have been sub-grouped into small, medium, and large based on the number of training centers. A sponsor will be guided through the administrative requirements by the local principal operations inspector or training center program manager and by representatives of the National Simulator Program staff regarding any FSTD for which the sponsor applicant seeks qualification.

The FAA has determined this information collection is necessary to amend the Qualification Performance Standards for FSTDs for the primary purpose of improving existing technical standards and introducing new technical standards for full stall and stick pusher maneuvers, upset recognition and recovery maneuvers, maneuvers conducted in airborne icing conditions, takeoff and landing maneuvers in gusting crosswinds, and bounced landing recovery maneuvers. These new and improved technical standards are intended to fully define FSTD fidelity requirements for conducting new flight training tasks introduced through changes to the air carrier training requirements. This information collection also addresses updated FSTD technical standards to better align with the current international FSTD evaluation guidance and introduces a new FSTD level that expands the number of qualified flight training tasks in a fixed base flight training device. This information collection will help ensure that the training and testing environment is accurate and realistic, in accordance with regulations.

Respondents: The estimate is based on a current sponsor count of 68 that changes on a continuous basis.

Frequency: Annual.

Estimated Average Burden per Response: 44 minutes.

Estimated Total Annual Burden: 93,385 hours.

Issued in Washington, DC, on October 26, 2017.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2017–23891 Filed 11–2–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Helicopter Air Ambulance Operator Reports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The FAA Modernization and Reform Act of 2012 mandates that all helicopter air ambulance operators must begin reporting the number of flights and hours flown, along with other specified information, during which helicopters operated by the certificate holder are providing helicopter air ambulance services.

The helicopter air ambulance operational data provided to the FAA will be used by the agency as background information useful in the development of risk mitigation strategies to reduce the helicopter air ambulance accident rate, and to meet the mandates set by Congress.

DATES: Written comments should be submitted by January 2, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0761.

Title: Helicopter Air Ambulance Operator Reports.

Form Numbers: Helicopter Air Ambulance Flight Information Report.

Type of Review: Renewal of an information collection.

Background: The FAA Modernization and Reform Act of 2012 (The Act) mandates that all helicopter air ambulance operators must begin reporting the number of flights and hours flown, along with other specified information, during which helicopters operated by the certificate holder were providing helicopter air ambulance services. *See* Public Law 112–95, Sec. 306, 49 U.S.C. 44731. The FAA Administrator had 180 days to develop a methodology to collect and store those data. The Act further mandates that not later than 2 years after the date of enactment, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing a summary of the data collected.

The helicopter air ambulance operational data provided to the FAA will be used by the agency as background information useful in the development of risk mitigation strategies to reduce the helicopter air ambulance accident rate, and to meet the mandates set by Congress. The information requested is limited to the minimum necessary to fulfill these new reporting requirements mandated by the Act and as developed by FAA. The amount of data required to be submitted is proportional to the size of the operation.

Respondents: 65 helicopter air ambulance certificate holders.

Frequency: The information is collected annually.

Estimated Average Burden per Response: 11 hours.

Estimated Total Annual Burden: 580 hours.

Issued in Washington, DC, on October 26, 2017.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2017–23892 Filed 11–2–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Small Unmanned Aircraft Registration System (sUAS)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Aircraft registration is necessary to ensure personal accountability among all users of the national airspace system. Aircraft registration also allows the FAA and law enforcement agencies to address non-compliance by providing the means by which to identify an aircraft's owner and operator. This collection also permits individuals to amend their record in the registration database.

DATES: Written comments should be submitted by January 2, 2018.

ADDRESSES: Send comments identified by docket number FAA–2015–7396 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 the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Claire Barrett by email at: *pra@dot.gov;* 202–366–8135; Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0765.

Title: Small Unmanned Aircraft Registration System (sUAS).

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The Secretary of the Department of Transportation (DOT) and the Administrator of the Federal Aviation Administration (FAA) affirmed that all unmanned aircraft are aircraft. As such, in accordance with 49 U.S.C. 44101(a) and as further prescribed in 14 CFR part 47, registration is required prior to operation. *See* 80 FR 63912, 63913 (October 22, 2015), except for those model aircraft operating exclusively in compliance with section 336 of Public Law 112–95. Aircraft registration is necessary to ensure personal accountability among all users of the national airspace system. Aircraft registration also allows the FAA and law enforcement agencies to address non-compliance by providing the means by which to identify an aircraft's owner and operator.

Subject to certain exceptions discussed below, aircraft must be registered prior to operation. *See* 49 U.S.C. 44101–44103. Upon registration, the Administrator must issue a certificate of registration to the aircraft owner. *See* 49 U.S.C. 44103

Registration, however, does not provide the authority to operate. Persons intending to operate a small unmanned aircraft exclusively as model aircraft must operate in compliance with section 336 of Public Law 112–95, and as discussed below, are not required to register. Persons intending to operate their small unmanned aircraft not exclusively in compliance with section 336 must operate in accordance with part 107 or part 91, in accordance with a waiver issued under part 107, in accordance with an exemption issued under 14 CFR part 11 (including those persons operating under an exemption issued pursuant to section 333 of Public Law 112–95), or in conjunction with the issuance of a special airworthiness certificate, and are required to register.

As a result of the May 19, 2017 ruling by the U.S. Court of Appeals for the District of Columbia Circuit (*Taylor* v. *Huerta*), the Small UAS Registration and Marking interim final rule was vacated to the extent it applies to model aircraft. Model aircraft must meet the definition and operational requirements provided in section 336 of the FAA Modernization and Reform Act. Owners who are operating exclusively in compliance with section 336 who wish to delete their registration and receive a refund of the registration fee may do so by requesting registration deletion from the FAA, which requires the FAA to collect their payment information.

Respondents: Approximately 1.6 million affected sUAS registrations and deregistrations annually. Additionally, the FAA estimates based on responses so far (700,000) that approximately 0.5% [3,500] of the owners who are registered and are operating in compliance with section 336 will delete their registrations.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 5 minutes per response to register, 3 minutes per response de-register, and 2 minutes per response to delete registrations.

Estimated Total Annual Burden: About 135,000 hours for registration and deregistration, and about 117 hours for registration deletion.

Issued in Washington, DC, on October 26, 2017.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2017–23893 Filed 11–2–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

U.S. Merchant Marine Academy Board of Visitors Meeting

AGENCY: Maritime Administration, DOT.

ACTION: Meeting notice.

SUMMARY: The U.S. Department of Transportation, Maritime Administration (MARAD) announces that the following U.S. Merchant Marine Academy (Academy) Board of Visitors (BOV) meeting will take place:

1. *Date:* November 6, 2017.

2. *Time:* 11:00–12:00 p.m.

3. *Location:* U.S. Merchant Marine Academy, Kings Point, NY; Crabtree Room in the library.

4. *Purpose of the Meeting:* The purpose of this meeting is to provide for an annual visit of the members to the Academy.

5. *Agenda Summary:*

a. Vote on the BOV charter

b. Briefing on the state of the Academy and the status of reaccreditation.

6. *Public Access to the Meeting:* This meeting is open to the public. Seating is on a first-come basis. Members of the public wishing to attend the meeting will need to show photo identification in order to gain access to the meeting location.

FOR FURTHER INFORMATION CONTACT: The BOV's Designated Federal Officer and Point of Contact Brian Blower; 202 366–2765; *Brian.Blower@dot.gov.*

SUPPLEMENTARY INFORMATION: Any member of the public is permitted to file a written statement with the Academy BOV. Written statements should be sent to the Designated Federal Officer at: Brian Blower; 1200 New Jersey Ave. SE., W28–314, Washington, DC 20590 or via email at *Brian.Blower@Dot.gov.* (Please contact the Designated Federal Officer for information on submitting comments via fax.) Written statements must be received no later than three working days prior to the next meeting in order to provide time for member consideration. Only written statements will be considered by the BOV, no member of the public will be allowed to present questions from the floor or speak to any issue under consideration by the BOV.

(Authority: 46 U.S.C. 51312; 5 U.S.C. app. 552b; 41 CFR parts 102–3.140 through 102–3.165)

By Order of the Maritime Administrator.

Dated: October 30, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–23907 Filed 11–2–17; 8:45 am]

BILLING CODE 4910–81–P

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